

# Exhibit 1

## **SPECIAL SERVICES**

### **Health and Welfare**

#### **Gender-expansive and Transgender Students**

This regulation supersedes Regulation 2603.1

#### **I. PURPOSE**

To establish procedures and guidelines for schools to ensure that all students, including gender-expansive and transgender students experience a safe, supportive, and inclusive school environment.

All students have a right to privacy in Fairfax County Public School (FCPS) facilities or while participating in FCPS sponsored events. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with reasonable, non-stigmatizing accommodations. Students shall not disclose private information about another student's reason for seeking privacy. Additionally, school personnel should not disclose information about a student's gender-expansive or transgender status, legal name, or sex assigned at birth, including to other school personnel who do not have a need to know, unless the student has authorized such disclosure, or unless legally required to do so as further outlined below.

#### **II. DEFINITIONS**

Official Transcript: to include legal name at the time of the awarded credit. Documents are signed by the school official with name and title or transmitted and verified through a verified electronic method.

#### **III. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

- A. Section II., removed the definition of parent and added the definition of official transcript.
- B. Section IV., added definition of parent.
- C. Section VI.B., added language to reflect that a student can request an alternate and/or unofficial diploma or transcript.
- D. Section VI.D., added "and transcript assistants."
- E. Legal References., added the proposed Virginia Code 8VAC20-160-3D

#### IV. IDENTIFICATION OF GENDER-EXPANSIVE AND TRANSGENDER STUDENTS

Schools shall accept a student or parent's (use of this term herein includes parent, guardian, legal custodian, or other person having control or charge of a child) assertion of a student's gender-expansive or transgender status.

- A. When a school is made aware of a student's gender-expansive or transgender status, the school shall offer to convene a support team for the student or the parents. The support team shall be a multidisciplinary team that may consist of the student, parents if the student is willing, classroom teacher(s), administrator, school counselor, school psychologist, school social worker, and/or other staff members as appropriate for this collaboration. The student or the student's parents may have input into the composition of the team and also may invite any representatives of their choosing to include physical and mental health professionals or advocates.
- B. Support teams shall develop a student-specific support plan to provide the gender-expansive or transgender student with safe and equitable access to all school and school division facilities and activities, addressing any particular issues raised by the student or the student's parents. The support team shall consider the student's needs, protection of student privacy, maximization of social integration, minimization of stigmatization, student age, and any perceived safety risks as they contemplate appropriate supports and arrangements. The plan may include, but is not limited to:
  1. Annual conferences with a student support team, the student, and/or the student's parents to discuss any necessary accommodations for the school year.
  2. Regular check-ins with the student and/or the student's parents by the school counselor, administrator, school psychologist, school social worker, or other designated staff member deemed appropriate.
  3. Meetings to support the student from academic year to academic year.
  4. Information about community resources.
  5. School staff should provide information and referral to resources to support a student in coping with a lack of support at home and seek opportunities to foster a better relationship between the student and their family.
  6. A timeline to support student transition from one gender to another, if applicable.
  7. Decisions regarding use of student name and pronouns, restroom and locker room access, gender specific courses, sports, student activities, and extended instructional field trips or athletic events. School staff will address the student using the asserted name and gender as communicated by the student. This plan should be maintained in the school file (i.e., school counselor office) to be accessible to the members of the support team. This plan is subject to the same privacy guidelines as are other student records.
- C. In situations where a student may be transitioning from one gender to another, either prior to the beginning of or during the current school year, school teams shall consider

providing staff training on gender diversity to include responsibilities to support gender-expansive and transgender students under Title IX and [Policy 1450, Nondiscrimination](#). This training should be generalized to honor the privacy and confidentiality of the student.

- D. A student or parent may request that the support team be reconvened at any time.
- E. Every effort shall be made to encourage and support communication between gender-expansive or transgender students and the student's parents. Schools may offer to meet jointly with the parents and the student at school.

## V. STUDENT NAMES AND PRONOUNS

Students who identify as gender-expansive or transgender should be called by their chosen name and pronouns, regardless of the name and gender recorded in the student's permanent pupil record. School counselors, administrators, or other designated school personnel should work with the student and/or the student's parents to determine the best course of action to inform teachers, coaches, and other school personnel of this request. Every effort should be made by the student's teachers to reasonably inform substitute teachers of the student's chosen name and pronouns.

## VI. PERMANENT STUDENT RECORDS

- A. Each school is required to maintain a permanent pupil record of each student. The student's legal name, birth date, sex assigned at birth, and parent(s) name as they appear on the birth certificate shall be considered the student's official identification and shall be entered in the FCPS student scholastic record. A court order or an official government document, such as an updated birth certificate or passport attesting to any changes in student identification, to include legal name and sex, is required before any changes will be made to the student scholastic record.
- B. If a gender-expansive or transgender student and the student's parents request a diploma and/or transcript with the student's chosen name, schools will provide a student with both a diploma and/or transcript reflecting the student's legal name as well as an alternate diploma and/or alternate, unofficial transcript with the student's chosen name that reflects the student's gender identity. Students who are 18 or older may request an additional diploma and/or unofficial transcript with their chosen name, without parent permission being received by FCPS.
- C. For current FCPS students, legal name and/or gender marker changes will be reflected throughout the time of enrollment.
- D. Staff access to permanent student records that contain a gender-expansive or transgender student's legal name and/or sex assigned at birth will be limited to the following staff members: administrators, directors of student services, counselors, school psychologists, school social workers, SIAs/SSAs, and transcript assistants based on their legitimate educational interest in this information.
- E. In situations where school staff is required to use or to report a transgender student's legal name or sex assigned at birth, such as for purposes of standardized testing,

school staff and administrators will adopt practices to avoid the inadvertent disclosure of such information to individuals outside of the reporting requirement.

- F. FCPS graduates may change their permanent records under the same requirements as current FCPS students.

## **VII. CLASSROOM RECORDS**

- A. Internally generated and shared school lists of students (e.g., honor roll, graduation programs) shall identify gender-expansive or transgender students by their chosen names and genders. Additionally, school documents such as yearbooks, school newspapers, and communications to outside media shall identify gender-expansive or transgender students by their chosen names and appropriate gender markers.
- B. FCPS electronic systems which will be seen by staff (including teachers and substitutes) should reflect the student's chosen name and pronoun (when possible) as designated by the student or parents.

## **VIII. PRIVACY AND EDUCATIONAL RECORDS**

Information about students' transgender status, legal name, or sex assigned at birth constitutes confidential personally identifiable and medical information. Such information should not be disclosed unless required by law.

## **IX. ACCESS TO FACILITIES**

- A. Gender-expansive and transgender students shall be provided with the option of using a locker room or restroom consistent with the student's gender identity.
- B. When an instructional or extra-curricular event requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity.
- C. Any student who has a need or desire for increased privacy, regardless of the underlying reason including gender identity, shall be provided with a reasonable, non-stigmatizing alternative such as the use of a private area (e.g., a nearby restroom stall with a door, an area separated by a curtain, or a nearby health or single-use/unisex bathroom), or with a separate changing schedule (e.g., using the locker room that corresponds to the student's gender identity before or after other students). Such alternative options will minimize impact to instructional time to the extent possible.
- D. Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender-expansive or transgender status or other underlying reason for the request confidential. FCPS will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a student or parent.
- E. In no case shall a gender-expansive or transgender student be required to use a locker room or restroom that conflicts with the student's gender identity or be limited to using

only a private area, single-occupancy accommodation, or other single-use facility as described in this section.

- F. Gender-expansive and transgender students may also be provided with the option of using the facilities that correspond to the student's sex assigned at birth.

## **X. STUDENT ACTIVITIES AND ATHLETICS**

- A. Student participation in Virginia High School League (VHSL) sponsored programs, or another organization such as the Virginia Scholastic Rowing Association (VASRA), as well as middle school athletics, are governed by policies and rules of those organizations. Gender-expansive and transgender students shall participate in such sponsored activities in accordance with these policies.
- B. Student participation in school-sponsored programs, clubs, activities, and sports (other than those sponsored by VHSL) shall allow gender-expansive and transgender students to participate in accordance with the student's gender identity.

## **XI. GENDER SPECIFIC COURSES**

- A. Schools should eliminate or reduce the segregation of students by gender to the extent possible.
- B. When schools offer a gender specific course or a course with a gender specific section, gender-expansive and transgender students shall be allowed to enroll in the course corresponding with the student's gender identity.
- C. In courses where specific units are taught in a way that divides students into groups by gender (e.g., Family Life Education), gender-expansive and transgender students, shall be allowed to participate with the gender group corresponding to the student's gender identity.

## **XII. GENDER SEGREGATION IN OTHER AREAS**

As a general rule, in any other circumstances where students are separated by gender in school activities, gender-expansive and transgender students shall be permitted to participate in accordance with the student's gender identity consistently asserted at schools. Activities that may involve the need for accommodations to address student privacy concerns will be addressed on a case-by-case basis.

## **XIII. DRESS CODES**

All students are required to dress in clothing that follow the guidelines as listed in [Policy 2613, Student Dress Code](#) as well as [Regulation 2601, Student Rights and Responsibilities Booklet](#) (SR&R), regardless of gender identity. There are no separate categories of clothing requirements for either males or females, therefore, gender-expansive and transgender students shall be allowed to dress in any clothing that meets the guidelines in the policies referenced above. Requirements for attire for school-related

programs, activities, and events shall be gender-neutral. These guidelines shall be enforced impartially regardless of a student's gender identity or expression.

#### **XIV. TRAINING FOR EMPLOYEES**

All school staff will be trained annually on topics relating to transgender students, including procedures for preventing and responding to harassment and bullying based on gender identity and expression. This includes that a persistent refusal to use a student's chosen name and pronouns constitutes discrimination. School mental health professionals shall be trained annually on topics relating to safety and support of these students.

#### **XV. COMPLAINTS**

Parents and students may direct complaints to the school principal, the Region Office, or to the Office of Equity and Employee Relations.

#### Legal References:

Family Educational Rights & Privacy Act, 20 U.S.C. § 1232g;  
34 C.F.R. Part 99; Virginia Code Sections 22.1-23.3, 2.2-3901,  
Virginia Administrative Code 8VAC20-160-3D Proposed

#### See also the current versions of:

[Policy 1450](#), Nondiscrimination  
[Policy 2613](#), Student Dress Code  
[Policy 2730](#), Confidentiality of Student Information  
[Regulation 2202](#), Required Admission Credentials for Students  
[Regulation 2601](#), Student Rights and Responsibilities Booklet  
[Regulation 2701](#), Student Personal Data  
[Regulation 4952](#), Discrimination and Harassment on a Protected Class  
[Management of the Student Scholastic Records Manual](#), Virginia High School League, Inc. Handbook and Policy Manual

## Exhibit 2



**Regulation 2603-Gender-Expansive and Transgender Students  
Guidance Document**



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## Guidance Overview

FCPS is pleased to support gender-expansive and transgender students through the development of [Regulation 2603](#). This regulation provides our students, families, staff, and community with a way forward, providing youth with an equitable, safe and supportive school environment. The journey to this point has been a long one for our community and for the country. Virginia has been clear; it is time to recognize and support youth as they express their identities. All who have been part of these discussions know that there are differing levels of understanding and acceptance, so, now the work begins to operationalize the ideal for all students.

The Virginia Assembly passed House Bill 145 and Senate Bill 161 during the spring 2020 session. With the passage of this bill the Code of VA 22.1-23.3 was amended to address common issues regarding the treatment of transgender students in public schools. The Virginia Department of Education (VDOE) immediately started to work on a model policy which is currently in draft status.

Upon passage of the bill, it was determined that FCPS would develop a regulation addressing the need to provide our gender-expansive and transgender students with a safe, supportive and inclusive environment.

The FCPS Gender-Expansive and Transgender Guidance is intended to be a tool for schools, parents and students to effectively navigate existing laws, regulations and policies that support gender-expansive and transgender students. This guidance ensures that all students are treated equitably and with dignity while attending school. This resource includes the following:

- Direction to schools on meeting our federal, state and local obligations to ensure equitable treatment of gender-expansive and transgender students;
- Insight for families, students and staff who may have questions; and
- Tools and resources for administrators, staff, families and students.

For further assistance please contact:

Director of Intervention and Prevention Services  
Fairfax County Public Schools

Mental Wellness Specialist  
Fairfax County Public Schools

## The Need

Fairfax County Public Schools are committed to promoting a welcoming and inclusive culture where all students feel valued and supported. As outlined in the Strategic Plan Goal 2, FCPS is committed to fostering a responsive, caring and inclusive culture. The implementation of Regulation 2603 supports FCPS in promoting inclusivity for all students.

Members of the LGBTQIA+ community face disproportionate challenges in schools. Although the Fairfax County Youth Survey does not currently request information related to transgender or gender-expansive status, data collected from the 2019 Fairfax County Youth Survey indicate that of the students in 8th, 10th and 12th grade who identify as lesbian, gay, bisexual, queer or questioning:

- 25% had been sexually harassed.
- 50% experienced depressive symptoms.
- 16% had been victims of emotional abuse by dating partners.
- 32% have seriously considered suicide.
- LGBQ youth are 70% more likely than non-LGBQ youth to report being bullied.

The Centers for Disease Control and Prevention released data consistent with the Fairfax County Youth Survey data indicating that LGBTQIA+ students are more likely to experience victimization, violence and suicidality. In fact, the data from the CDC show that 43% of transgender youth have been bullied on school property while 29% of transgender youth have attempted suicide. Students are less engaged when they are ostracized and isolated, which creates barriers to academic achievement.

Many LGBTQIA+ youth report involvement and support in their families, schools, and community as they overcome these challenges. Implementation of Regulation 2603 promotes further support from caring adults and schools. Furthermore, putting systems and structures in place to support LGBTQIA+ youth is of vital importance.

## Terms and Definitions

*Terms and definitions developed from [genderspectrum.org](http://genderspectrum.org) and [welcomingschools.org](http://welcomingschools.org)*

These definitions are intended to assist in understanding the regulation and guidelines. Knowledge of these terms will support FCPS staff understanding of the diverse spectrum of identities.

**Asexual:** A term that describes a person who lacks sexual attraction or desire for other people.

**Bisexual/Bi+:** A term that describes a person who is emotionally, romantically, or sexually attracted to people of more than one gender, sex, or gender identity.

**Chosen Name:** Refers to a name requested by a student or the student's parents or guardians by which the student would like to be known, which may be different than a student's official name in the FCPS student record. Pronoun usage also should reflect how the student would like to be called.

**Cisgender:** A person whose gender identity and gender expression align with the sex assigned at birth

**Deadnaming:** When someone, intentionally, or not, refers to a person who is transgender or gender-expansive by a name other than their chosen name.

**Gender:** A socially constructed system of classification that ascribes qualities of masculinity and femininity to people. Gender characteristics can change over time and are different between cultures.

**Gender Binary:** The idea that there are two distinct and opposite genders-female and male. This model is limiting and doesn't account for the full spectrum of gender identities and gender expressions.

**Gender-expansive/gender non-conforming/gender-diverse/gender-fluid/gender-nonbinary/agender/genderqueer:** Terms that convey a wider, more flexible range of gender identity and expression than typically associated with the social construct of a binary (two discreet and opposite categories of male and female) gender system.

**Gender Expression:** The manner in which a person represents or expresses their gender identity or role to others, often through appearance, clothing, hairstyles, behavior, activities, voice or mannerisms. Gender expression may change over time and from day-to-day and is not necessarily related to the person's gender identity.

**Gender Fluidity:** Gender fluidity conveys a wider, more flexible range of gender expression, with interests and behaviors that may change, even from day-to-day. Gender fluid individuals do not feel confined by restrictive boundaries of stereotypical expectation of girls or boys. In other words, a person may feel they are a girl some days and a boy on others, or a combination or possibly feel that neither term describes them accurately.

**Gender identity:** A person's sense of their own identity as a boy/man, girl/woman, something in between, or outside the male/female binary. Gender identity is an innate part of a person's identity and can be the same or different than the sex assigned at birth.

**Gender Role:** This is the set of roles, activities, expectations, and behaviors assigned to females and males by society. In the United States, typically two basic gender roles are recognized: Masculine (having the qualities attributed to males) and feminine (having the qualities attributed to females). People who step out of their socially assigned gender roles are sometimes referred to as transgender. Other cultures have three or more gender roles.

**Heteronormative:** The assumption of heterosexuality as the given or default sexual orientation instead of one of many possibilities, and that the preferred or default relationship is between two people of "opposite" genders.

**Legal Name:** Refers to the student’s official name entered in the Fairfax County Public Schools (FCPS) student record following the procedure set forth in the current version of [Regulation 2202](#).

**Lesbian:** A woman who is emotionally, romantically and/or sexually attracted to women. This includes cis, trans and other people who are women.

**LGBTQIA+:** An acronym for Lesbian, Gay, Bisexual, Transgender, Queer, and/or Questioning, Intersex, and Asexual and/or Ally Community. A “+” is added to include the range of identities.

**Pansexual/Pan:** Describes someone who has the potential for emotional, romantic or sexual attraction to people of any gender though not necessarily simultaneously, in the same way, or to the same degree.

**Pronouns -** The pronoun a person uses when referred to in conversation (i.e., a person with traditionally male gender identity likely uses the pronouns he, him, his). Please note that young people may choose to go by they, ze, or no pronouns.

**QTPOC:** Queer, Trans, People of Color.

**Queer:** Deemed an offensive term historically and still by some people today, queer has been reclaimed by many members of the LGBT community as a term of empowerment. The term can have different meanings to different people, but in this context, it generally refers to a member of the lesbian, gay, bisexual, or transgender community. This term may be used by a member of the LGBT community, who may not identify themselves by any of the other letters in that acronym. Since this term has a negative history, it should only be used to describe those individuals who identify themselves as queer and give permission for others to use that term to describe them.

**Sex Assigned at Birth:** A label, generally “male” or “female,” that is typically assigned at birth and recorded on a birth certificate, if that document exists. This term is also referred to as birth assignment or biological or anatomical sex.

**Sexual Orientation:** Term that refers to being romantically or sexually attracted to people of a specific gender or sex. Our sexual orientation and our gender identity are separate, distinct parts of our overall identity. Although a child may not yet be aware of their sexual orientation, they usually have a strong sense of their gender identity.

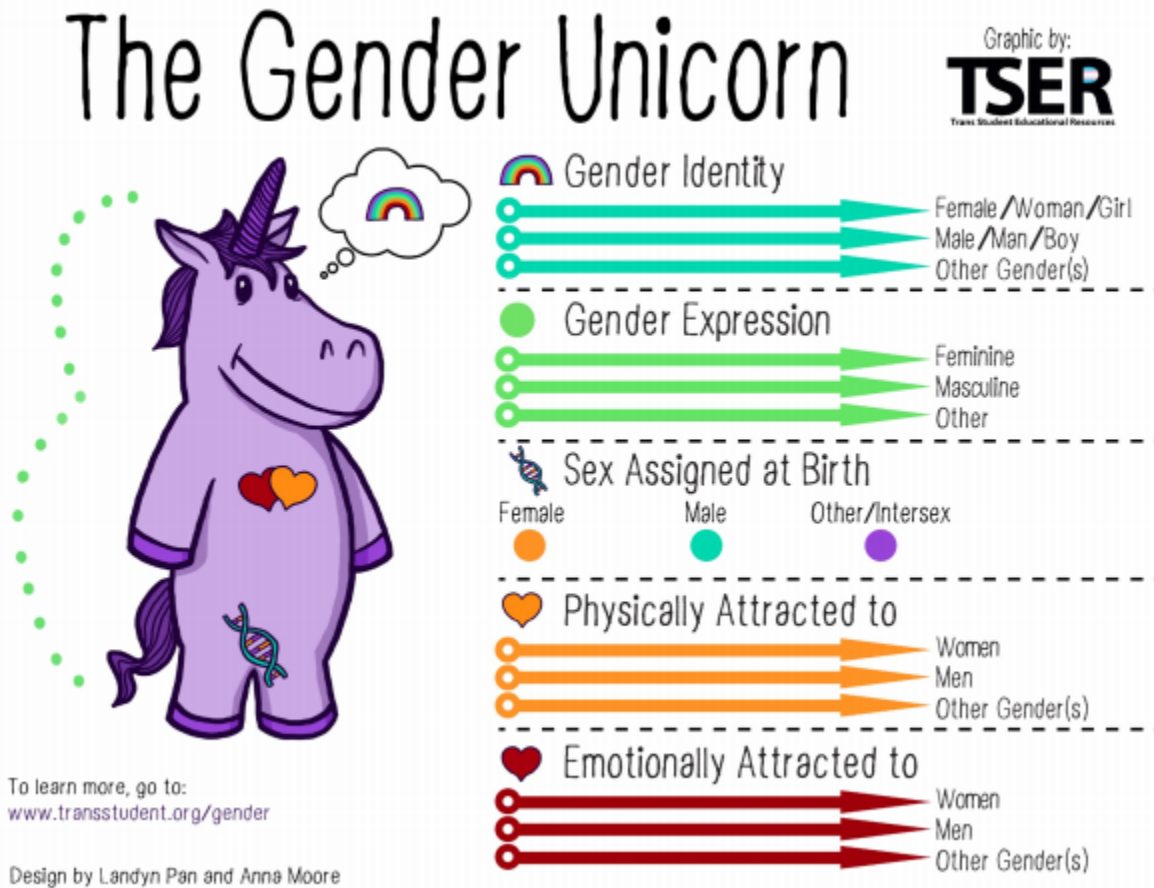
**Transgender:** Describes an individual whose gender identity is different from that associated with the individual’s sex assigned at birth. An individual can express or assert a transgender identity in a variety of ways such as pronoun usage, mannerisms, and clothing. Medical treatments or procedures are not considered a prerequisite for identifying students as transgender.

**Transition:** Refers to the experience by which a transgender person goes from living and identifying as the gender associated with the sex assigned at one’s birth to living and identifying as the gender consistent with one’s gender identity. A gender transition often includes a “social

transition,” during which an individual begins to live and identify as the gender consistent with the individual’s gender identity, with or without certain medical treatments or procedures.

**Transphobia:** Fear or hatred of transgender people; transphobia is manifested in several ways, including violence, harassment, and discrimination.

The Gender Unicorn provides a visual aid to support in the understanding of some of the terms noted above.



## Student Transitions

Not all gender expansive students identify as being transgender, so transition may look very different for each student and not all people who undergo a transition desire the same outcome.

The regulation states, “When a school is made aware of a student’s gender-expansive or transgender status, the school shall offer to convene a support team for the student or the parents...The support team shall consider the student’s needs, protection of student privacy, maximization of protection of social integration, minimization of stigmatization, student age, and any perceived safety risks as they contemplate appropriate supports and arrangements.”

In most cases, transitioning is a very private matter. Students may choose to have their parents participate in this process; however, parental participation is not required. When appropriate,

schools should work closely with the student and family in devising a plan regarding the confidentiality of the student's transgender status. A member of the Student Support Team should be consulted to begin conversations to identify the student's needs. A sample school planning tool is included in Appendix 4. This planning tool provides a list of suggested topics for a transitioning student to review with the student services team member and/or the Student Support Team. Please note that the student's team should be comprised of an administrator (when available), a member of the student services team, any other staff that the student chooses. When this meeting is scheduled, the team lead should ensure that the student and/or parents are informed of the team members who will be participating in the team meeting. The contents of this plan should be discussed only with the persons who are responsible for implementing the plan. For example, the current teachers will be updated with the student's chosen name, as to avoid deadnaming.

### **Parent Engagement**

Regulation 2603 states, "Every effort shall be made to encourage and support communication between gender expansive or transgender students and the student's parents or guardians. Schools may offer to meet jointly with the parents or guardians and the student at school." However, if a student has not shared information with the parents, the school shall not disclose confidential information related to the student's transition with the parents or guardians..

The Virginia Department of Education *Model Policies for the Treatment of Transgender Students in Virginia Public Schools* states the following:

*"Privacy and confidentiality are critical for transgender students who do not have supportive families. Disclosing a student's transgender status can pose imminent safety risks, such as losing family support or housing. According to a recent study, LGBT youth have a 120 percent increased risk of experiencing homelessness compared to youth who identified as heterosexual and cisgender (Morton, Dworsky, & Samuels, 2017). School divisions will need to consider the health and safety of the student in situations where students may not want their parents to know about their transgender status, and schools should address this on a case-by-case basis. If a student is not ready or able to safely share with their family about their transgender status, this should be respected. There are no regulations requiring school staff to notify a parent or guardian of a student's request to affirm their gender identity, and school staff should work with students to help them share the information with their family when they are ready to do so."*

### **Developmental Considerations**

In order to maintain privacy and confidentiality regarding their transition and gender identity, transgender students may wish, but are not required, to transition over a summer break or between grades. Regardless of the timing of a student's transition, the school shall act in accordance with the following developmental considerations. These are considerations, but each student situation should be handled according to the maturity of each individual student, while still respecting the student's rights.

Generally, notification from the student's parents or guardians about their gender identity, gender expression, or transition is unnecessary, as they may already be aware and supporting. In some cases, however, notifying parents or guardians carries risks for the student, such as being kicked



out of the home. Prior to notification of any parent or guardian regarding the transition process, school staff should work closely with the student to assess the degree to which, if any, the parent or guardian will be involved in the process and must consider the health, wellbeing, and safety of the transitioning student.

Since students are likely to be more comfortable in some areas of a school than others, their transition, particularly in the early phases, may be “site-specific,” meaning they choose to go by one name or have one pronoun used in one place and another name or another pronoun used in another. For example, a student may feel more comfortable expressing their gender identity in a student club or small group, but not to the larger school community or at home. Whatever the student prefers should be acknowledged and respected. Be aware of the preference of the student and always use their chosen reference when you are speaking to the student and about the student to another person. Awareness and sensitivity about where the student is open about their identity is crucial to be an effective ally.

## **Names and Pronouns**

Students who identify as gender-expansive or transgender should be called by their chosen name and pronouns, regardless of the name and gender recorded in the student’s permanent pupil record. School counselors, administrators, or other designated school personnel should work with the student and/or the student’s parents or guardians to determine the best course of action to inform teachers, coaches, and other school personnel of this request. Every effort should be made by the student’s teachers to reasonably inform substitute teachers of the student’s chosen name and pronouns. Staff are encouraged to review [this document](#) for additional considerations related to student pronouns.

## **Student Name in the Student Information System (SIS)**

### **Protected Information**

The Student Information System (SIS) contains a tab for entering protected student information. The use of the Protected Information feature will maintain a student’s legal identity, as required by law, while allowing the school counselors, administrators or other designated school personnel to modify the SIS Student Information as requested by the family/student chosen information. Examples are the student’s first name and/or gender. The modified data will be used to populate all instructional and administrative applications that receive student information as part of automated provisioning and rostering processes. Use of the modified data in SIS must be discussed with the student(s) to ensure that the implications are fully understood. For example, use of modified information in SIS will result in this data being displayed to parents in ParentVUE and for those students with IEP/504 documentation in the SEA STARS system.

Changing the student’s name in the Student Information tab of SIS and storing the legal name in the Protected Information tab is not appropriate if the student’s parent/guardian is unaware of the student’s transition since this may unintentionally out the student and potentially compromise their safety and well-being. Additional information about considerations for use of the protected information area is posted in [this section of the Employee Hub](#). Use of the Protected Information area will also be addressed during SIS training sessions.

### **Legal Name on Records**

Each school is required to maintain a permanent pupil record of each student. For those students who choose to change name and/or gender in SIS, the legal information will be stored in the Protected Information tab of SIS. The student's legal name, birth date, sex assigned at birth, and parent(s) name as they appear on the birth certificate shall be considered the student's official identification and shall be entered in the FCPS student scholastic record. A court order or an official government document, such as an updated birth certificate or passport attesting to any changes in student identification, to include legal name and gender, is required before any changes will be made to the student's legal information.

Please note that the name in the database is part of an official educational record and is therefore covered by the Family Educational Rights and Privacy Act (FERPA), meaning that if a parent or guardian requests access to see their student's records, they will have access to the student's chosen name and legal name. If a student transitioning at school is not ready to share with their family about their transgender status, this should be respected. In this scenario, school staff should make a change socially, calling the student by the chosen name, while their official SIS information remains the same.

Internally generated and shared school lists of students (e.g., honor roll, graduation programs) shall identify gender-expansive or transgender students by their chosen names and genders. Additionally, school documents such as yearbooks, school newspapers, and communications to outside media shall identify gender-expansive or transgender students by their chosen names and appropriate gender.

FCPS electronic systems which will be seen by staff (including teachers and substitutes) should reflect the student's chosen name and pronoun (when possible) as designated by the student or parents or guardians.

### **Use of "Nickname"**

If a student wishes to go by another name, please respect the student's wishes and call them by the student designated name/pronoun. Regulation 2603 does not require parental permission for students to be called a chosen name/pronoun.

Caution should be utilized in using the nickname field in SIS. The Nickname field in SIS is not the best option for supporting students in making their chosen name known to all staff. This field appears on limited reports and does not transfer to teacher class rosters. When using the Nickname field in Teacher Vue, the nickname for the class will appear, but every teacher will be required to make this change in Teacher Vue in their own section views.

If teachers utilize the nickname on the class view, the nickname will appear for substitutes, but not the student's last name.

### **Gender Identity**

Effective December 17, 2020, SIS includes the option to identify a student's gender as Non-Binary in the drop-down for Gender identification. This selection will display as an X in the students' demographic information.

## **Schools/Facilities Requirements and Gender Based Activities**

### **Bathrooms**

Having safe access to restroom facilities is important to the health and wellbeing of all people, including those who identify as transgender and gender expansive. Students can use the same bathrooms as their peers, unless they request alternate accommodations. This means that transgender and gender-expansive students are entitled to use the bathroom that matches their gender identity. This does not require parental permission. Any student, transgender or otherwise, who has a need or desire for increased privacy, regardless of underlying reasons, also has the right to access a single-user restroom, such as a staff bathroom or the bathroom in the health office. To promote an inclusive environment for all, the single-user bathroom may not be given as the only option for transgender or gender-expansive students.

### **Physical Education/Locker Rooms**

All students must be permitted to participate in physical education classes in a manner consistent with their gender identity.

Schools may maintain separate locker room facilities for male and female students. However, all students must have access to the locker room facility that corresponds to their gender identity. If there is a request for increased privacy, any student, regardless of the underlying reason, should be offered access to reasonable accommodations such as:

- A separate changing schedule
- Use of a private area in the facility (e.g., a restroom stall with a door or an area separated by a curtain)
- Use of a nearby private area (i.e., nearby restroom or health suite)
- Assignment of student locker in close proximity to staff office or a supportive peer group.

Gender-expansive and transgender students may also be provided with the option of using the facilities that correspond to the student's sex assigned at birth.

Any alternative arrangement should be provided in a way that protects the ability of students to keep their gender-expansive or transgender status confidential.

In no case shall a gender-expansive or transgender student be required to use a locker room or restroom that conflicts with the student's gender identity or be limited to using only a private area or single-use facility as described in this section.

Ultimately, if a student expresses discomfort to any member of the school staff, that staff member should review these options with the student and ask the student permission to talk to their identified trusted adult.

## **Gender-based Activities**

### **Interscholastic Athletics**

Student participation in Virginia High School League (VHSL) sponsored programs is governed by current [VHSL policies](#). Gender expansive and transgender students shall participate in VHSL sponsored activities in accordance with these policies.

### **Intramurals/Clubs**

Student participation in school-sponsored clubs, activities, and sports (other than those sponsored by VHSL) shall allow gender-expansive and transgender students to participate in accordance with the student's gender identity.

### **Field Trips**

FCPS is committed to providing a safe, welcoming school environment where students are engaged in learning because they feel accepted and valued. Additionally, FCPS respects the privacy rights of its students and parents and will maintain confidentiality of nonpublic information about students, releasing this information to third parties only when authorized by a parent or student as required by law. As part of this commitment to inclusion and equity, when an instructional or extra-curricular or athletic event requires students to be accommodated overnight, students may be assigned to a room consistent with the student's gender identity.

Any student uncomfortable sharing a sleeping area, shower, bathroom, or any sex-segregated facility, shall, upon request, be provided with a designated safe, non-stigmatizing alternative. Fairfax County Public Schools staff shall not require a student to stay in a single-occupancy accommodation when such accommodations are not required of other students participating in the same event.

### **Gender Specific Courses**

Schools should evaluate all gender-based policies, rules, and practices, and maintain only those that have a clear and sound pedagogical purpose. By eliminating gender-specific courses, the potential for discrimination is reduced. Whenever students are separated by gender in school activities or are subject to an otherwise lawful gender-specific rule, policy, or practice, students must be permitted to participate consistent with their gender identity.

In courses where specific units are taught in a way that divides students into groups by gender (e.g., Family Life Education), gender non-conforming and transgender students shall be allowed to participate with the gender group corresponding to the student's gender identity.

### **A Note to School Staff**

Wherever arbitrary gender dividers can be avoided, they should be eliminated to promote inclusivity. For example, when dividing the class into two lines based on male and female, perhaps the students could be divided by the first letters of their last names, type of shoe, color clothing, etc. Lunch divisions can be handled similarly, by dividing the students in half by last name as opposed to gender. Simple things, such as calling students "students" or "scholars" instead of "boys and girls," may seem insignificant but actually make a notable difference to students who feel alienated because they may not identify as being part of either of the two binary categories.

### **Privacy and Confidentiality/Records**

## **Privacy and Disclosure of Information**

All students have the right to privacy within the legal limits of that term. This includes the right to keep private one's transgender status or gender-expansive presentation at school. Information about a student's transgender status, transition status, legal name, or sex assigned at birth may constitute confidential personally identifiable and medical information. Disclosing this information to other students, their parents/guardians, or third parties may violate privacy laws such as the Federal Family Educational Rights and Privacy Act (FERPA). School staff members must ensure that all medical information including that relating to transgender or gender expansive students is kept confidential in accordance to federal, state and local privacy laws. School staff may not disclose information that may reveal a student's transgender, gender-expansive, or transition status to others, including parents/guardians and other school staff, unless legally required to do so or unless the student has authorized such disclosure. A medical diagnosis, treatment and/or other documentation is not required for school staff to accommodate a request for gender presentation, identity and diversity.

Transgender and gender expansive students have the right to discuss and express their gender identity and expression openly and decide when to share information, with whom and how much to share. The fact that students may choose to share their status with others does not authorize school staff to disclose the students' status to others.

When contacting the parent/guardian of a transgender or gender-expansive student, school staff should use the student's legal name and the pronoun corresponding to the student's gender assigned at birth unless the student, parent/guardian has specified otherwise.

## **FAQs**

### **What name and pronouns should I use to address a student?**

Students who identify as gender-expansive or transgender should be addressed by their chosen name and gender pronouns, regardless of the name and gender recorded in the student's permanent pupil record. Members of the Student Support Team should work with the student and/or the student's parents or guardians to determine the best course of action to inform teachers, coaches, and other school personnel of this request. If you are unsure about a student's chosen name or pronoun, it is appropriate to privately ask the student what they have chosen to be called. When speaking about a student, it is rarely necessary to label them as being transgender, since they should be treated the same as their peers.

### **How do we address restroom use?**

Transgender and gender-expansive students have the right to utilize the restroom that corresponds with their gender identity. The use of a single use bathroom or the nurse's office cannot be required. The Virginia Human Rights Act protects students and they cannot be denied access to school facilities for a discriminatory reason.

[Learn more about school restroom use.](#)

**If I have a student requesting to go by a new name, or new pronouns, am I required to contact the parent/guardian?**

Typically, it will be the parent or guardian who informs the school of the impending transition. However, it is not unusual for a student's desire to transition to be shared at school. If the family is aware of the student's transition, the family can work with the student and the student's support team to develop steps that will provide the student with the necessary support. School staff will not disclose gender identity or pronouns to anyone without the student's permission since this can pose a serious safety concern for some students.

**What happens with locker room use?**

Gender-expansive and transgender students should be provided with the option to use the locker room or restroom consistent with the student's gender identity. Any student who has a need or desire for increased privacy, regardless of the underlying reason, shall be provided with a non-stigmatizing alternative such as the use of a private area (e.g., nearby restroom stall with a door, nearby health room or single-use/unisex bathroom). A gender-expansive or transgender student should never be required to use a locker room or restroom that conflicts with the student's gender identity or be limited to using only a private area or single-use facility.

**A student has asked that their name be changed in our virtual learning platform, do I change the name even though the name in SIS won't match?**

Always use the chosen name identified by the student.[11] The Student Support Team will work with the student to ensure that they are aware of the implications of changing their name on virtual platforms. If an issue arises from the school or family, this can be negotiated, but the best course of action for the safety and support of the student is to use the student's chosen name.

**One of my students has started to wear short skirts, makeup and heels to school. It is a distraction to the other students. We don't allow girls to wear short skirts, why is this student allowed to do so?**

All students are required to dress in clothing that follows the guidelines as listed in Policy 2613 as well as Regulation 2601 (Student Rights and Responsibilities), regardless of gender identity. Clothing requirements in SR&R do not delineate separate categories of clothing requirements for either males or females, therefore, gender-expansive and transgender students shall be allowed to dress in any clothing that meets the guidelines in the policies referenced above.

**I have a student who would like to change their name and pronouns on their IEP. How does this process work?**

If the student has changed their name and gender in SIS, the information will populate in Sea-Stars and can be used on special education forms. If a student has not changed their name or gender in SIS, the team can make note of and utilize the chosen names and pronouns on the Present Levels of Performance (PLOP) page and use these throughout the document.

**What do I call a student if they prefer to use their chosen name, but the parents are opposed to the use of the chosen name?**

If the student's chosen name has not yet been shared with parents, the legal name will be utilized when staff members engage with the parent/guardian. When working directly with the student, it is appropriate to use their chosen name.

**If a student is being bullied or harassed by others, is there a different procedure as it relates to discipline?**

FCPS is committed to responding to all complaints of discrimination in a manner that stops the discrimination, prevents it from happening again, and helps support the person who was discriminated against. Discrimination is treating someone unequally based on protected category in a way that interferes with a person's education and/or academic performance.

For more information about discrimination, the FCPS Title IX response, the FCPS discrimination and sexual harassment regulations, contact the Title IX Coordinator at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu) or 571-423-3070

**Guidance and Contacts****FCPS Office of Intervention and Prevention**

Phone: 571-423-1300

Website: <https://www.fcps.edu/department/department-special-services>

**FCPS Title IX Coordinator**

Phone: 571-423-3070

**US Department of Education: Office of Civil Rights**

Email: [ocr@ed.gov](mailto:ocr@ed.gov)

Phone: (800) 421-3481

Website: <http://www2.ed.gov/about/offices/list/ocr/qa-complaints.html>

**Virginia High School League**

Phone: 434-977-8475

**Policies and Laws****Applicable and Related Laws**

A brief summary of federal and state laws is included for informational purposes and to aid in the development of model policies for the treatment of transgender students. Given the changing legal landscape, including on-going litigations and different interpretations, the summary provided in this section does not constitute legal interpretation nor advice.

**First Amendment:** The First Amendment protects freedom of speech and expression. Schools may not prevent students from expressing their identity.

**Equal Protection Clause of the 14th Amendment:** This clause guarantees every citizen equal protection under the law. It protects LGBTQ+ youth in schools from unfair or discriminatory school actions.

**Title VII of the Civil Rights Act of 1964:** The US Supreme Court ruled in June 2020 that this clause includes protection based on sexual orientation and gender identity. The decision also clarifies the meaning of "sex" in other federal antidiscrimination laws and includes transgender students.

**Title IX of the Education Amendments of 1972:** Title IX is a federal law that prohibits schools that receive federal financial assistance from limiting or denying a student’s participation in any school program on the basis of sex. This may be understood to prohibit discrimination, including sexual harassment, based on sex stereotypes, sexual orientation, and gender identity or transgender status.

**Family Educational Rights and Privacy Act (FERPA):** This is a federal law that protects the privacy of student educational records. It prohibits the improper disclosure of personally identifiable information from students’ records. Information relating to gender identity or sexual orientation may constitute personally identifiable information.

**Virginia Values Act:** This state law expands the Virginia Human Rights Act to prohibit discrimination in employment and housing on the basis of sexual orientation and gender identity.

**Virginia Anti-Bullying legislation:** Virginia school boards are required to include bullying prevention as a part of character education (§ 22.1-208.01 of the *Code of Virginia*). In addition, school boards are expected to include bullying as a prohibited behavior in their student codes of conduct (§ 22.1-279.6.D of the *Code of Virginia*) and to implement policies and procedures to educate school board employees about bullying and the need to create a bully-free environment (§ 22.1- 291.4 of the *Code of Virginia*).

**Virginia Identification Documents legislation:** Senate Bill 246 requires the Department of Motor Vehicles to offer any applicant the option to mark “male,” “female,” or “non-binary” when designating the applicant’s sex on an application for a driver’s license or special identification card. Senate Bill 657 and House Bill 1041 requires the State Registrar to issue a new certificate of birth to show a change of sex upon request and, if a certified copy of a court order changing the person’s name is submitted, to include the person’s new name.

## **FCPS Policies and Regulations**

[Policy 1450.6-Nondiscrimination](#)

[Policy 2613.5-Student Dress Code](#)

[Regulation 2613.8-Student Dress Code](#)

[Regulation 2601.6-Rights and Responsibilities of Students](#)

[Regulation 2202.11-Required Admission Credentials for Students](#)

## **Resources**

### **Family Support**

**2nd Fridays Trans Community-**Groups for children, teens, parents and adults.

7:00-9:00 pm

MCC Nova

10383 Democracy Lane

Fairfax, Virginia

Contact: [info@mccnova.com](mailto:info@mccnova.com)



**CDC Guidance**

[https://www.cdc.gov/healthyyouth/protective/pdf/parents\\_influence\\_lgb.pdf](https://www.cdc.gov/healthyyouth/protective/pdf/parents_influence_lgb.pdf)

**Family Acceptance Project**

<http://familyproject.sfsu.edu>

**Family Pride Coalition**

[www.familypride.org](http://www.familypride.org)

**Healthy Children**

<https://www.healthychildren.org/English/ages-stages/gradeschool/Pages/Gender-Diverse-Transgender-Children.aspx>

**Milpride**-specifically for LGBTQ military children and their families. Provides resources and support groups to help meet the needs of each family.

Contact: [amanda@milpride.org](mailto:amanda@milpride.org)

**PFLAG**-The first and largest organization for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people, their parents and families, and allies.

Alexandria Location  
Third Tuesday 7:00-9:30  
St. Luke's Episcopal Church  
8009 Fort Hunt Road  
Alexandria, VA 22308

Fairfax Location  
First Tuesday 7:30-9:00  
Unitarian Universalist Congregation of Fairfax  
2709 Hunter Mill Road  
Oakton, VA 22124  
Contact: [wf.pflag@gmail.com](mailto:wf.pflag@gmail.com)

**Rainbow Families**

[www.rainbowfamilies.org](http://www.rainbowfamilies.org)

**SAMHSA Resource for Families**

<https://store.samhsa.gov/sites/default/files/d7/priv/pep14-lgbtkids.pdf>

**TransParent**-Support group; welcoming all parents and caregivers of transgender, non-binary, and gender independent children of any age.

Contact: [arlington.va@transparentusa.org](mailto:arlington.va@transparentusa.org)

**True Child**

[www.truechild.org](http://www.truechild.org)

**School Support****FCPS Parent Resource Center**

Email: [prc@fcps.edu](mailto:prc@fcps.edu)

Phone: 703-204-3941

**FCPS Pride**

Fcpspride.org

Email: [president@fcpspride.org](mailto:president@fcpspride.org)

Phone: 202-295-7939

**Gay Straight Alliance Network**

[www.gsanetwork.org](http://www.gsanetwork.org)

**GLSEN Northern Virginia**

[glsen.org/nova](http://glsen.org/nova)

Email: [northernva@chapters.glsen.org](mailto:northernva@chapters.glsen.org)

Phone: 571-208-2424

**Human Rights Campaign-Welcoming Schools**

[www.welcomingschools.org](http://www.welcomingschools.org)

**Student Support**

**GLSEN Northern Virginia**

[glsen.org/nova](http://glsen.org/nova)

Email: [northernva@chapters.glsen.org](mailto:northernva@chapters.glsen.org)

Phone: 571-208-2424

**Gay Straight Alliance Network**

[www.gsanetwork.org](http://www.gsanetwork.org)

**The Trevor Project**

[www.thetrevorproject.org](http://www.thetrevorproject.org)

**Crisis Resources for LGBTQ Youth**

**National Suicide Prevention Lifeline:** 1-800-273-TALK (8255)

**PRS Crisis Link:**

- Text: "CONNECT" to 85511
- Phone: 703-527-4077

**Trans Lifeline:** 877-565-8860

**Trevor Hotline:** 866-488-7386

**Trevor Chat:** [www.thetrevorproject.org](http://www.thetrevorproject.org)

**Additional Helpful Organizations**

**Gay and Lesbian Advocations and Defenders**

[www.glad.org](http://www.glad.org)

**Gender Spectrum**

[www.genderspectrum.org](http://www.genderspectrum.org)

**Lambda Legal**

[www.lambdalegal.org](http://www.lambdalegal.org)

**National Center for Lesbian Rights**

[www.nclrights.org](http://www.nclrights.org)

**National Center for Transgender Equality**

[www.transequality.org](http://www.transequality.org)

**National LGBTQ Task Force**

[www.thetaskforce.org](http://www.thetaskforce.org)

**Transgender Law Center**

<http://transgenderlawcenter.org>

**Transgender Law and Policy Institute**

[www.transgenderlaw.org](http://www.transgenderlaw.org)

## Appendix I: Administrator Guidance

### Introduction:

This document has been developed to support the implementation of [Regulation 2603](#) Gender-Expansive and Transgender Students. Teams should review this regulation and guidance documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for each student and the support provided should be guided by the individual strengths and needs of the student. Not all people who undergo a transition desire the same outcome. We have students and staff in our buildings who have already transitioned. ALL FCPS students and staff are protected by FCPS [Policy 1450 Nondiscrimination](#).

### Procedures:

If a student's transition is brought to your attention, a student services team should be developed to create an individualized plan of support. Additional guidance documents are available to support teams in implementing a plan of support.

If a parent or student requests a change to student records, the administrator will notify members of the student services team. After consulting with the team, the administrator will follow through with the agreed upon request. Each student outcome will be unique. Prior to making any of the following changes, please ensure that a student services staff member has discussed with the student and/or family any implications when making a change to student records.

### Name Changes in Google Meet

- When Google Meet is being used for virtual instruction, a student's G Suite display name will be shown. This is the same name that is displayed in G Suite shared documents. This name can be permanently changed through the process shared below.
- Making the request for a student name change will now change the name in both FCPS 24-7 Blackboard (but not Blackboard Collaborate) and in FCPS G Suite. Principals will follow the existing request process, outlined below. Teachers will need to understand how they should alert their administrators if they receive a request for name change from

a student or parent. The principal will ultimately need the official request from the enrolling parent of that student, or from the student (parental consent is not required). Once the principal receives the request, here is the process:

1. Principal receives a request to change the display name
2. Principal submits RequestIT Ticket via IT Service catalog by selecting Fix My > FCPS G Suite for Edu. The request should include
  - that a student wishes to have a name change, and should include Student First name, Last Name, Student ID and Chosen Name
3. IT Service Desk will receive the request and update FCPS 24-7 Learning and FCPS G Suite name display.

**Name Changes to the SIS:**

Principals or their designee have access to make name changes in the Student Information System (SIS). Principals will also designate additional staff who will have access to protected view information with a memorandum of understanding.

- [.This step-by-step process can be viewed here.](#)

**Parent Complaints:**

Administrators will follow the current protocol when addressing any parent complaint. Parents, guardians or students may direct complaints to the school principal, the Region Office, or to the Office of Equity and Employee Relations.

**Permanent Records:**

Transcripts and Diplomas are considered a part of the student's permanent record. Please see section 5 of Regulation 2603 for clarification related to documents that require legal and chosen names.

## Appendix II: Student Services Team Guidance

### Introduction:

This document has been developed to support the implementation of [Regulation 2603](#) Gender-Expansive and Transgender Students. Teams should review this regulation and guidance documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for each student and the support provided should be guided by the individual strengths and needs of the student. Not all people who undergo a transition desire the same outcome. We have students and staff in our buildings who have already transitioned. ALL FCPS students and staff are protected by FCPS [Policy 1450 Nondiscrimination](#).

### Procedures:

When you are informed of a student's transition, do not assume that the student is experiencing challenges in school, with family or in connection with their mental wellness.

- Share limits of confidentiality with the student, including confidentiality related to the student's transition.
- Review the optional Student Support Team planning tool for relevant information/questions to consider. Remember completing this tool is optional and if completed is subject to FERPA.
  - Identify who knows about the student's transition
  - Bathroom and locker room use
  - Use of chosen name and pronouns
  - Student Support Plans will be reviewed and updated annually, at a minimum.
  - If a formalized plan is completed, the form should be kept with the student's designated point of contact for follow-up. The planning tool will not be stored in the student's cumulative file.
  - The counselor or identified trusted adult will be the point of contact for staff and the student if concerns arise regarding plan implementation.

- If members outside of the school team wish to participate, be sure to gain a signed release of information.
- School Transitions: When a student is moving to middle or high school, the student's point of contact will consider convening a Student Support Team meeting[SDE16]. This will allow the student to determine which information should be shared with the new school, to allow for a smooth transition to a new building.

### **Things to Consider:**

- When a student wishes to keep information within the school team, avoid sharing student information through email.
  - Consider scheduling a brief touch base meeting with an email stating "I need to speak with you briefly to share information about one of your students."
    - During this meeting, discuss the importance of using chosen name and pronouns
- When a student requests changing information in SIS and Seastars:
  - Parent permission is not required, but advise that changing this information will "out" a student to parents/guardians since records will reflect the name change
  - Inform student that unless the student has legally changed their name, the information on the birth certificate will be maintained by the school.
  - Inform the student that the name on permanent student records will be printed with the legal name and chosen name only if requested by a parent/guardian or by a student who is 18 years or older.
    - Students should be informed that college and/or job applications should utilize consistent names. There are likely situations requiring that the student use the legal name (FAFSFA, Job Applications etc.). For this reason, schools will provide diplomas and transcripts with both the chosen and legal names if requested by a parent/guardian or by a student who is 18 years or older.
- When a student requests name changes through other virtual platforms (ex: Google Suite, BBCU, Schoology):
  - Parent permission is not required
  - Advise student that changing the name on these platforms may result in the parent/guardian seeing the change

### **Appendix III: Teacher Guidance**

#### **Introduction:**

This document has been developed to support the implementation of [Regulation 2603](#) Gender-Expansive and Transgender Students. Teams should review this regulation and guidance documents when providing support to students.

Not all gender-expansive individuals identify as being transgender. Transition may differ for each student and the support provided should be guided by the individual strengths and needs of the student. Not all people who undergo a transition desire the same outcome. We have students and staff in our buildings who have already transitioned. ALL FCPS students and staff are protected by FCPS [Policy 1450 Nondiscrimination](#).

#### **Tips for creating an inclusive classroom:**

- Create a classroom culture where you and the students speak out against bullying behavior and show respect and acceptance for marginalized individuals and groups. This is an ongoing process that requires bravery and commitment from both students and staff.
- Avoid forming groups based on “Male or Female”.
- Respond to biased or homophobic behavior as if there is an LGBTQIA+ student in the room at all times.
- At the beginning of the school year, consider including questions that ask students to provide their chosen name and pronoun to be used in the classroom.
- Model inclusive pronoun use. By sharing your pronouns, you are creating a welcoming environment for others.
- Avoid dead-naming. If you inadvertently make a mistake, apologize. You will be modeling respectful communication.
- Do not out a student, there can be significant negative consequences in intentionally or unintentionally outing a student to peers or family.



- Use visual aids such as quotations or posters on your wall to serve as constant reminders to students that they are fully welcome. Consider the use of safe space emblems.
- Incorporate student voice in your classroom and give space for all voices to be heard.
- Evaluate gender norms in your classroom practice by conducting a visual audit of your classroom; refer to a group of kids as students, scholars, class, friends and avoid the binary term “boys and girls”; do not separate students according to gender; don’t make assumptions based on gender;
- Evaluate classroom texts for their inclusion of voices of LGBTQIA+ people.
- Things to keep in mind for substitute teachers
  - Ensure that your class roster, within the substitute folder, contains all student chosen names and pronouns (if identified).
  - Ask that the substitute teacher not group students by male and female.

**Tips for when a student confides in you:**

- Listen and allow the student to confide in you. Having someone to listen to is powerful.
  - Ask clarifying and open-ended questions
- Be mindful of your biases, we all hold bias.
- Take the student’s lead on language that they use and prefer.
- Consider sharing the following: There are now protections for you as a student related to confidentiality. I am happy to be a part of your supportive team, but I am not the expert on the regulations and practices. To support you further, I would like to loop in someone from student services.
  - Ask the student if they have a connection with an adult in student services.
  - If they do not, please introduce them to someone.
- Ensure the student that you will not share their personal information related to their transition with anyone other than the identified member of the student services team.
  - If the student indicated concerns with abuse, neglect, or suicidal ideation we cannot keep this confidential.
- If a student requests to be called something other than their legal name, but does not want to adjust any formal records, please respect the student's wishes and call them by the student designated name/pronoun. Regulation 2603 does not require parental permission for students to be called a chosen name/pronoun.

**Appendix IV Student Support Team Planning Guide  
Supporting Gender-Expansive and Transgender Students**

*A fillable version of this form is located in the Forms Cabinet and can be located using [this link](#).*

This planning tool provides a list of suggested topics for a transitioning student and is to be reviewed with the student services team member and/or the Student Support Team. Please note that the Student Support Team should be composed of an administrator (when available), a member of the student services team, any other staff that the student chooses. The content of this plan should be discussed only with the persons who are responsible for implementing the plan. For example, the current teachers will be updated with the student’s chosen name, as to avoid deadnaming.

*While completing this document is optional, a conversation with the student and a member of the school-based mental health team should occur any time a student shares that they are transitioning. The conversation should include, at a minimum, the factors below. Once completed, this form becomes a part of the student’s scholastic record and is subject to FERPA.*

School: \_\_\_\_\_

Date: \_\_\_\_\_

Meeting Participants and Position:

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

<b>Initial Information</b>	
Consider gathering the following information:	
Student’s chosen name	
Student’s gender identification	

<p>Student's legal name on record</p>	
<p>Student's current gender marker on record</p>	
<p>Is the student requesting a name change in SIS?</p> <p>Is the student requesting a name change on virtual platforms other than SIS?</p> <p>Is the student requesting a name change only during instruction?</p>	<p style="text-align: center;">Yes or No</p> <p style="text-align: center;">Yes or No If yes, identify the platforms: _____</p> <p style="text-align: center;">Yes or No If yes, identify classes: _____</p>
<p>Has a Student Support Team member talked to the student about the various options for name changes in school and the implications of each?</p> <p>If no, teams should identify the staff member who will have the conversation with the student.</p>	<p style="text-align: center;">Yes or No</p>

<p>Parent/guardian name(s) and contact information</p>	
<p>Is the parent/guardian aware of the student's chosen name and gender identification?</p>	<p>Yes or No</p>
<p>If yes, is the parent/guardian participating in this meeting/process?</p>	<p>Yes or No</p>
<p>Who is the student's school point of contact? (Please include name and role, ex. Ms. ABC, School Counselor)</p>	
<p>Please include any additional relevant information in the space provided:</p>	
<p style="text-align: center;"><b>Student Support Plan</b></p>	

<p>Who has been identified as part of the student's support team?  <i>Administrator?</i>  <i>Parent/Guardian? School Counselor? School Psychologist? School Social Worker? Teacher? Public Health Nurse? Community Provider? Other?</i></p>	<p>(perhaps make this a checklist with the options listed to the right?)</p>
<p>Of those in attendance, who is the student's main point of contact?</p>	
<p>What is the plan for bathroom use (<i>identify location, which will be used</i>)? <i>It is recommended to do a walk through with the student, so they know where facilities are located.</i></p>	
<p>What is the plan for PE/locker rooms?</p>	
<p>What is the plan for field trips?</p>	

<p>What is the plan for gendered activities (<i>such as sports or clubs</i>)?</p>	
<p>If Family Life Education (FLE) is separated by gender, in which class will the student participate?</p> <p>Be sure to provide access to both curriculums as appropriate.</p>	
<p>Is staff training required (<i>for all staff or selected few</i>)?</p>	
<p>Is a follow up meeting required?</p>	<p>Yes or No</p>
<p>If yes, what is the meeting date and who will be invited to attend?</p>	

Be sure to share any relevant resources with the student and/or parent/guardian.	
--	--

## Exhibit 3



## **HUMAN RESOURCES**

### **Equity and Compliance**

#### **Discrimination and Harassment Based on a Protected Class**

This regulation supersedes Regulation 4952.3.

#### **I. PURPOSE**

To establish procedures for reporting, responding to, and resolving complaints of discrimination and harassment based on a protected class, by and against employees. For complaints against students, see Regulation 2601, Student Rights and Responsibilities Booklet, and Regulation 2118, Title IX: Sexual Harassment by Students. For complaints of Sexual Harassment, see Regulation 4950, Sexual Harassment by Employees.

#### **II. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

This Regulation has been updated to include references FCPS Regulation 4951, Bullying and Abusive Conduct by Employees in the Workplace, and clarifies the EER complaint response process, including referrals.

#### **III. PROVISIONS**

In accordance with federal civil rights law, including but not limited to: Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; Section 504 of the Rehabilitation Act of 1973 as amended; the Pregnancy Discrimination Act of 1978; the Americans with Disabilities Act Amended Act of 2008 (ADAAA); and Title II of the Genetic Information Nondiscrimination Act of 2008, and with Virginia state law, including but not limited to the Virginia Human Rights Act, no person in Fairfax County Public Schools shall on the basis of, of race, sex, color, age, religion, sexual orientation, gender identity, national origin, genetic information, pregnancy status, childbirth or related medical conditions, marital status, veteran status and disability be denied the benefits of, or be subjected to discrimination under, any education program or activity, as required by law.

Retaliation against any person who reports or participates as a witness in the investigation of a discrimination and/or, harassment, complaint is strictly prohibited.

#### **IV. DEFINITIONS**

For the purpose of this Regulation, the following definitions will apply:

##### **A. Complainant**

The person who believes they have experienced discrimination or harassment as defined under this Regulation, by an employee.

B. Discrimination

Discrimination is unequal treatment based on a person's membership in a protected class, where such treatment is sufficiently serious to unreasonably interfere with a person's ability to participate in or benefit from their educational programming, or where such treatment adversely impacts the person's employment.

C. Employee

Employee refers to all Fairfax County Public Schools (FCPS) employees, mentors, volunteers; and contractors and vendors providing services to FCPS.

D. EEO Investigator

EEO Investigator refers to the employee within the Office of Equity and Employee Relations (EER), Department of Human Resources who is responsible for conducting investigations into complaints of Discrimination based on a protected class; and provides support and consultation to Supervisors responding to workplace discrimination complaints between employees/peers.

E. Gender-Based Harassment

Gender-based harassment includes harassment of a person for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical beliefs of masculinity and femininity. It includes acts of verbal, non-verbal, and/or physical aggression, intimidation, or hostility based on a person's sex, or sex-stereotyping, but which are not necessarily sexual in nature. Examples include gendered name calling, gendered remarks that are derogatory in nature – intending to demean or humiliate, and harassment based on sexual orientation and gender identity/expression.

F. Genetic Information

Genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e., family medical history).

G. Harassment

Harassment is a form of discrimination that encompasses unwelcome conduct based on an individual's membership in a protected class, where such conduct is so severe, pervasive or persistent that it unreasonably interferes with an individual's ability to receive the benefits of their educational programming, or adversely impacts employment. Harassing behaviors may include conduct, whether verbal, physical, written, graphic or electronic, that threatens, intimidates, offends, belittles, denigrates, or shows an aversion toward an individual or group based on their protected class.

H. Protected Class

A group of people with a common characteristic who are legally protected from discrimination on the basis of that characteristic. This includes but is not limited to,

race, sex, color, age, religion, sexual orientation, gender identity, national origin, genetic information, pregnancy status, childbirth or related medical conditions, marital status, veteran status, and disability.

I. Respondent

The employee accused of engaging in discrimination or harassment in violation of this Regulation and FCPS Policy 1450, Nondiscrimination.

J. Retaliation

Any adverse action taken against a person for making a good faith report of sexual misconduct or participating as a witness in any proceeding under this Regulation. Retaliation includes threatening, intimidating, harassing, coercing or any other conduct that would discourage a reasonable person from engaging in protected activity, such as reporting or participating in an investigation. Retaliation may be present even where there is a finding of "no responsibility" on the allegations of discrimination, harassment and/or sexual misconduct. Retaliation does not include good faith actions lawfully pursued in response to a report of sexual misconduct.

K. Sexual Misconduct

Sexual misconduct is a broad term used to describe a range of behaviors of a sexual nature that may constitute various types of sex discrimination.

L. Sexual Harassment

Complaints of Sexual Harassment are specifically addressed under Regulation 4950, Declaration of Nondiscrimination-Individuals With Disabilities.

M. Student

A currently enrolled FCPS student or a student who is eligible to enroll in an FCPS school.

N. Supervisor

Supervisor refers to a person who has supervisory or managerial authority over the employee, including but not limited to, the immediate supervisor, program manager or principal.

O. Workplace Bullying

Workplace Bullying is defined as 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(s) and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict. (See Regulation 4951)

Complaints of Workplace Bullying are not based on a protected class and can be filed [here](#).

## V. APPLICABILITY

This Regulation applies to complaints of discrimination and harassment based on a protected class that are reported to have occurred:

- A. At an FCPS school, property, or facility.
- B. At an FCPS-sponsored activity, program, or event.

## VI. GUIDELINES

### A. Confidentiality

FCPS recognizes that reporting discrimination and harassment based on membership in a protected class is a sensitive issue. FCPS is fully committed to operating with discretion and maintaining the privacy of all individuals to the extent permitted under applicable law.

Any report under this Regulation and all related information will only be shared with those FCPS employees who need to know in order to assist in the active review, investigation and/or resolution of the complaint.

### B. Expectation of Cooperation and Truthfulness

All FCPS employees and students are expected to fully cooperate with any investigation conducted by a supervisor, principal, program manager, or member of EER. Any failure to cooperate with the person conducting the investigation will be considered when making any recommendations for disciplinary action.

### C. False Information

Anyone who knowingly files a false complaint under this Regulation or knowingly provides false information in any investigation of a complaint will be subject to appropriate disciplinary action.

### D. Standard of Review

FCPS applies the preponderance of the evidence standard when determining whether a person has violated this Regulation. Preponderance of the evidence means that it is more likely than not that the alleged conduct occurred, in violation of this Regulation.

### E. Retaliation

Retaliation against a person who reports discrimination or who provides information as a witness in a discrimination, harassment or sexual misconduct investigation is strictly prohibited.

Complaints of retaliation should be reported immediately to the supervisor. If for any reason the person does not want to report to their supervisor, they may report directly to EER. Retaliation complaints will be investigated as other complaints under this Regulation.

## VII. REPORTING

### A. Timeliness

Persons who experience Discrimination by an employee are encouraged to report promptly in order to maximize FCPS' ability to gather all relevant information, identify possible witnesses and conduct a thorough, prompt and impartial investigation. Delay in reporting may impair FCPS' ability to respond and take appropriate action. Complaints over a year old, will not be investigated.

However, when possible, FCPS will take reasonable measures to provide support and resources to those impacted by discrimination regardless of when it occurred.

### B. Reporting Discrimination

#### 1. Employee

Complaints of Discrimination against peers or colleagues, shall be made directly to the Complainant's supervisor. All supervisors who receive a complaint of Discrimination between peers shall notify EER that such a complaint has been received or such information has been obtained. EER will provide support and assistance as needed.

#### 2. Supervisor

Complaints of Discrimination against a person who has a direct supervisory authority over the Complainant, shall be made directly to EER by completing the [online form here](#); or mailing the form to EER, 8115 Gatehouse House Road, Suite 2500, Falls Church, VA 22042, or submitting by fax to: 571-423-5051. EER may determine that the complaint may be investigated by an administrator who is removed from the direct supervisory chain when such complaints involve individuals who are both under their supervision.

### C. Complaint Referral

When EER determines that the complaint on its face does not constitute discrimination, it will refer the complaint to the appropriate supervisor for the supervisor to address.

## VIII. INVESTIGATION

### A. Employee – Employee Complaints

#### 1. Investigation

All Supervisors shall ensure that complaints are investigated promptly. At the conclusion of the investigation the Supervisor shall draft a written report. The report should include a summary of the allegations, evidence reviewed, findings of fact, analysis of those facts, and a conclusion stating whether the Respondent engaged in Discrimination, in violation of this Regulation.

#### 2. Report

When the Supervisor concludes that Discrimination occurred, the report must include a recommendation regarding discipline for the Respondent and remediation for the Complainant.

Even when it is determined Discrimination did not occur in violation of this Regulation, training or other remediation may be recommended when appropriate.

3. Notification to EER

The supervisor must notify EER of the nature of the complaint, the steps being taken to investigate, and the results of the investigation, prior to taking final action. When an investigation by the Supervisor results in a finding, the supervisor shall consult with EER regarding the appropriate disciplinary action. EER shall make the final determination regarding the appropriate discipline to ensure equity within FCPS.

B. Employee to Supervisor

Complaints against a person who has direct supervisory authority over the Complainant will be assessed by EER. EER will determine if a higher-level administrator with supervisory authority over both parties may investigate the complaint or conduct its own investigation.

EER will conduct a thorough and impartial investigation into complaints of discrimination, which includes conducting interviews with the Complainant, Respondent and relevant witnesses; gathering and reviewing all relevant evidence, the parties' employment history, and all relevant FCPS regulations and policies. At the conclusion of the investigation EER will draft an investigation report summarizing the allegations, evidence reviewed, findings of fact, analysis of those facts, and a conclusion stating whether the Respondent engaged in Discrimination, in violation of this Regulation.

**IX. COMPLAINT OUTCOME**

At the conclusion of an investigation the Supervisor or EER (whomever conducted the investigation) is responsible for notifying the Complainant and the Respondent of the final outcome of the complaint. The Complaint Outcome should include information about the specific allegations, the scope of the investigation and the basis for the finding and may include recommendations for remedial or corrective action.

**X. DISCIPLINE**

When an employee is determined to have engaged in Discrimination, any disciplinary action that results will be in accordance with the appropriate policies, regulations, and procedures based upon the individual employee's job group (i.e., operational employee or instructional employee).

When there is a finding of discrimination, EER shall make the final determination regarding the appropriate discipline to ensure equity across FCPS.

**XI. RECORDS RETENTION**

The supervisor shall maintain records regarding each complaint for at least five years in accordance with the current version of Regulation 4220, Maintenance and Disclosure of Personnel Information and Files.

**XII. TRAINING AND AWARENESS**

The Office of Equity and Employee Relations (EER) shall maintain information on the FCPS website

about filing complaints of Discrimination.

A. Policy Dissemination

Supervisors shall inform employees about the contents of Policy 1450, and this Regulation and Regulation 4950, Sexual Harassment by Employees, on an annual basis.

B. Annual Compliance Training

This information shall also be included in the annual employee compliance training and Student Rights and Responsibilities training.

C. Newly Hired Employees

Newly hired employees shall be directed to the current version of Regulation 4952 and within 30 days of hiring are required to complete workplace compliance training regarding FCPS' prohibitions on discrimination and harassment.

### XIII. EXTERNAL RESOURCES

The Virginia Division of Human Rights enforces state antidiscrimination law in Virginia. You can contact the Virginia Human Rights Council at 804-225-2292 or go to its [website](#).

The Equal Employment Opportunity Commission (EEOC) is the federal agency that regulates workplace discrimination. You may contact the Equal Employment Opportunity Commission by calling 800-669-4000 or visit their website at [www.eeoc.gov](http://www.eeoc.gov). The website will help you locate an EEOC field office in Virginia.

#### Legal References:

Title IX of the Education Amendments of 1972  
Title VI and Title VII of the Civil Rights Act of 1964  
Section 504 of the Rehabilitation Act as amended  
Pregnancy Discrimination Act of 1978  
The Americans with Disabilities Act Amended Act of 2008  
Title II of the Genetic Information Nondiscrimination Act of 2008  
Virginia Human Rights Act  
Title 18.2 of the Code of Virginia  
§18.2-60.3 of the Code of Virginia

#### See also current versions of:

Policy 1450, Nondiscrimination  
Policy 4950, Sexual Harassment  
Regulation 2118, Title IX: Sexual Harassment by Students  
Regulation 4220, Maintenance and Disclosure of Personnel Information and Files  
Regulation 4950, Sexual Harassment by Employees  
Regulation 4951, Bullying and Abusive Conduct by Employees in the Workplace

## Exhibit 4





# STUDENT Rights & Responsibilities

## Grades K-12 | 2022-23

A GUIDE FOR FAMILIES

Navigating a **SAFE** and **REWARDING** school experience with your child!



August 2022

Dear Parents, Guardians, and Families,

On behalf of Fairfax County Public Schools (FCPS), I welcome you and your children to the 2022-23 school year. I am confident this year will be filled with affirming and validating opportunities that continue to yield exceptional learning, growth, and achievement for each and every student. The wellness and academic future of our community's young people are essential. In FCPS, we take this responsibility very seriously. We encourage strong working relationships with our families to best serve our students in every facet of their lives.

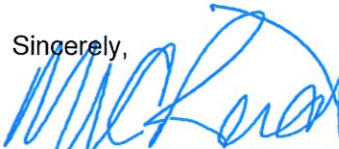
The 2022-23 *Student Rights and Responsibilities: A Guide for Families* explains expectations for student behavior and adult responses to enhance school safety and create a fair, equitable, and supportive school environment. We know that students learn best when expectations for behavior are clear, consistent, fair, equitable, and developmentally appropriate; build on strong relationships between teachers and students; and engage families at every opportunity. In FCPS, we understand that discipline policies and practices must provide opportunities for students to reflect, problem-solve, and build positive relationships. Therefore, through such interventions as the [restorative justice](#) process, our disciplinary response aims to give both students and adults an opportunity to make responsible decisions and interact respectfully in the classroom and throughout the school. Disciplinary practices in FCPS focus on preventing problem behaviors and provide a [leveled system](#) of responses that use instructional, restorative, and age-appropriate interventions before removing students from class or from school.

As we begin a new school year, please be assured that our school division maintains a commitment to providing a caring and inclusive climate and culture where each and every student is welcomed, respected, valued, and supported as they experience a deep sense of belonging. It is our goal that every child is fully engaged, academically challenged, and prepared for success in school and beyond. Partnering with FCPS families is our imperative, and we ask that you use this document as a guide for discussing these expectations with your child so that they are well prepared for success when the 2022-23 school year begins. You will also find that this publication includes information that you may need throughout the school year, including contact numbers and other resources.

The current version of the Student Rights and Responsibilities (SR&R) can be found in the appendix to this booklet and is also available at [www.fcps.edu/srr](http://www.fcps.edu/srr). It will be updated during the year online, if necessary.

- Please log in to your SIS ParentVue account to acknowledge receipt of this document, as required by law.
- Please review and sign by September 30, 2022.

I am grateful for your support and look forward to collaborating with you this year. Please contact your child's teacher or principal should you have questions about this document or if we can be of assistance to you.

Sincerely,  
  
Michelle C. Reid, Ed.D.  
Superintendent of Schools



# IMPORTANT

## PARENT AND/OR GUARDIAN SIGNATURE SHEET

Please log on to your SIS ParentVue account and sign to acknowledge review of this document OR sign and return this form to your child’s school by September 30, 2022.

By signing and returning this page, you acknowledge that you have received the *Student Rights & Responsibilities: A Guide for Families* for school year 2022-2023. This booklet is required by law and contains the following:

- Acceptable Use Policy for Student Network Access (Appendix A)
- Standards of Conduct for Students Riding School Buses (Appendix B)
- Parental Responsibility and Involvement Requirements (Appendix C)
- Compulsory School Attendance (Appendix C)
- Law Regarding Prosecution of Juveniles as Adults (Appendix C)
- Standards of Student Conduct, Interventions, and Consequences in Regulation 2601.36P (Appendix D)

This form will be kept at your child’s school.

The undersigned parent or guardian acknowledges receipt of all items listed above.

\_\_\_\_\_  
Parent or Guardian’s Signature

\_\_\_\_\_  
Date

*To enable us to properly record that you have returned this sheet, please carefully print the information below:*

\_\_\_\_\_  
Student’s Name

\_\_\_\_\_  
Student’s Grade

\_\_\_\_\_  
Student’s Teacher or Counselor

By signing the above statement, parents or guardians shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia, and the parent or guardian shall have the right to express disagreement with a school’s or school division’s policies or decisions.

**SIGN INTO YOUR SIS PARENTVUE ACCOUNT AND ACKNOWLEDGE RECEIPT NO LATER THAN  
or SIGN & RETURN AND SEND TO YOUR CHILD'S SCHOOL BY  
September 30, 2022**

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- Acceptable Use Policy for Student Network Access
- Standards of Conduct for Students Riding Buses
- Code of Virginia
- Regulation 2601.36P (Students Rights and Responsibilities)

## Important Contact Information

The following numbers are for offices within Fairfax County Public Schools that can assist [parents/family](#) when questions or concerns arise. The numbers outlined in the box are for community resources that can assist with crisis and mental health concerns.

<b>Equity and Student Conduct</b>	<b>571-423-4270</b>
<b>Student Safety and Wellness</b>	<b>571-423-4270</b>
<b>School Counseling Services</b>	<b>571-423-4420</b>
<b>School Psychology Services</b>	<b>571-423-4250</b>
<b>School Social Work Services</b>	<b>571-423-4300</b>
<b>Nontraditional School Programs</b>	<b>571-423-4202</b>
<b>Intervention and Prevention Services</b>	<b>571-423-4020</b>
<b>Parent Resource Center</b>	<b>703-204-3941</b>
<b>Superintendent</b>	<b>571-423-1010</b>
<b><a href="#">Hearings Office</a></b>	<b>571-423-1280</b>
<b>Family and Student Ombudsman</b>	<b>571-423-4014</b>
<b>Title IX Coordinator</b>	<b>571-423-3070</b>
<b>School Safety and Security</b>	<b>571-423-2000</b>

**Region Assistant Superintendents:**

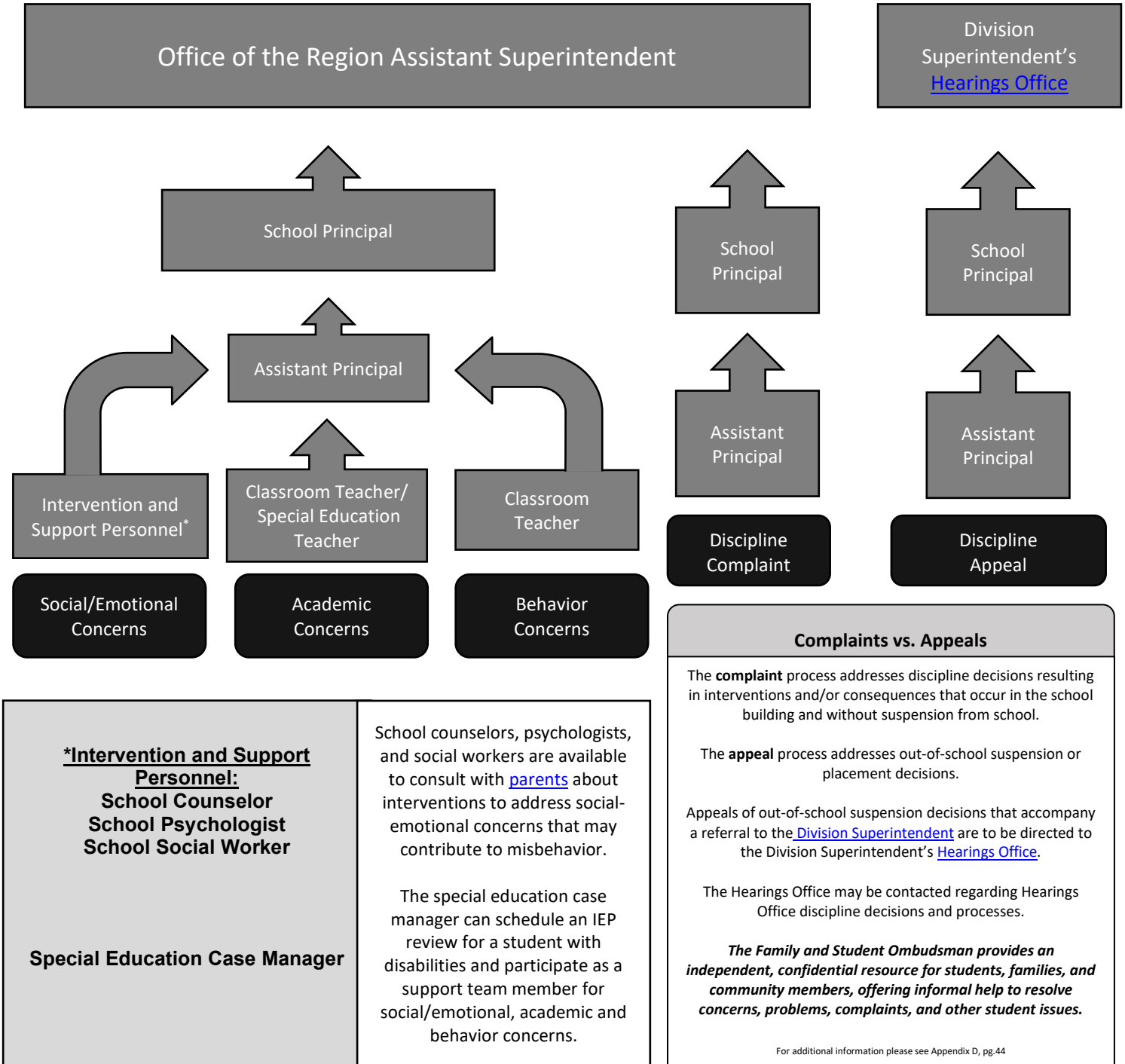
<b>Region 1</b>	<b>571-423-1110</b>
<b>Region 2</b>	<b>571-423-1120</b>
<b>Region 3</b>	<b>571-423-1130</b>
<b>Region 4</b>	<b>571-423-1140</b>
<b>Region 5</b>	<b>571-423-1150</b>

**Emergency Numbers (available 24/7)**

<b>Merrifield/CSB Emergency Mental Health</b>	<b>703-573-5679</b>
<b>PRS/Crisis Link</b>	<b>703-527-4077</b>
	<b>1-800-273-TALK (8255)</b>
<b>Crisis Text</b>	<b>Text NEEDHELP to 85511</b>

# WHO DO I CONTACT?

Please refer to the flowchart below to determine who to contact if you have a concern or need support.



Questions or concerns regarding your options?

**Office of Equity and Student Conduct (571-423-4270)**

Additional support information can be found in the Parent Advocacy Handbook at

<https://www.fcps.edu/parentadvocacyhandbook>

# Student Rights and Responsibilities

## *A Guide for Families*

We have created the *Student Rights & Responsibilities, A Guide for Families* to assist you in your efforts to help your child understand school rules and expectations. These rules apply during school, in both the classroom and virtual environment, at school-sponsored activities, and include interactions between students as they travel to and from school. Students will receive a shortened version that is appropriate for their age, and teachers will review the rules with them during the first weeks of school. We encourage you to discuss these expectations with your child. For your convenience, the entire booklet, including links to referenced regulations, can be found online at [www.fcps.edu/srr](http://www.fcps.edu/srr).

A complete copy of the regulation regarding student discipline is included in the Appendix. If you have questions about any of the information, please do not hesitate to talk with your child's teacher or principal.

***Your child's behavior at school directly impacts academic success and school safety. Please read this guide and discuss it with your child.***

*Parents are essential partners in helping their children learn how to exhibit positive and prosocial behaviors, make ethical choices, and be accountable for their actions.*

This family guide is a supplementary tool intended to summarize policies, regulations, and procedures as they existed at publication and which are subject to change without notice. The Virginia Board of Education and Fairfax County Public Schools (FCPS) reserve the right to enforce changes immediately. In any dispute, the official regulation in effect at the time of an incident will govern and will supersede the language in this guide.



The current regulations and policies can be found at <https://www.fcps.edu/policies-and-regulations>



## ***The Mission***

*Fairfax County Public Schools inspires and empowers students to meet high academic standards; lead healthy, ethical lives; and be responsible and innovative global citizens.*

### **\*STUDENT SUCCESS \* CARING CULTURE \* PREMIER WORKFORCE \*RESOURCE STEWARDSHIP\***

The Fairfax County [School Board](#) is committed to ensuring that every school in Fairfax County Public Schools (FCPS) promotes a responsive, caring, and inclusive culture where all feel valued, supported, and hopeful, and where every child is reached, challenged, and prepared for success in school and in life. Collaboration with parents is essential to reaching this vision.

Disciplinary practices in FCPS focus on prevention of problem behaviors and provide a leveled system of responses to behavior and discipline incidents that uses instructional, restorative, and age-appropriate responses. FCPS considers the unique needs of each child and works collaboratively with families to support these needs. No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.

*Fairfax County Public Schools uses a [Multi-Tiered System of Support \(MTSS\)](#) to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.*

## Student Rights

The Constitution and the laws of the United States and the Commonwealth of Virginia give students many legal rights and liberties. [School Board](#) policies and regulations provide students many privileges as well, according to their ages and maturity levels. Students may exercise these rights and privileges as long as they do not interfere with the rights of others or the schools' ability to provide a safe learning environment.

### *FCPS students have the right to...*

- ✓ The right to a school and classroom environment that affirms the identity of all students and is responsive, caring, and inclusive.
- ✓ The right to access restroom and locker room facilities and other non-stigmatizing accommodations that are consistent with the student's gender identity, faith, and for any other reasons as identified in Regulation 2603.
- ✓ The right to non-disclosure of gender identity and/or sexual orientation.
- ✓ The right to be called by chosen names and pronouns.
  
- ✓ The right to internally generated and shared school lists of students (e.g., honor roll, graduation programs, yearbooks, school newspapers) that identify students by their chosen names and genders.
- ✓ The right to receive support to ensure the safe and equitable access to all school and school division facilities and activities.
  
- ✓ The right to have their personally identifiable information and citizenship or immigration status protected from unauthorized sharing.
  
- ✓ The right to equitable access to the learning environment, educational materials, and extracurricular activities.

***Students contribute to a quality learning experience by coming to class every day with a positive attitude, personal integrity, and a commitment to making good choices.***

# Student Responsibilities

FCPS expects students to balance expression of their *rights* with observance of their *responsibilities*. Even the youngest children can demonstrate accountability by treating others fairly and following the rules.

*In FCPS, students have the responsibility to:*

- ✓ *Attend school regularly, on time, and follow assigned schedules.*
- ✓ *Follow rules, procedures, and processes.*
- ✓ *Dress appropriately for a K-12 educational environment.*
- ✓ *Respect the authority of staff members.*
- ✓ *Respect the rights and property of others.*
- ✓ *Respect others' beliefs and differences.*
- ✓ *Refrain from using words, images, or gestures that are obscene, violent, disruptive, or disrespectful.*
- ✓ *Resolve disputes peacefully.*
- ✓ *Refrain from [bullying](#) or hurting other students.*
- ✓ *Tell school staff members about any behavior that may cause danger to anyone.*
- ✓ *Request access to social, emotional, and behavioral supports when needed.*

**The Rules of Student Conduct apply to students at all times:**

- **In school buildings**
- **On school grounds**
- **In virtual classroom environments**
- **On buses and other school vehicles**
- **At bus stops**
- **On the way to or returning from school**
- **At school and school-related activities both on and off [school property](#)**
- **Off school property and outside school hours if the conduct is detrimental to the school, adversely affects school discipline, or results in a criminal charge or conviction**

## ***Important Topics to Discuss with Your Child***

### ***Helpful Information for a Successful School Experience***

This section covers topics that parents and students frequently ask about. The regulations found in the appendices explain many of the items in detail.

Other information, such as dress code and cell phone use at school, is intended to help you and your child better understand expectations for conduct that will contribute to a positive and rewarding school experience. Expectations for student behavior, as well as skills for resolving conflicts, managing emotions, and getting along in the classroom are taught to students throughout the year. Children are encouraged and coached each day on how to work with others. When you also speak to your child about treating others with kindness, and keeping school a safe, drug free, and caring place, it can have a huge impact on your child's behavior. When there is a problem at school, the [principal](#) will try to reach you and partner with you to improve the behavior. Please be sure the school has your current phone number at all times.

## Attendance

**School attendance is a critical component in a child's academic success.**

### Did you know?

- Chronic absenteeism (missing 18 or more [school days](#) per year) is a primary cause of lower academic achievement even when the absences are "excused" or understandable.
- Regular school attendance in elementary school improves the chances that a child will read on grade level.
- Students who attend 90 percent or more of the school year are more likely to graduate from high school on time.
- Absences can be a sign that a student is losing interest in school, struggling with schoolwork, dealing with peer conflicts, or facing some other potentially serious difficulty.

At the 5th unexcused absence, the school will contact the [parents](#) and/or guardians to develop an attendance plan. If a student accumulates 10 or more unexcused full day absences, an attendance conference will be scheduled and the attendance officer or specialist will be notified.

### Help is Available:

Parents and/or guardians are encouraged to contact their child's school if they are concerned that their child is not regularly attending school. We want parents/guardians to know that we will work with them if attendance issues begin to accumulate.

**For additional information on school attendance, please visit [www.fcps.edu/attendance](http://www.fcps.edu/attendance)**

## Vaping

The National Center on Addiction and Substance Abuse defines vaping as, "the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device." Though it may look like water vapor, the aerosol actually contains many harmful toxic chemicals such as nicotine aerosol which have been linked to cancer, as well as respiratory and heart diseases.

"E-cigarettes" refer to any electronic vaporizer and are also known by many other names, such as e-cigs, vaporize, e-hookahs, mods, Juul pens, or vape pens.

The Juul "pen," which looks like a flash drive, has become very popular with teens. A Juul "pod" contains the nicotine of 20 cigarettes, and rates of addiction to vaping are very high.

Please let your child know that vaping is **not** safe, and that you do not want them to start.

***Vapor products are not allowed on school grounds or at school sponsored activities. Students who are found to possess, use, or distribute vapor products will be subject to discipline as outlined in Regulation 2601.36.***

***For additional information and resources, please visit <https://www.centeronaddiction.org/> or [www.cdc.gov](http://www.cdc.gov) search for "vaping" or "juuling" on [www.fcps.edu](http://www.fcps.edu).***

## Digital Citizenship and Social Media

Social media provides an easy and fun way for students to connect with friends, share favorite content, and be heard. However, sometimes, kids (and adults) make poor choices on social media, and the impact can be long lasting. The following Do's and Don'ts can help ensure students are bringing their best selves to all their social platforms:

### Do's

- Respect yourself and be yourself.
- Use privacy settings, strong passwords, and turn off location services unless needed.
- Pay attention to red flag feelings. If something makes you feel uneasy or uncomfortable, stop and consult with a trusted adult.
- Block unfriendly connections and treat people the way you would want to be treated and consider different perspectives.
- Slow down and reflect before posting. Posts are permanent and shareable.
- Consider the consequences. Imagine what could happen before you decide to post.
- Immediately tell your parents, teacher, or principal if you see cyberbullying, know of a student in crisis, or if someone threatens to harm themselves or others.

### Don'ts

- Don't post obscene, harassing, discriminatory, violent, vulgar, or hateful content.
- Don't add people you don't know to your social media accounts.
- Don't overshare.
- Don't say anything online that you wouldn't say in person.
- Don't get caught up in other people's drama. You don't have to take part in a conversation that makes you uncomfortable.
- Don't feed trolls. If someone is being mean or disrespectful to you, let it go or block them.

Visit <http://bit.ly/FCPSdigitpublic> for more resources for Families

Administrators and/or other FCPS staff members may be notified if it appears that a student may be in crisis.

**If you or someone you know is in crisis, please text NEEDHELP to 85511, call 1-800-273-TALK, or dial 911.**

## Bullying

The definition of bullying according to the Virginia Department of Education is:

Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.

“Bullying” includes cyberbullying.

- Cyberbullying refers to any [threats](#) by one student toward another typically through e-mails or on websites (e.g., blogs, social networking sites). Electronic communication that supports deliberate, hostile, hurtful messages intended to harm others is a form of bullying.

“Bullying” does not include ordinary teasing, horseplay, argument, or peer conflict.

Some key elements of bullying are:

- Intentionally aggressive behavior designed to inflict harm
- Repetitive behavior planned into the future
- Interpersonal relationship marked by an imbalance of power

*To learn more on how FCPS addresses bullying, contact 571-423-4270.*

## **Discrimination, Discriminatory Harassment, Sexual Misconduct and Retaliation**

### **FCPS Commitment**

FCPS is committed to responding to all complaints of discrimination in a manner that stops the discrimination, prevents it from happening again, and helps support the person who was discriminated against to make sure that any harm done by the discrimination is addressed. All students have a right to attend school and not fear the interruption of their education by others who behave in a discriminatory manner.

### **Discrimination**

Discrimination is treating someone unequally based on a certain characteristic in a way that interferes with a person’s education and/or academic performance. Discrimination based on a person’s race, color, religion, age, marital status, genetic information, national origin, mental or physical disability, or protected veteran status is strictly prohibited.

### **Discriminatory Harassment**

Discriminatory harassment is verbal, physical, written, graphic, or electronic conduct that disparages or shows hostility toward an individual or group of individuals based on a certain characteristic (referenced above). Examples of discriminatory harassment include: epithets, various slurs such as racial, [deadnaming](#), and misgendering, negative stereotyping, jokes, written, printed or graphic material that contains offensive, demeaning, or degrading images or comments. Discriminatory harassment may create an intimidating or offensive learning environment that interferes with a student’s education and/or academic performance.

## Discrimination, Discriminatory Harassment, Sexual Misconduct, and Retaliation, continued.

### **Sexual Harassment**

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: 1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity; or 2. Dating violence, domestic violence, sexual assault, or stalking. For purposes of this definition, “education program or activity” includes locations, events, or circumstances in which FCPS exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Sexual harassment is evaluated under a separate grievance process and can be found in [Regulation 2118.1](#).

### **Sexual Misconduct**

Sexual misconduct includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature.

### **Retaliation**

Retaliation against individuals who report or participate as witnesses in the investigation of a discrimination, harassment, and/or sexual misconduct complaint is strictly prohibited. Retaliation means any adverse action taken against a person for making a report of discrimination, harassment, and/or sexual misconduct; or participating in any activity related to the complaint. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage someone from reporting or participating in a discriminatory harassment or sexual misconduct investigation.

**For more information about the FCPS Title IX response and the FCPS discrimination and sexual harassment regulations, contact the Title IX Coordinator at [titleixcoordinator@fpcs.edu](mailto:titleixcoordinator@fpcs.edu), or 571-423-3070.**

Title IX webpage: <https://www.fcps.edu/title-ix>

## Important Topics A-Z

### ***Admission from Another School District or Private School***

FCPS may postpone or refuse admission to a student who has been expelled or suspended for more than 30 days from another school district or whose private school has withdrawn admission. School officials carefully review records in order to recommend the best placement for the student.

### ***Alcohol, Tobacco, Drugs***

A healthy learning environment is free of alcohol, tobacco, drugs, [inhalants](#), and look-alike or synthetic drugs. This includes prescription and [nonprescription](#) medications that a student is not authorized to have in school (see *Medications*). The [School Board](#) prohibits the possession, use, distribution, or sale of these substances in any form on [school property](#). Students suspected of being under the influence are subject to breath sample or drug tests. Consequences vary according to the student’s age, the nature, and number of offenses, and Fairfax County and Virginia law.

### ***Assault, Fighting***

Students who become angry or upset with anyone are encouraged to resolve conflicts peacefully. Teachers, counselors, and other school personnel can help students find civil, nonviolent ways to handle disagreements. A



student who threatens to harm or physically attacks another student or staff member—or is part of a group that does this—is subject to consequences.

### **Attendance**

Students who attend school regularly and arrive on time are more likely to perform well academically. FCPS expects students to be in school and follow their assigned schedules unless their absence is excused due to illness, a death in the family, a medical or dental appointment, or religious obligations. [Parents](#) must give the school a written explanation for any student absence or late arrival. Parents are asked to call or e-mail the school attendance line if their child will be late or miss school. If school officials do not receive notice, parents will get a call and an e-mail through the e-Notify system notifying them that their child has not arrived at school as expected. Absence or tardiness is unexcused if the parent does not inform the school in advance or supply a note when the student returns to school. Students are required to make up missed work.

### **Bus Conduct**

FCPS bus transportation is an extension of the [school day](#), and the same student behavior standards that apply in the classroom apply on the bus and at the bus stop. Riders are expected to respect the driver's authority, remain in their seats, keep their hands to themselves and their voices low, keep the aisles clear, and generally behave in a way that contributes to a safe, pleasant trip to and from school. A driver may report a student's misconduct to the [principal](#) for discipline, and in serious situations, bus privileges may be taken away. See *Standards of Conduct for Students Riding School Buses* for details.

### **Cell Phones, Laptops, Tablets, Other Portable Devices**

FCPS is committed to assisting students and staff members in creating a 21st century learning environment. To support this progress, with classroom teacher approval, students may use their personal devices during the approved time allowed per school level (smartphones, laptops, netbooks, tablets, etc.) to access the Internet and collaborate with other students during the designated time per grade level as documented in 2601.36P. FCPS is not responsible for loss or damage of students' devices.

#### **Cell Phone Guidelines**

##### **Elementary school Kindergarten-sixth grade (including sixth grade at middle schools)**

Phones must be silenced and in backpacks for the duration of the school day. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phones for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus only before and after school.

##### **Middle School -Seventh and Eighth Grade**

Students in grades 7-8: Phones must be silenced and kept put away for the duration of the school day. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Storage may be in a locker, backpack, pencil bag, etc., during the day. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus only before the first bell and after the last bell. **Note:** Secondary schools (i.e., Robinson Secondary, Lake Braddock Secondary, and Hayfield Secondary) have ability to permit cell phone usage during passing periods as the three schools support students in grades 7-12 who frequently use the same halls for class change to ensure cell phone expectations can be operationalized within the three schools' unique structures

### **High School: Ninth- Twelfth Grade**

Phones must be silenced and put away during all instructional periods. Phone accessories are also to be silenced and away when phone use is prohibited. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Storage may be in a locker, backpack, pencil bag, etc., during classes. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs.

*Parent/guardians, multi-disciplinary team members, or other persons with knowledge of students who require access to personally owned devices as an accommodation shall make requests for such accommodations through their respective multi-disciplinary team [i.e., 504 Committee, IEP Team, English Language Committee, Multi-Tiered Systems of Support (MTSS) Team].*

### **Cheating, Plagiarism**

Honorable school citizens take credit only for work that is their own. Deliberately copying or using the work of others is considered cheating, plagiarism, or forgery. Students are prohibited from sharing work or discussing assessments with others.

### **Disruption**

A student who willfully disturbs a class or disobeys the teacher makes it difficult for the rest of the class to stay on task and continue learning and may put others at risk. This is also true at events such as athletic competitions and field trips. Disruptive behavior includes defying staff authority, using offensive language or gestures, making [threats](#), and fighting. Laser devices, fireworks, matches, and lighters are also not permitted at school and other school-sponsored activities.

### **Dress Code**

FCPS respects students' right to express themselves in the way they dress. It is important, however, that their appearance is tasteful and appropriate for a K-12 school setting. Discussion about dress code violations shall be held privately and maintain the dignity of the student.

Clothing and accessories should *not*:

- Display vulgar, discriminatory, or obscene language or images
- Promote illegal or violent conduct
- Contain [threats](#) or [gang](#) symbols
- Promote the unlawful use of [weapons](#), alcohol, tobacco, drugs, or drug [paraphernalia](#)
- Expose private parts or show an excessive amount of bare skin (see-through clothing)
- Contain studs or chain belts
- Include hats or other head coverings unless worn for significant religious, cultural, or medical purpose
  - School administration may reach out to a student's family if clarification is needed regarding the purpose of a head covering.

### **Expression**

Students have the right to express themselves through speech, assembly, distributing literature, and other ways. They are expected to communicate their opinions in ways that do not interfere with the rights of others, cause disruption or harm, damage another's reputation, or break the law. Middle and high school students should submit materials they want to display or distribute to the student government for review.

### **Gambling**

Gambling—betting, wagering, playing games of chance—is not allowed in the school environment.

### ***Gang-related Activities***

All FCPS students deserve to attend school without concern for their welfare or exposure to undesirable peer pressure. Staff members are alert to students whose appearance or behavior indicates they may be involved in a gang that supports intimidation or illegal activities. Signs include certain clothing, tattoos, accessories, trademarks, and suspicious group activities. Consequences are serious for students whose appearance or behavior creates a disruption or actively promotes gang affiliation.

### ***Medications at School***

To ensure that students take prescription and [nonprescription](#) (over-the-counter) medications safely, including THC-A or cannabidiol oil with authorization from a licensed practitioner, the school health room must administer the medications. The [parent](#) must bring the medication to the school health room for storage and provide documentation for administering it.

### ***Pledge of Allegiance, One Minute of Silence***

Students are expected to recite the Pledge of Allegiance and to observe one minute of silence each day, unless the student or their [parent](#) objects to participation in such exercises. Nonparticipating students are expected to sit quietly, or to stand silently, and to refrain from engaging in any disruptive or distracting activity. A student's decision to participate or not to participate should be respected.

### ***Police Involvement***

Under the Code of Virginia, [principals](#) must immediately report certain violations to the police. These include incidents that may be a misdemeanor or felony: assault and battery that results in bodily injury, sexual assault, wounding or stalking a person, conduct that involves alcohol or drugs, [threats](#) against school personnel, and conduct involving [weapons](#), bombs, or other explosive devices. Under these circumstances, the principal may contact the [school resource officer \(SRO\)](#). In most situations, the SRO or other police officer will contact the [parents](#) before questioning a child. If there is immediate risk of danger, the SRO will act to alleviate the risk and may question the student without advance notice to parents. The principal will contact parents as soon as possible. ***Except as noted above, the SRO is not involved in school discipline matters.***

### ***Property Violations***

FCPS expects students to respect [school property](#). Damaging or threatening to damage, stealing, and vandalizing—as well as being on school property when not authorized—are subject to discipline.

### ***Restitution***

A student who damages, destroys, or steals another's property, including property owned by FCPS, is responsible for compensating the owner for the loss by restoring the property to its original condition or paying for it to be repaired or replaced.

### ***Restorative Justice***

A formal process facilitated by trained and skilled facilitators which brings together students involved in wrongdoing and those impacted to discuss the incident, understand who has been affected, and to create an agreement for reparation of harm.

### ***Search, Seizure***

FCPS depends on students to help keep schools safe and drug-free. School officials may conduct random inspections of lockers, desks, and other areas on [school property](#). If they have reason to believe a student has a [weapon](#), alcohol, drugs, stolen property, or similar evidence, they may search their backpack, purse, pockets, outer garments, electronic device, or vehicle parked on school property. Items that do not belong at school, or are being misused, may be taken away from the student and returned to the [parent](#).

### ***Student Activities***

School is more meaningful and enjoyable when a student becomes involved in activities such as clubs, teams, performing groups, yearbook, drama, student government, and safety patrols. Participation in these activities is a privilege, and students who participate are expected to maintain good grades and behavior.

### ***Student Advisory Councils***

Participation in a high school Student Advisory Council gives students an opportunity to advise the [School Board](#) about issues that impact them.

### ***Student Government***

By participating in student government at their schools, students experience the rights and responsibilities of self-government and have an active role in managing school affairs. Student governments are required to operate according to established guidelines and direction from school staff. An activity that does not meet guidelines may be cancelled or restricted.

### ***Student Records***

FCPS maintains student records in accordance with federal and state laws, under carefully prescribed conditions. [Parents](#) have the right to review their children's official records, and eligible students aged 18 years or older may review their own records. Directory information—such as yearbooks, honor rolls, commencement programs, and sports statistics—may be released without parent consent.

### ***Students Aged 18 and Older***

With some exceptions, students aged 18 years and older are considered adults under Virginia law. They are still subject to school rules and regulations. They may sign a declaration if they want to act in place of their [parent](#) in certain situations, such as field trips and questioning by police. Parents will continue to be contacted regarding academic performance, emergency matters, and disciplinary action.

### ***Technology Use***

FCPS' Internet network and computers allow students access to vast resources and a creative outlet to pursue writing, art, music, science, math, and many other subjects. With that opportunity comes responsibility. Students are expected to use the technology ethically, respect the privacy and work of others, leave the workstation in good condition for the next user, and generally follow established rules for safety and security. The same expectations apply to the use of student owned devices such as laptops, tablets, and smartphones. See *Acceptable Use Policy for Student Network Access* in Appendix section.

### ***Virginia High School League Eligibility***

A student earns the privilege to participate in interscholastic athletics by meeting certain standards set by the Virginia High School League, the school district, and the school. Participation is dependent on positive conduct and citizenship. Meeting the intent and spirit of League standards will prevent the athlete, the team, the school, and the community from being penalized. It is the responsibility of the student and [parent](#) to know the rules.

### ***Visitors***

Schools welcome [parents](#) and other visitors who want to know more about our programs, meet staff members, and tour the facilities. All visitors must register at the school office upon arrival and may be required to wear an identification badge. Meetings and classroom visits should be arranged in advance. People who enter school buildings without reporting to the office or who disturb or interfere with school activities will be prohibited from remaining on [school property](#) and may be reported as trespassers.

### ***Weapons***

Students are not permitted to possess any gun, knife, explosive device, ammunition, object that is capable of discharging a projectile (pneumatic guns), or other weapon on [school property](#). This includes starter guns, paintball guns, pellet guns, blades, brass knuckles, mace, and similar devices, as well as objects that look like weapons. Consequences are strict and aligned with the Federal Gun-Free Schools Act.

# Interventions and Disciplinary Procedures

[Principals](#), teachers, and [parents/family](#) work together to teach students the behavior, social, and emotional skills needed to be successful in schools and in life. School is a positive place to learn, to make mistakes, and to explore new ideas. Students learn to collaborate, develop empathy for others, manage and express their emotions and behaviors in healthy ways, and take responsibility for their actions. Skills including self-awareness, self-management, social-awareness, relationship skills, and responsible decision-making are taught in various ways throughout a student’s academic career.

Fairfax County Public Schools use a Multi-Tiered System of Support (MTSS) framework to support students’ academic, behavior, social-emotional, and wellness needs. These needs are connected and, as a result, schoolwide practices must support a whole-child approach. School teams make decisions based on data to provide differentiated classroom instruction and teach the necessary skills for all students. FCPS uses the Positive Behavior Interventions and Supports (PBIS) within the MTSS framework to design, teach and reinforce necessary skills.

- **Tier 1:** Teach social, emotional, and behavioral skills to all students. Recognize and encourage students when they demonstrate these skills and are responsible citizens of the school.
- **Tier 2:** Provide additional instruction and practice in small groups, in collaboration with families, for students who have not yet developed identified skills.
- **Tier 3:** Develop an individualized intervention, which emphasizes the teaching of new skills, in collaboration with the family and school staff.

Teachers and school administrators use careful judgment and consider many factors including the age of the child, how the child has responded to past interventions, and impact on others in determining when students need help with behavior, and if so, what administrative responses are appropriate.

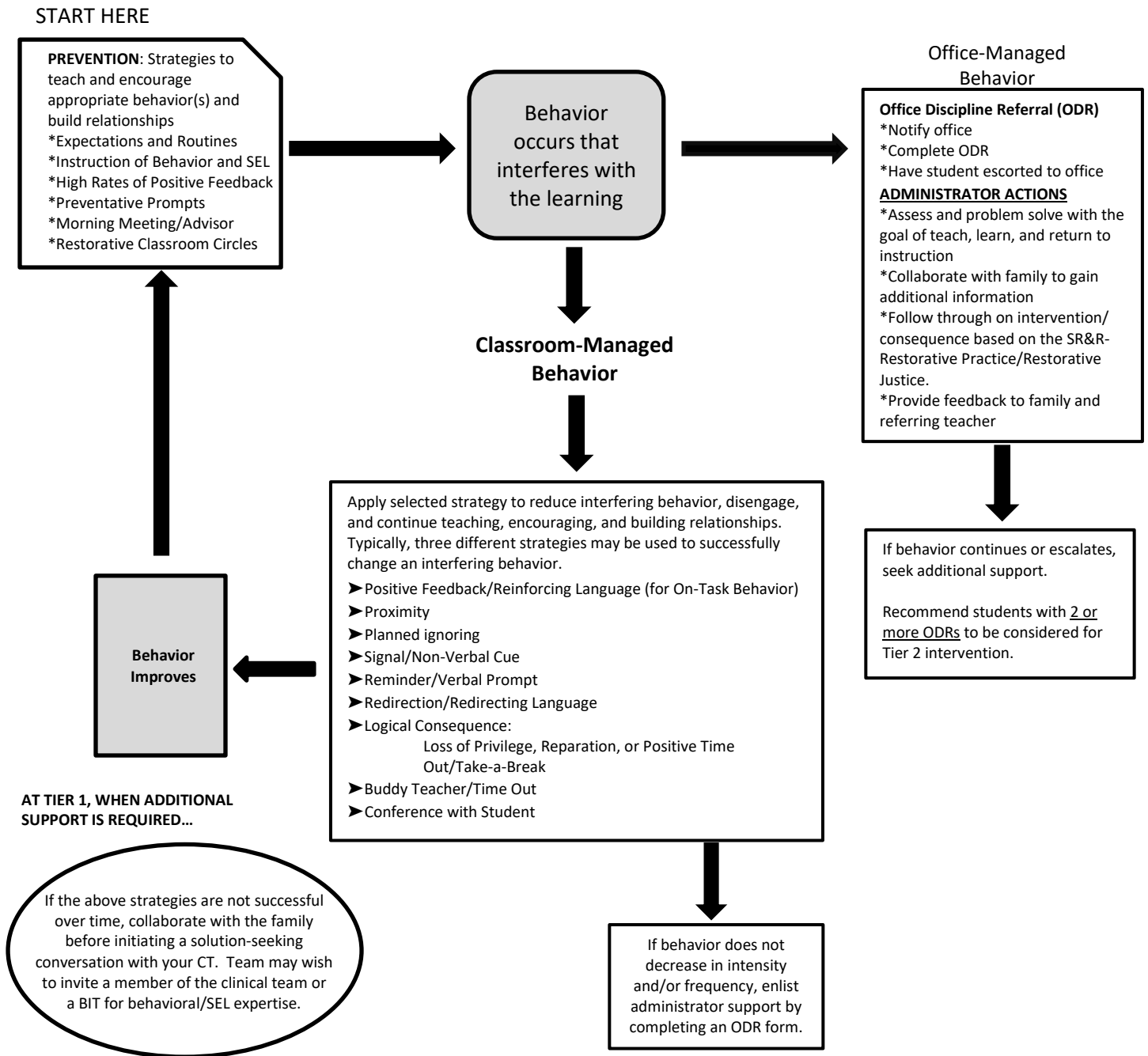
***FCPS is committed to the consistent and equitable implementation of discipline policy, regulations, and practices across all schools and educational programs. The charts in Chapter II of Regulation 2601 - Appendix D outline leveled responses, typically utilized by administrators as a guide, when addressing student behavior. The levels include social, emotional, behavioral, and academic supports provided by the school, working with you. In any given situation, based on unique circumstances, the [principal](#) may provide responses and interventions from other levels to best address student needs.***

The ***Student and Staff Behavior Support Flowchart*** begins with a list of preventions, which are approaches that build relationships, teach and encourage behaviors, and promote learning. Strategies such as teaching expectations and routines, instruction of behavior and social and emotional learning skills, high rates of positive feedback, use of preventative prompts, and holding Morning Meeting or Advisory are recommended. Next, the flowchart addresses when a behavior interferes with learning. Strategies that may be used by the teacher in the moment to stop the behavior are listed. Using a calm, neutral tone, staff may use one or more strategies with the goal of returning to teaching, encouraging, and building relationships as quickly as possible. Strategies are presented from the quickest and easiest to implement such as offering positive feedback or reinforcing language focused on what should be occurring while using planned ignoring of the problem behavior, moving in proximity to the student, using a signal or non-verbal cue, or a reminder or verbal prompt.

More intensive strategies may be needed for a student to calm and self-regulate or fix what has been broken or interrupted. In these cases, a logical consequence, one that fits the situation, may be applied such as making an amends, loss of a privilege, or positive time out/take-a-break. Lastly, if a student needs time away from the setting to calm and re-establish self-control, taking a brief time out in class or in another classroom with a Buddy Teacher is appropriate.

If after trying three strategies, the problem behavior does not decrease in intensity and/or frequency, the staff member may ask for an administrator's support by completing an Office Discipline Referral (ODR). It is always best practice for the staff member to conference with a student to truly understand and hear their perspective, insert their voice and restore the relationship. These conversations are likely to determine solutions and identify possible academic, behavioral, social, and emotional skills that require support. The Behavior Flowchart suggest preferred ways in which the staff responds to student behaviors.

# Behavior Support Flowchart



*Adapted from PBIS of VA, Midwest PBIS Network & Mid-Atlantic PBIS Network, 2018.*

# Disciplinary Procedures

Positive approaches to student discipline and collaboration among a [parent](#), teachers, and school administrators have proven to be the best way to teach expected conduct and responsible citizenship. The school [principal](#) determines appropriate responses to most forms of misconduct and will work with you and your child's teacher to determine what interventions might be needed to help ensure the problem behavior does not happen again.

## ***Responses Without Suspension from School***

FCPS officials work to help each student understand school rules and how their misconduct may affect others. In most situations, teachers and administrators first use responses that take place at school before considering out-of-school suspension. These responses may include:

- Use of Positive Behavior Interventions and Supports (PBIS)
- Reteach desired behavior
- Restructure classroom practices based upon needs
- Address social skills and emotional skills that may contribute to behavior
- Private admonition and counseling by the teacher
- Counseling by another member of the staff
- [Parent](#)/Teacher/Administrator/Student conference
- Change in seating
- Restorative practices or conference
- Behavior contract/chart
- After-school detention
- Lunch detention
- Temporary removal of privileges such as parking, senior privileges, teams, clubs, and other school-sponsored activities
- Temporary removal from class
- Functional Behavior Assessment (FBA)/Behavior Intervention Plan (BIP)

In chronic or very serious situations, such as bringing a gun, distribution, repeated possession, or use of drugs on school grounds, the [principal](#) must submit a referral to the [Division Superintendent](#). The principal may also make a referral to the Division Superintendent for other serious offenses, depending on the circumstances of the situation. The principal also includes information about the student's past grades, attendance, behavior, and information provided by teachers, counselors, and others who know the student. By law, certain types of behavior are strictly prohibited and require that the principal make a referral to the Division Superintendent who will determine if additional disciplinary consequences should be imposed.

The following procedures apply when a student is involved in serious misconduct which may result in a suspension up to 10 days, with a referral to the Division Superintendent:

- The principal will take action to stop the incident, including calling the police or [SRO](#) when necessary to ensure student and staff safety.
- The principal will attempt to contact the [parents](#) as soon as possible and before questioning the student.
- Students will have a chance to talk with the principal about what happened. The SRO is not present while the principal speaks to students, unless there is a safety concern. The principal will not ask the student for a written statement or continue with questioning the student before notifying a [parent](#). After notifying parents, the principal may ask the student to write down what



happened in their own words. The student will be told that they do not have to write this statement.

- The [principal](#) will give [parents](#) information to help them understand the nature of the offense and the discipline process.
- Students and parents who disagree with staff decisions may present complaints to teachers, counselors, school administrators, and the region assistant superintendent.
- Parents may appeal all disciplinary decisions that would cause the student to be kept out of school.

#### Police Involvement:

- FCPS and local law enforcement agencies have a signed agreement that outlines the role and responsibilities of [SROs](#) in the schools. This agreement can be found at <https://www.fcps.edu/node/36886>.
- For some serious, dangerous situations, the law requires that the [principal](#) immediately notify the police.
- An SRO may be called by an administrator to provide security, protection, or handling of contraband.
- If the principal is not required by law to immediately notify the police, but believes a law may have been broken, they will attempt to notify [parents](#) before calling the SRO or the police.
- Unless there is an immediate risk of danger, the SRO shall take immediate steps to contact parent before any questioning of a student.

Full information about each of the following procedures is found in Regulation 2601.36P, located in the Appendix.

#### ***Suspension from School***

A [principal](#) may remove a student from school for up to ten days ([short-term suspension](#)) or recommend to the [Division Superintendent](#) that the student be removed for more than ten days ([long-term suspension](#)), when a student violates school rules. During suspension from school, the student may not participate in teams, clubs, and other school-sponsored activities, and may also be required to attend an intervention seminar. The student will be assigned work to be completed. The [parent](#) will be asked to come to school and get the assignments, or to make arrangements for another student to pick up the work. Completed assignments should be returned to school for grading. A staff member may call to see how the student is doing.

A student whose presence poses a continuing danger or disruption may be removed from school immediately. The student and parent will receive notice and have an opportunity to respond as soon as possible.

#### ***Referral to the [Division Superintendent](#)***

When a student commits a serious violation, the [principal](#) may submit a referral to the [Division Superintendent](#) to determine whether the student will remain at their school, be [long-term suspended](#), reassigned to a different school or program, or recommended to the [School Board](#) for

[expulsion](#). When a referral to the [Division Superintendent](#) is made, the parents and student have a right to participate in a hearing before the [Division Superintendent's](#) hearing officers, who will determine the disciplinary outcome.

When a student is suspended from school pending their hearing, the student is assigned a teacher who will act as a case manager to help the student stay on track with assignments. Other direct support may also be provided.

#### ***Reassignment***

A student who commits serious and/or repeated school-related offenses, or who is charged with certain serious crimes related to an alleged community-based incident may be reassigned to a different school or program, including to an alternative educational setting. Before a student can be reassigned, the [parents](#) and student have a right to participate in a hearing before the [Division Superintendent's](#) hearing officers, who will determine the disciplinary outcome. Parents may appeal the hearing officer's reassignment decision to the [School Board](#), which will review the appeal on the written record. When FCPS reassigns a student with an IEP for disciplinary reasons, in which the **reassignment** would result in a change of placement, the IEP team will convene to discuss the student's IEP or implementation of the student's IEP at the

new location. Because the least restrictive environment (LRE) of a student with a disability is not to be predetermined, it is the duty of the IEP team to discuss, propose, and decide upon the LRE, consistent with the disciplinary decision. Accordingly, the IEP team will consider the views of all members of the meeting.

### **Alternative Education Programs**

A student may be referred to a nontraditional FCPS program that provides intensive supports to students with behavioral and academic difficulties, or a history of absenteeism. These programs help students set their own goals and provide a range of academic supports, counseling, behavior management, and related services. The student and [parents](#) have the opportunity to tour the programs and talk with staff members about the alternative learning choices available. If the student has significant mental health or substance abuse problems, the principal may also give parents information about appropriate programs offered in the community where school services are also available. A teacher, the counselor, or principal may recommend that the parent consider an alternative program and will help make the referral for voluntary placement if agreed upon.

### **Expulsion**

Students who bring certain [weapons](#) or illegal drugs to school must be expelled under Virginia law unless special circumstances are found. Principals may also refer students to the [Division Superintendent](#) for other serious violations. Before a student can be expelled, the [parents](#) and student have a right to participate in a hearing before the Division Superintendent and the [School Board](#), where it is determined whether there are special circumstances and whether a different consequence might be more appropriate. If expelled, a student is not permitted to attend any school in FCPS for 365 calendar days, unless the School Board permits the student to attend an alternative educational setting during the [expulsion](#). Expelled students may petition for readmission after one year.

### **Additional Consequences**

A student who has been suspended or referred to the Division Superintendent may have ongoing consequences when the student returns to school. Probationary conditions, community service, drug testing, and restitution are among the measures designed to provide an opportunity for the student to demonstrate that they are taking positive steps as a returning member of the school community.

## **Parents: Steps for Resolving Concerns**

If you wish to express concern or disagreement with a decision or action taken by school officials, it is important to first talk with school personnel who are closest to the issue. Parents most often find that problems can be resolved satisfactorily by discussing the matter with the teacher, counselor, or principal.

Any concerns about actions or decisions of a teacher or other school personnel should first be discussed with the school principal.

Procedures for how [parents](#) can address concerns when they are not satisfied with the principal's response vary with the type of concern:

- Discipline: Please refer to Appendix D, on page 47 for information on how to appeal a decision to suspend, and page 54 of regulation 2601.36P for information on how to petition the [School Board](#) to alter a decision to reassign a student to an alternative program. See regulation 2611 for additional information.
- Complaints regarding actions of teachers or other school personnel; student records; or decisions regarding right of expression, right to display or distribute literature: These complaints should be directed to the appropriate regional assistant superintendent. Phone numbers can be found on page 4.

- Complaints about procedures, programs, or services for students with disabilities should be directed to the coordinator of the Office of Due Process and Eligibility at 571-423-4470. Concerns about access to facilities and compliance with the Americans with Disabilities Act can be addressed to Design and Construction Services at 571-423-2280.
- The Office of the Ombudsman is available to talk with parents and students as a confidential, informal, independent, and impartial resource. If you need additional help navigating the school system, contact the Office of the Ombudsman at 571-423-4014 or [ombudsman@fcps.edu](mailto:ombudsman@fcps.edu).
- Title IX and discrimination complaints: Please contact the Title IX coordinator at 571-423-3070.

## Separate processes for resolving different types of complaints related to sex and gender: SR&R vs Title IX

SR&R Process (Regulation 2601.35P)	Title IX Process (Regulation 2118.1)
<ul style="list-style-type: none"> <li>• Allegations of <b>Sexual Misconduct</b> or <b>Discriminatory Harassment</b> are investigated by school administrators under SR&amp;R</li> <li>• <b>Does not require</b> submission of a formal complaint</li> <li>• Definitions and procedures comply with <b>state/local guidelines</b></li> <li>• Is a <b>less formal</b> process both investigated and decided by school administrators</li> <li>• If the school determines that an informal complaint meets the definition of Sexual Harassment, it can only be investigated under the Title IX process</li> </ul>	<ul style="list-style-type: none"> <li>• Allegations of <b>Sexual Harassment</b> are investigated by a centralized Title IX office and decided by the Hearings Office</li> <li>• <b>Requires</b> a formal complaint submitted to Title IX Coordinator (accessible at <a href="https://www.fcps.edu/title-ix">https://www.fcps.edu/title-ix</a>)</li> <li>• Definitions and procedures comply with <b>federal guidelines</b></li> <li>• Is a <b>more formal</b> process involving an investigation conducted by specialized investigators, an investigative report, a hearing with opportunities for cross examination, a decision by a Hearings Officer, and an opportunity to appeal the outcome</li> <li>• If the Title IX Coordinator determines that a formal complaint does not meet the definition of Sexual Harassment, it can only be investigated under the SR&amp;R process</li> </ul>

Contact:  
 Title IX Coordinator, FCPS  
[titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu)  
 Phone: [571-423-3070](tel:571-423-3070)  
 8115 Gatehouse Road  
 Falls Church, VA 22042

# General Disciplinary Procedures

Behavior Incident Occurs

The [principal](#) or closest staff member will take appropriate action to stop the incident and the principal will begin the investigation to determine next steps

The student is given the opportunity to explain what happened; *if* the infraction may lead to a referral to the [Division Superintendent](#), the administrator will make reasonable and timely efforts to notify the parent/guardians before continuing the investigation

Written statements are voluntary

The principal will decide appropriate interventions and sanctions based upon the investigation outcomes, notify parents/guardians of the decision, and document outcomes in the student information system

Examples of School-Based Interventions/Sanctions	<a href="#">Short-Term Suspension</a>	Referral to the <a href="#">Division Superintendent</a>	Special Education Considerations
<p><b>SCHOOL-BASED INTERVENTIONS</b></p> <ul style="list-style-type: none"> <li>*Re-teach expected behavior with required practice</li> <li>*Student/teacher conference and reflection on behavior</li> <li>*Admin/parent conference</li> <li>*Parent attends one day of school with student</li> <li>*Behavior contract</li> <li>*Conflict resolution with school counselor</li> <li>*Referral to school psychologist or school social worker</li> <li>*Substance Abuse Program specialist referral</li> <li>*Restorative justice intervention</li> <li>*Referral to community resources</li> </ul> <p><b>SCHOOL-BASED SANCTIONS</b></p> <ul style="list-style-type: none"> <li>*Admonition and counseling</li> <li>*After-school detention</li> <li>*Loss of privileges for a fixed period of time</li> <li>*Probationary conditions</li> <li>*Removal from class</li> <li>*Alternative Instructional Arrangement (AIA)</li> <li>*In-School Suspension (ISS)</li> </ul> <p>Complaints regarding an in-school intervention/consequence can be addressed to the assistant principal, or principal and then <a href="#">region</a> assistant superintendent. The ombudsman can also be contacted if needed.</p>	<ul style="list-style-type: none"> <li>*Up to ten days depending on the behavior.</li> <li>*Parents are notified of the suspension in writing, which includes the infraction, start and end date of the suspension, and the right to appeal.</li> <li>*Students will have the opportunity to receive full credit for work performed when removed from the classroom.</li> <li>*Written appeals are directed first to the principal, then to the <a href="#">Division Superintendent/Hearings Office</a>.</li> </ul>	<ul style="list-style-type: none"> <li>*Based upon the infraction, a student may be suspended out-of-school pending the hearing before the Division Superintendent.</li> <li>*When suspended out of school, a student is not allowed on any <a href="#">school property</a> or function without specific permission.</li> <li>*A case manager from the Office of Out-of-School Support will be assigned to ensure the student has academic support during the suspension.</li> <li>*Written appeals are directed to the full <a href="#">School Board</a>.</li> </ul>	<ul style="list-style-type: none"> <li>*Students with disabilities are ensured necessary accommodations when providing a written statement.</li> <li>*Students with an intellectual or developmental disability who may be suspended will not be asked for a verbal or written statement before a parent has been notified.</li> <li>*Prior to making a decision to suspend a student out-of-school, the principal will consult with the student’s IEP team to review the IEP and take into consideration any special circumstances regarding the student.</li> <li>*10 or more cumulative days of out-of-school suspension requires a Manifestation Determination Review and an IEP meeting to propose day 11 services or complete an FBA/BIP.</li> </ul>

# Guidance for [Parents](#) of Students with Disabilities

## *Regarding Virginia Regulations Related to Student Discipline*

### Prevention and Early Intervention

School officials understand that some students who have an [individualized education program \(IEP\)](#) and receive special education support can sometimes face special challenges understanding and observing rules of acceptable behavior. If you see your child is struggling with behavior in school, or you are getting reports of problems from the teacher, ask for a parent-teacher conference and talk about what resources might be available to address your concerns. Also, consider:

- Meeting with the school counselor, school psychologist, or school social worker.
- Meeting with the school team that monitors student behavior and success.
- Contacting the FCPS Parent Resource Center for books, videos, and presentations that might be helpful.
- Contacting the FCPS Office of Intervention and Prevention Services.

### Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

When the behavior is interfering with your child's learning or that of others, or your child has been suspended repeatedly, you or the teacher may ask to schedule an IEP meeting. A school psychologist or behavior intervention teacher may also be asked to participate. The IEP team will discuss the behavior and, working with you, may decide:

- To add goals and services specifically to address the behavior, or
- To do a special evaluation called a functional behavior assessment (FBA) and develop a behavior intervention plan (BIP)
  - FBA: Observations are used to determine when the behavior happens, what else is going on in the room or with other children or adults when it happens, and what seems to increase the chance that it will happen again.
  - BIP: Using this information, the team develops the plan to reduce the problem behavior and replace it with a positive behavior.

### Discipline of Students With an IEP

Students with disabilities may be disciplined in the same ways as students without disabilities in most situations. However, some special considerations do apply:

- Any accommodations that might be needed for the student to write a statement will be provided if the student wishes to write down what happened.
- When a disciplinary incident involving a student with an intellectual or developmental disability may result in a suspension of any kind, school staff shall not request a statement from the student until a parent has been provided notice.
- Before deciding to suspend a student or make a referral to the [Division Superintendent](#), the principal shall consult with the student's case manager or another member of the IEP team, review the student's IEP—including any BIP—and take into consideration any special circumstances.

A student with a disability may be suspended for up to 10 days in a school year under the same rules that apply to all students.

### Manifestation Determination Review

If a student who receives special education services is suspended for 10 or more days in a school year, FCPS must provide services that enable the student to continue to work in the general education curriculum and progress toward meeting their IEP goals. This may be done through home-based services or another arrangement agreed to by the IEP team. In addition, a manifestation determination review ([MDR](#)) must be held as soon as possible, but no later than the 10th day of suspension.

In the event a student with an IEP is referred to the [Division Superintendent](#), the findings of the MDR are sent to the Division Superintendent for consideration before the hearing is held. The MDR team includes the [parent](#) and other relevant members of the IEP team, as determined by the parent and the school. The team meets to review the behavior, information about the student's disability, current IEP, any recent assessments, observations, and other information shared by parents or the school. The team must determine the answers to two questions:

- Whether the conduct was caused by, or had a direct and substantial relationship to, the student's disability, or
- Whether the conduct was a direct result of the failure to implement the IEP.

If the MDR team answers "yes" to either of the two questions above, the finding is a "manifestation." If the answer to both questions is "no" then the finding is "not a manifestation." The findings are sent to the [Division Superintendent](#). If the MDR team determines that the behavior was a manifestation, and did not involve serious harm to a victim or create a [threat](#) of serious harm to a future victim, the principal will withdraw the referral to the Division Superintendent and there will be no hearing. If there is a victim or potential victim, a hearing will be held so that suitable safety measures and protective measures may be considered.

- **Manifestation:** If the MDR team finds that the behavior was caused by, or had a direct relationship to, the disability or that the conduct was a result of a failure to implement the IEP, then the student will be returned to the same school they had been attending, or may be placed in another school where the same services are available unless:
  - The [parents](#) and school officials agree to a change in placement. In rare circumstances, and only in cases involving drugs, [weapons](#), or serious bodily injury, the [Division Superintendent](#) may assign the student to an interim alternative setting for 45 days without the consent of the parent, pending the outcome of the disciplinary process, in accordance with 8VAC20-81-160 C.5.
  - The school division institutes an expedited special education due process proceeding to change the student's placement.
  - The student's IEP team must conduct an FBA as soon as possible if one has not already been conducted or update the existing FBA. Based on the information in the FBA, the IEP team will develop or update a BIP.
- **Not a Manifestation:** If the MDR team determines the misconduct is *not* a manifestation of the student's disability, school officials may consider further discipline in the same manner and for the same duration as for non-disabled students. *However*, special education services must

be provided during the period of suspension and/or [expulsion](#) to enable the student to continue participating in the general education curriculum and progress toward meeting the IEP goals.

### **Special Education Due Process**

[Parents](#) who disagree with a change in special education placement or the [MDR](#) team's conclusions may request a local administrative review within FCPS. The parents may also request an expedited due process hearing through the Virginia Department of Education according to the [VDOE Special Education Procedural Safeguards Requirements](#).

### **Protections for Students Not Currently Eligible for Special Education**

At times, a student may not be receiving special education services at the time of the incident but may be eligible for protections given to students with disabilities *if* the school knew the student might be eligible for special education before the incident occurred. The school is considered to have known the student might be eligible if:

- The parents expressed concern in writing to the teacher or a supervisor that the student might need special education services, or
- The parents requested the student be evaluated for eligibility for special education and related services, or
- The student's teacher or other school personnel expressed directly to the special education department chair or lead teacher, or that person's FCPS supervisor, specific concerns about a pattern of behavior demonstrated by the student.

There are two important exceptions to the above. A student will not receive protections for students with disabilities if:

- The parents refused consent to have the student evaluated or refused services, or
- The student was evaluated and determined not to have a disability.

### **Protections for Students Covered by Section 504 Plans**

- a. When a [principal](#) recommends a suspension of more than ten school days, initiates a suspension that would accumulate to more than ten school days in a school year, or refers to the [Division Superintendent](#) a student with a disability who has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, the school shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend reassignment or [expulsion](#). The [parent](#) may request additional staff or persons attend the meeting other than those identified by school staff.
- b. The knowledgeable committee shall convene a Causality Hearing to determine whether or not the misconduct has a causal relationship to the student's disability.

A committee is not required to convene in those situations pertaining to the use or possession of illegal drugs, alcohol, or [marijuana](#) where the student currently is engaging in the use of illegal drugs, alcohol, or marijuana.

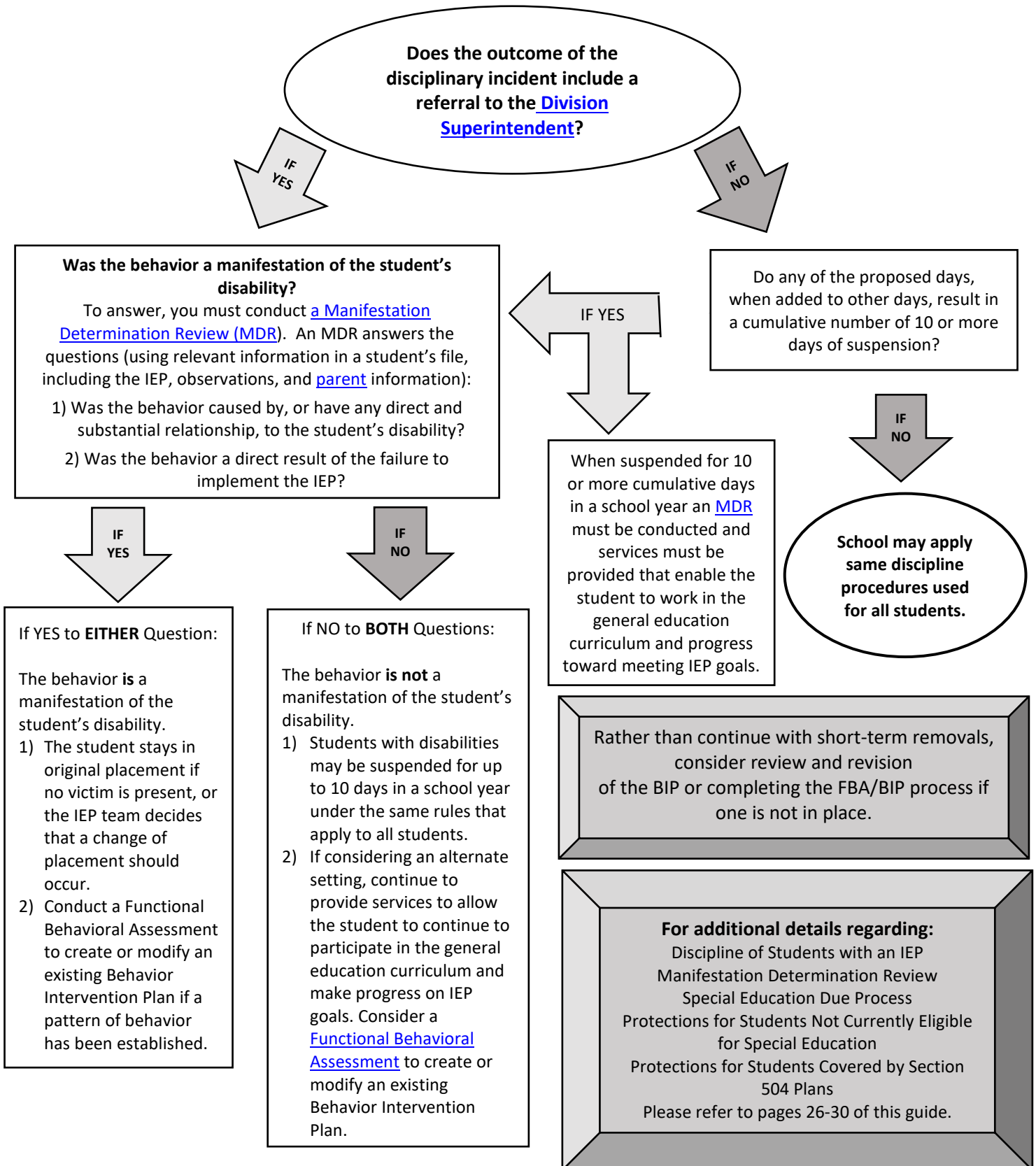
- c. If it is determined that the misconduct was caused directly by the disability, the student may not be expelled or suspended for more than ten days.

- d. If it is determined that the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as nondisabled peers.
- e. If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene the knowledgeable committee to review the 504 Plan to determine whether additional accommodations or other supports are needed to address the student's behavior and where necessary conduct a functional behavior assessment or develop a behavior plan.
- f. The student shall not be entitled to receive continuing educational services during any period of suspension or [expulsion](#).
- g. The knowledgeable committee's determination shall be forwarded to the [Division Superintendent](#), who reviews this information in consideration of further disciplinary action.

For full information about the procedures listed above, please refer to Regulation 2601.36P, located in the Appendix.



# Special Education Disciplinary Procedures



# Glossary

**Abstain** To choose not to do or have something, especially something you like or enjoy, because it is bad for your health or morally wrong.

**Aggravating Circumstances** Special circumstances that allow FCPS to suspend for longer periods of time than are provided in guidelines. These include serious harm, credible threat of serious harm or the safety of students or staff, or persistent serious behavior that continues even after targeted interventions.

**Alcohol and Other Drug (AOD) Intervention Seminar** An intervention seminar that provides up-to-date facts about the potential impact of drug and alcohol use, as well as open discussions about the choices that lead to drug use, the impact these choices can have on the student, friends, and other members of the family, and strategies for responding to peer pressure.

**Bona Fide** Genuine. Real. In good faith.

**Bullying** Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyberbullying. "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

**Controlled Substances** Drugs or substances found in the Drug Control Act (Section 54.1-3400 of the Code of Virginia), including all prescription drugs, regardless of whether the drug is considered to be a controlled substance under federal law. For student disciplinary purposes, controlled substances include, but are not limited to, cocaine, hallucinogens such as MDMA (ecstasy), and the actual and any generic formulations of: Adderall, Codeine, Oxycontin, Percocet, Ritalin, Valium, Vicodin, Zoloft, and any other prescription drugs for pain, depression, hyperactivity, or attention deficit disorders.

**Day** Means a school day unless the context requires otherwise.

**Deadnaming** When someone, intentionally or not, refers to a person who is transgender or gender-expansive by a name other than their own chosen name.

**Discrimination** Denying a person the benefit of any education program activity on the basis of race, sex, color, age, religion, sexual orientation, gender identity, national origin, genetic information, pregnancy status, childbirth or related medical condition, marital status, veteran status, and disability violation of applicable law.

**Discriminatory Harassment** Verbal, electronic, or physical action that denigrate or show hostility toward an individual

because of age, race, color, religion, national origin, marital status, sexual orientation, gender identity, disability, or any other legally protected class. Harassment may create an intimidating, hostile, or offensive learning environment, and/or interfere with an individual's academic performance. Sexual harassment is prohibited by [Regulation 2118.1](#)

**Distributing or Distribution** Includes, without limitation, giving, sharing or selling, or intending or attempting to do so, as well as facilitating any of the above.

**Division Superintendent** The Division Superintendent or designee (that is, regional assistant superintendent, hearing officer, assistant superintendent, or any other administrative staff member authorized to act in that capacity).

**Drug Paraphernalia** All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. ([Code of Virginia, Section 18.2-265.1](#))

**Exigent** Requiring immediate attention or action

**Expulsion** Any disciplinary action imposed by the [School Board](#) or a committee thereof, as provided in school 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.

**Functional Behavioral Assessment (FBA)** Conducted by a team in order to develop a hypothesis about the function of the problem behavior when a student behaves in a way that significantly interferes with the student's learning and/or the learning of others. This leads to the development of a Behavioral Intervention Plan (BIP).

**Gang** A group of two or more persons, whether formal or informal, and however identified, which individually or collectively engage in activities that are illegal, destructive, disruptive, or intimidating. Such does include, but is not limited to, a criminal street gang. The group may, but need not necessarily, have an identifiable name, sign, symbol, or colors.

**Hate Speech** Any form of expression intended to humiliate or incite hatred against a group or class of persons based upon their actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity,

gender expression, sexual orientation, or disability.

**Hazing** Recklessly or intentionally endangering the health or safety of a student or inflicting bodily injury on a student in connection with, or for the purpose of, initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student so endangered or injured participated voluntarily in the relevant activity. The Code of Virginia prohibits hazing and imposes criminal penalties. ([Code of Virginia Section 18.2-56](#))

**Hearings Office** The Hearings Office conducts discipline hearings and determines outcomes on behalf of the Division Superintendent; makes discipline recommendations to the School Board and represents the Division Superintendent at School Board hearings; maintains records and statistics related to expulsion, exclusion, and reassignment recommendations and outcomes; decides suspension appeals; provides resource assistance and training to school-based and central office administrators; and conducts employee grievance hearings on behalf of the Division Superintendent.

**Imitation Controlled Substance** A drug or substance in which the substance or container bears

the name, markings, or likeness to, or is represented to be, a controlled substance including a prescription drug.

**Imitation Marijuana** A substance that bears a likeness to or is represented to be marijuana.

**Individualized Education Program (IEP)** A written plan for every student receiving special education services that contains information such as the student's special learning needs and the specific special education services required by the student.

**Inhalant** Any substance that gives off vapors or fumes and that is inhaled for a high.

**Letter of Agreement** A written agreement which may be offered by the Division Superintendent's hearing officer to a student whom the hearing officer is recommending for expulsion. If the agreement is signed by the student's [parent](#) and accepted by a School Board committee, the student is assigned to an alternative education program during the term of the expulsion, and the student's case is concluded without a further hearing.

**Lewd** Showing or intended to incite in an offensive way.

**Libel** Any false and harmful written or printed statement designed to expose a person to public ridicule or hatred and would injure a person's reputation in any way;

anything that gives an unflattering or damaging picture of someone.

**Libelous** Writing or publishing libel.

**Long-Term Suspension**

Disciplinary action that denies school attendance for more than 10 days but less than 365 calendar days.

**Manifestation Determination Review (MDR)**

A process for determining whether a behavior was caused by, had a substantial relationship to a student's disability, or was the direct result of the failure to implement the IEP.

**Marijuana** Any part of the cannabis plant, whether growing or not, its seeds, resin or residue, or any extract and any of its various form, other than THC-A or cannabidiol oil, provided that a written certification for use was issued by a licensed practitioner in accordance with the Code of Virginia.

**Marijuana, Synthetic** A substance which is a controlled substance. On occasion, this substance is referred to as "Spice, K-2, or JWH-018." For the purposes of the SR&R, the term synthetic marijuana also includes any substances that bears a likeness to, or is represented to be, synthetic cannabinoids or synthetic marijuana.

**Malicious** Characterized by malice; intending or intended to do harm.

**Meditate** To think deeply and continuously; reflect.

**Misgendering** The act of labelling others with a gender that does not match their gender identity-deliberately or accidentally.

**Nonprescription** (over-the-counter drug) Any drug that can be obtained legally over the counter without a doctor's prescription.

**Obscene** Words or pictures that are offensive, rude, shocking.

**Outing** The act of disclosing an LGBTQIA+ person's sexual orientation or gender identity without the person's consent.

**Paraphernalia** All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

**Parent** Any parent, guardian, legal custodian, or other person having control or charge of a child.

**Plagiarize** To steal and pass off the ideas or words of another as

one's own; use without crediting the source.

**Possession** The actual or constructive possession of a specific object or substance. Such possession may be sole, joint, or collective.

**Prescription Drug** Any medication that requires a doctor's prescription.

**Principal** The school principal, any assistant principal, or the designated teacher or other school staff member in charge.

**Privacy** Keeping information about a person that can be used to identify the person because it is unique (e.g., full name, address, etc.) out of the public domain.

**Profanity** The use of swear words.

**Recitation** The act or an instance of reading or repeating aloud.

**Records review** A meeting conducted by the regional assistant superintendent at the request of the principal to which the parent and student are invited to participate, for the purpose of reviewing the student's disciplinary record and interventions to date in order to further address the student's conduct issues.

**Redaction**

The act of selecting or adapting (as by obscuring or removing sensitive information) for publication or release

### **Referral to the Division Superintendent**

Referral to the Division Superintendent means a decision which is made by the principal in order for there to be consideration of student disciplinary action greater than a [short-term suspension](#). Where the principal makes such a referral, the Division Superintendent will conduct a hearing to determine based on the facts whether additional disciplinary consequences (to include one or more of the following: a [long-term suspension](#), a reassignment, or a recommendation to the School Board for expulsion) are appropriate in accordance with this SR&R. In conducting this hearing, the Division Superintendent also will determine whether the [short-term suspension](#) imposed by the principal is warranted. When making a referral to the Division Superintendent, the principal may choose to recommend a specific disciplinary action, provided, however, that whether or not the principal recommends a specific disciplinary action, the Division Superintendent has authority to take one or more of the following actions in accordance with the SR&R: determine that no disciplinary action is warranted, confirm a [short-term suspension](#), impose a [long-term suspension](#), effect a reassignment, and forward a recommendation to the School Board for expulsion

**Region(s)** A collection of schools within FCPS, located within a specific geographic area, with an assigned assistant superintendent and executive principal. Concerns that have not been resolved with the school principal may be referred to the regional office.

### **Restorative Justice**

**Conference** A conference which brings together the people most affected by wrongdoing to discuss the incident, understand who has been harmed, and to decide how the harm should be repaired. The harmed persons and school community are given a voice in the discipline process and resolution of the incident. The offending student is responsible for repairing the harm to the extent possible.

**School Board** The Fairfax County School Board or a designated committee thereof.

**School Day** Any day school is in session.

**School Property** Any property owned, leased, or used by the School Board, including any vehicle operated by, or on behalf of, the School Board, such as school buses, cars, and vans.

**School Resource Officer (SRO)** A certified law enforcement officer hired by the Fairfax County Police Department or other local police department to provide law-enforcement

and security services to FCPS schools.

### **Sexual Assault**

a. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;

b. Rape; carnal knowledge of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

c. Sodomy; oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

d. [Sexual Assault](#); With An Object; use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

e. Fondling; the intentional touch of private body parts (groin, breast, buttocks) under the clothing of another person for the purpose of sexual gratification, forcibly and/or against the person's will in instances where the victim is

incapable of giving consent because of age, or due to temporary or permanent mental or physical incapacity;  
f. Incest; non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;  
g. Statutory rape; non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Sexual Misconduct**

Misconduct that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature but that is not within the scope of “sexual harassment” as defined by [Regulation 2118.1](#)

**Short-Term Suspension**

Disciplinary action that denies school attendance for a period not to exceed ten days (Up to 3 school days for grades K-3 unless specified misconduct has occurred. Up to 5 school days for grades 4-12, unless accompanied by a referral to the Division Superintendent).

**Slander** The utterance of false charges or misrepresentation in the presence of another person which defame and damage another’s reputation.

**Slanderous** To utter slander against.

**Stalking** Engaging in a course of conduct directed at a

specific person that would cause a reasonable person to  
A. fear for their safety or the safety of others; or  
B. suffer substantial emotional distress.

**Statutory** Fixed by law.

**Stigmatization** The act of being stigmatized.

**Student Activities**

These include extracurricular activities, co-curricular requirements, and athletics. Students participating in athletics, performing arts, clubs, competitions, practices, and any other activity that provides opportunities for participation outside of normal school hours, in addition to any student who is a spectator or audience members at a school sponsored activity are included in this definition.

**Substantial Disruption**

Includes an incident that generates a considerable negative impact on normal school operations, or results in a significant impact to students, the parent, and/or staff, such as using prohibited substances in a large group setting at school; requiring a response that disrupts school operations such as the need for emergency medical services; or creating a situation where the parent is compelled to keep their children out of school, or where groups of students are unable to focus on learning due to a specific incident.

**Threat** An expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware of the threat existing in any fashion, whether orally, visually, in writing, or electronically.

**Threat Assessment** A structured process to evaluate the seriousness of a student’s threat, support any victims or potential victims, and take preventive or corrective measures to maintain safety.

**Title IX Definitions**

Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:

1. Unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity: or

2. Dating violence, domestic violence, [sexual assault](#), or [stalking](#) (see below)

Dating violence

Violence committed by a student—

A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and  
B. where the existence of such a relationship shall be determined based on a

consideration of the following factors:

1. The length of the relationship.
  2. The type of relationship.
  3. The frequency of interaction between the students involved in the relationship.
- Domestic violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family

violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Vaping** The act of inhaling and exhaling an aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device such as e-hookahs, mods, Juul pens, or vape pens.

**Vulgar** Lack of culture, refinement, taste. Coarse or crude.

**Weapon** Any item so defined in the text in the current version of regulation 2601. For the purpose of the Gun-Free Schools Act, nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.

## Appendices:

- **Appendix A: Acceptable Use Policy for Student Network Access**
- **Appendix B: Standards of Conduct for Students Riding Buses**
- **Appendix C: Code of Virginia**
- **Appendix D: Regulation 2601.36P**



# Appendix A:

## Acceptable Use Policy for Student Network Access

*The information systems and internet access available through FCPS are provided in order to support learning, enhance instruction, and support school system business and educational practices.*

FCPS information technology systems are operated for the benefit of all users in connection with the core mission of FCPS - the education of its students. The use of the FCPS network is necessary to provide all students with access, support, and opportunities to use provided tools and resources; and for students to interact with other students, teachers, and class content to support and enrich their learning experience. Users are prohibited from taking, or attempting to take, any action that might reasonably be expected to disrupt the operation of the network or equipment and/or interfere with the learning of students or the work of FCPS employees.

All-access to the FCPS network shall be preapproved by the principal or program manager. The school or office may restrict, suspend, or terminate any user's access, without prior notice, if such action is deemed necessary to comply with laws or regulations, protect the safety of others, or maintain computing availability and security. Disabling student access to FCPS instructional technology tools is a serious action that will be taken only when warranted.

Students are advised that the inappropriate use of FCPS technology resources is a violation of student disciplinary rules, regardless of where or when the inappropriate use occurs. As such, schools will respond to instances of inappropriate use by following normal disciplinary procedures, just as they would if the incident occurred in the physical classroom. Disciplinary action for inappropriate use of the FCPS network, systems, or devices may be imposed as stated in the FCPS Student Rights and Responsibilities (SR&R) document.

FCPS implements internet filtering on all FCPS sites in accordance with the federal Children's Internet Protection Act. Schools will continue to educate students on digital citizenship, personal safety practices, and effective techniques for identifying and evaluating information and its sources.

### FCPS Instructional Environment

Students have the right to physical and virtual educational environments that are consistent with the characteristics outlined in the FCPS SR&R document. These rights include:

- The right to be treated with respect in online learning environments. Students who do not feel they are being treated with respect should talk to their teacher or the principal.
- The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. Students may talk to their teacher or principal if they feel that a school decision is not fair.
- The right of a student to give his or her version of events when accused of violating this Acceptable Use Policy.
- The right to access, support, and opportunities to use the provided technology tools and resources that support learning.
- The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments.

Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.

### **Respect for Others**

Users shall respect the rights of others using the FCPS network by:

- Using or not using devices as directed by the teacher.
- Being considerate when using school resources.
- Always logging off devices or apps after finishing work.
- Not deliberately attempting to disrupt system performance or interfere with the work of other users.
- Leaving equipment and rooms in good condition for the next user or class.
- Not accessing, changing, or deleting files belonging to others that are not explicitly shared with you.

### **Ethical Conduct for Users**

It is the responsibility of the user to:

- Use only his or her account or password. It is a violation to share passwords or to otherwise give access to an account to any other user. User account access is limited to currently enrolled students. Account access is not available to former students.
- Recognize and honor the intellectual property of others; comply with legal restrictions regarding plagiarism and the use and citation of information resources.
- Cite and credit all material used, including internet material.
- Only use software or apps on FCPS devices or networks that have been approved and that the school may legally use. Duplicating or modifying copyrighted software in violation of a license agreement is a serious offense that may result in student discipline.
- Use the FCPS technology resources in a manner that is consistent with the educational mission of the school system.
- Help maintain the integrity of the school information systems. Tampering or experimentation is not allowed; this includes the use of the FCPS network and resources to illicitly access, tamper with, or experiment with systems inside and outside FCPS.
- Help maintain a safe, positive, and trusting learning environment by not using offensive, obscene, or harassing language when on the FCPS network and/or FCPS devices.

## Digital Citizenship and Security

- Students are responsible for complying with all cybersecurity policies set-forth by the Office of Cybersecurity (OCS).
- Students are prohibited from tampering with FCPS technologies and attempting to circumvent security policies and controls enforced by the Office of Cybersecurity (OCS), such as, but not limited to, accessing the internet via proxy or unauthorized VPN services.
- Students are prohibited from posting information if it violates the privacy of others, jeopardizes the health and/or safety of students, is obscene or libelous, intended to be threatening, bullying or hateful in nature, or causes disruption of school activities.
- Students may not access social media sites during school hours except where allowed by school administration. If allowed, social media activity must be limited to academic activities.
- Students are prohibited from accessing any portion of the internet that is inconsistent with the educational mission of FCPS.
- Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency.
- Students may utilize real-time messaging and online chat only within approved instructional apps or with the permission of the teacher or principal.
- Students are not to record electronically instructional programs, the classroom environment generally, or any conversation involving a school official, without the official's advance permission to do so.
- Students may not take photographs or videos of others without consent during school hours while on school property, unless for academic use. School administration may allow limited non-academic use of photography on a case-by-case basis.
- Students, under five years of age, are required to have adult-supervision while using FCPS technologies.
- Parents and/or guardians should ensure that use of student assigned devices is limited to supporting the educational outcomes of the student at home and the device not be used by anyone else for non-educational purposes.
- Students are not to reveal personal information (last name, home address, phone number) in correspondence with unknown parties.
- Students shall accept the responsibility for all material they access.
- Students are responsible for reporting any inappropriate material they receive.
- All student-produced web pages are subject to approval and ongoing review by responsible teachers and/or principals. All publicly-accessible web pages shall reflect the mission and character of the school.
- Students are prohibited from viewing, sending, and accessing illegal material.
- Students are prohibited from downloading inappropriate or illegal material on FCPS computers or networks.
- Students may not modify or rearrange keyboards, monitors, printers, or any other peripheral equipment.
- Students should report equipment problems immediately to a teacher, technical support staff, or principal.

- Students should leave desktop workstations and peripherals in their designated places.
- To ensure student safety and compliance with this Acceptable Use Policy, FCPS reserves the right to monitor and investigate students' online activities as needed. This includes accessing, reviewing, copying, storing, or deleting any communications or files so they can be shared with adults as necessary and as permitted or required by law. Students should have no expectation of privacy regarding their use of FCPS equipment, network, internet access, files, or email access.

### **Personally-Owned Computing and/or Network Devices (BYOD)**

Students using personally-owned electronic devices must follow the policy stated in this document while on school property, attending school-sponsored activities, or using the FCPS network.

- Students using a personally-owned device with a wireless connection are only permitted to connect to the FCPS Wi-Fi network (not private cellular services) while on FCPS premises.
- When applicable, appropriate virus-checking software must be installed, updated, and made active prior to any personally owned device being placed on the FCPS network.
- No device placed on the FCPS network can have software that monitors, analyzes, or may cause disruption to the FCPS network.
- FCPS is not responsible for any device or data loss, theft, damage, or other associated costs of replacement or repair of a personal device as a result of a student participating in the BYOD initiative.
- FCPS staff will not be responsible for storing, supporting, or troubleshooting personal devices.
- Students will take full responsibility for any personally-owned device and will appropriately secure all devices when not in use.
- FCPS reserves the right to monitor and investigate all devices and activities on the FCPS network. The device may also be confiscated by school officials in accordance with the SR&R.

See also the current versions of:

Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources  
 Regulation 2601, Student's Rights and Responsibilities Book

# Appendix B:

## Standards of Conduct for Students Riding Buses

Please read Standards of Conduct for Students Riding School Buses with your child. It is important that you and your child understand the standards covering appropriate conduct while riding a bus **whether for regular home-to-school service or for other activities**.

**SIGN THE [PARENT](#) AND/OR GUARDIAN SIGNATURE SHEET LOCATED IN THE FRONT OF THIS BOOKLET AND RETURN TO THE [PRINCIPAL](#)**, who will retain it on file. If a student is unable to read these instructions, the parent's or guardian's signature will indicate that this regulation has been explained to the student.

### GENERAL

The current version of FCPS Regulation 8617 provides that daily bus service shall be provided for all elementary students living in excess of one mile from school and for middle and high school pupils living in excess of one and one-half miles from school. Consult the following regulations for further information and requirements:

1. The current version of Regulation 2601 regarding *Student Rights and Responsibilities*.
2. The current version of Regulation 8617 regarding the provision of transportation for students enrolled in designated special education programs.

### STANDARDS

Acceptable classroom standards of conduct shall be expected of bus passengers and drivers shall ensure that pupils observe regulations at all times. Among other things, students shall not smoke, yell, scream, swear, push, fight, bully, or take advantage of any other student; extend hands, arms, or heads or objects from bus windows; carry on the bus any drugs, [weapons](#), water pistols, live reptiles, animals, insects, or oversized items (including school instruments) that would block an aisle, cause loss of passenger seat space, obstruct the driver's view, or create a safety hazard.

### DISCIPLINE

A driver may temporarily issue an assigned seat for disciplinary purposes in response to student safety. A driver may recommend suspension of bus transportation for a pupil who will not heed the driver's warning as to behavior. The [principal](#) shall take final action in such cases. During a period of suspension, the [School Board](#) shall not be responsible for transporting the pupil to school. A driver may not remove a child from the bus or refuse transportation to a child on a bus without proper authorization by the principal, except in cases in which the safety of pupils is jeopardized. The principal shall be notified of such extreme cases immediately. Drivers shall report all disciplinary cases to school principals on form TR-12. Vandalism of the bus may be cause for disciplinary action. Video camera and audio recorder may be in use.

### MEETING THE BUS

#### Students Must:

- Be at their bus stops at least five minutes before the regular pickup time, but no earlier than ten minutes before the pickup time. Remain at the stop until buses arrive. Be picked up and released at their designated (assigned) bus stops.

- Demonstrate appropriate conduct at the bus stops including proper care for private property at that location.
- Not stand on the traveled portion of the roadway or parking lot while waiting for the bus or engage in play or other activities that will endanger themselves or their companions or possessions while waiting beside the road.
- Not approach a bus arriving at the bus stop until it has come to a complete stop with the entrance door open.
- Not run alongside a moving bus. Wait to cross a traveled portion of the roadway, or to board a bus, until the bus is stopped and other vehicles approaching or following the bus have stopped. **The bus driver will signal students to cross a roadway when it is safe to do so.**
- Report any illness or injury sustained on or around the bus immediately to the driver.
- Follow the directions of safety patrols who are assigned to a bus stop or a bus. Safety patrols help bus drivers and work under the direction of the school sponsor and the bus driver.

## CONDUCT ON THE BUS

### Students Must:

- Recognize that the bus driver is the authority on the bus and obey and be courteous to them and fellow students.
- Go directly to a seat and remain seated unless otherwise directed by the driver.
- Not tamper with the emergency door.
- Not slap others or wave or shout at pedestrians or other vehicles.
- Not throw objects about the bus or from a window (or throw objects at the bus from outside).
- Carry onto bus only **unbreakable** objects that can be safely held in pupil's lap.
- Not share, sell, or consume food or beverages.
- **Not talk on the cell phone, except in the case of an emergency situation.**
- Present written request from parents or guardians, subject to approval of school [principal](#), to go home on an alternate route.

## LEAVING THE BUS

### Students Must:

- Remain seated until bus comes to a full stop.
- Exit bus in an orderly manner.
- Leave bus stop area only when safety permits; that is, when crossing a roadway, cross at a distance of approximately ten feet from the **front** of the bus **after** the driver signals it is safe to do so.

[Parents](#) or guardians are encouraged to walk with students to and from bus stops or school. Special education students and students in designated programs, (such as FECEP and Preschool/PAC) must be met at the bus by responsible adults. Kindergarten students riding the afternoon school buses will be returned to school unless they are met at the bus door by a parent, a guardian and/or caregiver, or sibling, middle school or higher and asked for by name.

# Appendix C:

## Code of Virginia

Current version of the [Code of Virginia § 22.1-279.3](#), Parental Responsibility and Involvement requirements:

- A. Each [parent](#) of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and [threat](#) to persons or property, and supportive of individual rights.
- B. A [school board](#) shall provide opportunities for parental and community involvement in every school in the school division.
- C. Within one calendar month of the opening of school, each [school board](#) shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

- D. The school [principal](#) may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or their designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.
- E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school [principal](#) may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.
- F. No suspended student shall be admitted to the regular school program until such student and their parent have met with school officials to discuss improvement of the student's behavior, unless the school [principal](#) or their designee determines that readmission, without parent conference, is appropriate for the student.

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

#### **Current version of the [Code of Virginia § 22.1-254](#) Compulsory School Attendance**

Every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the [division superintendent](#), or provide for home instruction of such child as described in § 22.1-254.1. For additional details on the Virginia Compulsory School Attendance Law, refer to section 22.1-254 of the Code of Virginia.

#### **Current version of the [Code of Virginia § 22.1-279.4](#) Information Regarding Prosecution of Juveniles as Adults**

As required by section § 22.1-279.4 of the Code of Virginia, FCPS provides its students with information developed by the Virginia Attorney General regarding the laws governing the prosecution of juveniles as adults for the commission of certain crimes and that information can be found at [http://www.doe.virginia.gov/administrators/superintendents\\_memos/2012/057-12a.pdf/](http://www.doe.virginia.gov/administrators/superintendents_memos/2012/057-12a.pdf/)



# Appendix D:

## Regulation 2601.36P

This copy of regulation 2601 has been specially formatted for this publication. The official and current version of this regulation is available through the FCPS website, which includes changes that may be made between printings.



[www.fcps.edu/srr](http://www.fcps.edu/srr)

## **SPECIAL SERVICES**

### **Student Rights and Responsibilities**

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

This regulation supersedes Regulation 2601.35P

### **I. INTRODUCTION**

The Fairfax County [School Board](#) is committed to ensuring that every school in Fairfax County Public Schools (FCPS) promotes a responsive, caring, and inclusive culture where all feel valued, supported, and hopeful, and where every child is reached, challenged, and prepared for success in school and in life. Collaboration with the [parent/guardian](#) is essential to reaching this vision.

Disciplinary practices in FCPS focus on prevention of behavioral incidences. A leveled system of response is used to address occurrences, through age appropriate instruction and restorative practices. FCPS considers the unique needs of each child and works collaboratively with families to support these needs. No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, denied the benefits of FCPS services, programs, and activities, or be subjected to [discrimination](#) under any education program or activity. Students should expect an environment offering them space to learn that is safe both physically and emotionally. FCPS supports student identities and voices, promoting the use of positive expression and denounces the use of slurs, [hate speech](#), and all forms of discrimination (e.g., [ableism](#), racism, sexism, faith-based discrimination).

This regulation explains expectations for student behavior, [parent/guardian](#) engagement, and adult responses to enhance school safety and to create an equitable, supportive school environment.

### **II. PURPOSE**

To establish, for use by students and the [parent/guardian](#), a booklet describing the rights and responsibilities of students as prescribed in the Code of Virginia and Fairfax County School Board policy and regulations.

### **III. NOTABLE CHANGES FOR STUDENTS AND PARENT/GUARDIANS**

- Detailing stakeholder orientation information
- Adding rights to protect citizenship and immigration status
- Changed Acceptable Use Policy for Technology to include cell phone usage information
- Clarified the response to substance misuse violations
- Clarified the purpose of individualized education program (IEP) meetings when students with disabilities are reassigned for disciplinary reasons following referral to the Superintendent.

**IV. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

- A. Section I.Introduction., deleted “be” and added “FCPS services, programs, and activities.”
- B. Section I.Introduction., added “all forms of discrimination (e.g., ableism, racism, sexism, faith-based discrimination).
- C. Section III., Revised Notable Changes for Students and Parent/guardians
- D. Section V., clarifies procedures and distribution of SR&R and added the Family Guide.
- E. Section VI., deletes original section and adds language clarifying the professional development received by school-based administrators, school-based staff, students, transportation and coaching staff, and families.
- F. Section VI.A.5., added language and links to resources regarding digital citizenship and Student Safety and Wellness topics.
- G. Section VII., deleted “Summer school attendance is a privilege;” added “ to include students in extended school year programs.”
- H. Section VII., replaced “summer school” with “summer programming.”
- I. Section VII., changed “two” to “four business.”
- J. Chapter I., added chart of student rights and responsibilities.
- K. Chapter I.A.1., added “and FCPS policies.”
- L. Chapter I.A.1.a., added “The right to a school and classroom environment that affirms the identity of all students and is responsive, caring, and inclusive.
- M. Chapter I.A.1.7., added “The right to have their personally identifiable information and citizenship or immigration status protected from unauthorized sharing.”
- N. Chapter I.A.2., clarified when and to who parent/guardians can contact for assistance.
- O. Chapter I.A.2.e., added “Issues regarding other concerns may be presented to the regional assistant superintendent. Contact information may be found on the FCPS website.
- P. Chapter I.A.7., added language regarding student citizenship and immigration status.
- Q. Chapter I.A.8., added “The right to equitable access to the learning environment, educational materials, and extracurricular activities.”
- R. Chapter I.B, added “per applicable regulations”
- S. Chapter I.D., relocated “Right to Safe Digital Environment” from Responsibilities section.

- T. Chapter I.E., added “within” and “school.”
- U. Chapter I.F., changed “school days to business days.”
- V. Chapter I.H., added “via written (preferred method) or verbal notice.”
- W. Chapter I.H., deleted the Student Responsibilities list.
- X. Chapter I.H.2., replaced “may” with “shall.”
- Y. Chapter I.J., deleted “Students at each school are expected to recite the Pledge of Allegiance and to observe one minute of silence, on a daily basis,” and “added The Pledge of Allegiance will be recited and a moment of silence will be observed daily.”
- Z. Chapter I.L., removed Responsibility for Digital Citizenship.
- AA. Chapter I.L., added “and Security: and language regarding the expectation of students.”
- BB. Chapter I.M., added Responsibility Related to Distribution of Literature.
- CC. Chapter I.N., added section on cell phones.
- DD. Chapter I.O.3., removed reference regarding the administration of drug tests and changed 2602 to 2601.
- EE. Chapter II. Leveled Responses to Student Behaviors added “if frequency and intensity are present.”
- FF. Chapter II.SBAR Codes., Changed Level footnotes throughout.
- GG. Chapter II.Category A. SBAR Code BAP4., added footnote regarding tardiness, attendance infractions, and cell phone infractions.
- HH. Chapter II.Category A. SBAR Code BAP4 and BAP5., added footnote #5.
- II. Chapter II. Category B.SBAR Code BSO13, added BSO13a specifically cell phones and blacked out levels 3-5, and added footnote 5 to BSO13a.
- JJ. Chapter II. Category C.SBAR Code RB1a, deleted from chart.
- KK. Chapter II. Category C.SBAR Code RB9, blocked out the 4 levels.
- LL. Chapter II. Category D. SBAR Code BSC2., Level 4, replaced ® with X.
- MM. Chapter II. Category D. SBAR Code, footnote 7., deleted “or distribution” and added “selling or distribution of alcohol or drugs (with the exception of tobacco products) shall be a mandatory referral to the Division Superintendent.

- NN. Chapter II. Category D. SBAR Codes BSC5a through BSC5e. and BSC6. through BSCd., deleted the asterisk.
- OO. Chapter II. Category D. SBAR Code BSC8a-d., added language regarding discriminatory harassment.
- PP. Chapter II. Category D. SBAR Code BSC8f and g., added language to clarify when to call Title IX office.
- QQ. Chapter II. Category D. SBAR Code BSC19., deleted the footnote #5.
- RR. Chapter II. Category D. SBAR Code BSC21. Level 1., deleted asterisk and relocated to a new chart.
- SS. Chapter II. Category D., deleted SBAR Code BSC23. No longer defined by VDOE. Moved to persistently dangerous code.
- TT. Chapter II. Category E. SBAR Code BESO1a., added Group Assault.
- UU. Chapter II. Category E. SBAR Code BESO2a. Level 4., changed K-6 to 4-6.
- VV. Chapter II, Category E. SBAR Code BESO3. Level 1., replaced asterisk with X.
- WW. Chapter II. Category E, SBAR Code., BESO5., was changed and subsequent BESO5 subcategory designations were updated.
- XX. Chapter II. Category E. SBAR Code BESO5b. Level 1., deleted the asterisk.
- YY. Chapter II. Category E. SBAR Code BESO6. Level 3., asterisk was replaced with X.
- ZZ. Chapter II. Category E. SBAR code BESO7., was changed and subsequent BESO7 subcategory designations were updated.
- AAA. Chapter II. Category E. SBAR Code BESO7c. Level 3., replaced asterisk with X.
- BBB. Chapter II. Category E. SBAR Code BESO9. Level 2., replaced asterisk with X.
- CCC. Chapter II. Category E. SBAR Code BESO10 and BESO11. Level 2., replaced asterisk with X.
- DDD. Chapter II. Category F, SBAR Code PD10 to PD16e., deleted the shading in Level 5 and added TIX.
- EEE. Chapter II. Category F. SBAR Codes PD11 through PD16. Level 5., added Xs.
- FFF. Chapter II. Title IX., Sexual Harassment, added new chart and relocating BSC8e, BSC8f, BSC8g, BSC8h, BSC8i, PD3, PD4, and PD10 to the new chart.
- GGG. Chapter II. Title IX., added BSC8j and BSC21a.

- HHH. Chapter II.Title IX., BSC8e, BSC8h, BSC8i, BSC8j, BSC21a, PD3, PD4, PD10 changed levels for infraction to TIX.
- III. Chapter II.Level Response 2., added notes regarding local screening and IEP team to Level 2 Intervention charts, changed “plan” to “program.”
- JJJ. Chapter II.Level Response 3., changed “plan” to “program.”
- KKK. Chapter II.Level Response 4., added language clarifying students with special education services disciplinary procedures.
- LLL. Chapter II.Level Response 4., changed paragraph into 2 bullets: deleted “IEP team may consider possible need for change to goals, accommodations, services, or placement on IEP” and replaced with “Request an IEP meeting to consider whether supports and/or services are needed”; deleted “If any action may result in a change of special education placement, including a series of short-term removals reaching ten days or a referral to the Division Superintendent, then a Manifestation Determination Review meeting must be held” and replaced with “If any action may result in a change of special education placement, including a series of short-term removals that accumulate to more than ten school days in a school year or a referral to the Division Superintendent, then a Manifestation Determination Review must be conducted.”
- MMM. Chapter II. Level Responses to Student Behaviors added “Interventions and supports listed are illustrative, not exhaustive.”
- NNN. Chapter II.A.2.a.(9)., replaced language with “Violation regarding the Acceptable Use Policy.”
- OOO. Chapter II., deleted footnote #13.
- PPP. Chapter II.A.2.b.(6)., adds “or any violation of cybersecurity policies set forth by the Office of Cybersecurity (OCS).
- QQQ. Chapter II.A.3.b., added “including THC oil and possession and Use,” and changed “may” to “shall.”
- RRR. Chapter II.A.3.b.(1)., deleted “up to and including a two-day in-school suspension,” and deleted “whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.”
- SSS. Chapter II.A.3.b.(1).(a).(b)., added language to clarify the disciplinary actions of violations related to alcohol, marijuana, and inhalants.
- TTT. Chapter II.A.3.b.(2)., changed to clarify consequences for certain violations.
- UUU. Chapter II.A.3.b.(3)., changed “The principal shall immediately administer a breath sample test to determine any alcohol content, added “The principal shall”
- VVV. Chapter II.A.3.b.(4)., added consequences for certain violations concerning alcohol, marijuana, inhalants, ad nonalcoholic beer.

- WWW. Chapter II.A.3.e., added “including but not limited to, ecstasy, cocaine, synthetic marijuana, non-prescribed opioids, illicit fentanyl.”
- XXX. Chapter II.A.3.e.(1).(a)., added “non-prescribed opioids, illicit fentanyl.”
- YYY. Chapter II.A.3.e.(1).(a).(i)., added language regarding the consequences for second or subsequent infractions.
- ZZZ. Chapter II.A.3.e.(2).(b).and (c)., added “non-prescribed opioids, illicit fentanyl.”
- AAAA. Chapter II.A.3.e.(b).ii., changed three to one.
- BBBB. Chapter II.B., rewrote “Mandatory Report” for clarity and added links.
- CCCC. Chapter II.B.1., added information from house bill 4 regarding reports to law enforcement
- DDDD. Chapter II.C.2.a.(1)., changed to “Reviewing/reteaching expected behavior.”
- EEEE. Chapter II.C.4.a.b. and c., clarifies that principal may suspend for five days instead of ten days.
- FFFF. Chapter II.C.4.e., changed “ten” to “five.”
- GGGG. Chapter II.C.4.e.(2)., added school.
- HHHH. Chapter II.C.4.e.(3)., added “business.”
- IIII. Chapter II.C.7.a., added “business.”
- JJJJ. Chapter II., footnote 20 changed “short-term” to long-term.”
- KKKK. Chapter II.C.8.a., added business.
- LLLL. Chapter II.C.15., deleted “periodic drug testing.”
- MMMM. Chapter II.D., changed “wants to work” to is committed to working.”
- NNNN. Chapter II.D.5., clarified change of placement for special education students.”
- OOOO. Glossary., added the definitions of ableism, assault, cyberbullying, change of placement, disruption, faith-based discrimination, frequency, intensity, reassignment, and distracting to the glossary.

## **V. PROCEDURES AND DISTRIBUTION**

The Department of Special Services shall develop, for the [Division Superintendent's](#) review, a booklet for teachers, students, and the [parent/guardian](#) stating the legal rights and responsibilities of students in Fairfax County Public Schools (FCPS). The booklet shall also define the rules of conduct and disciplinary procedures applicable to students.

This booklet shall be reviewed annually by the Department of Special Services, and revisions shall be published as necessary. [Parent/guardians](#) are notified of the Student Rights and Responsibilities: A Family Guide annually by letter/video presentation. Schools monitor receipt of online access through responses from parent/guardians electronically or hard copy signature noting review of the Family Guide which includes full text of regulation. A parent/guardian who has a student enrolled in Fairfax County Public Schools (FCPS) may request a printed copy at any time from their child's school's main office. Each new student and family who enters FCPS after the start of the school year shall be notified regarding access to the document online at the time of registration [Regulation 2602.P, Rules of Conduct and Disciplinary Procedures](#), will be used only for due process.

## **VI. STAKEHOLDER ORIENTATION**

- A. All [principals](#) receive annual professional development regarding changes to the Student Rights & Responsibilities (SR&R) regulation to include scenarios and discussions regarding behavioral incidences and responses to be considered proactively and reactively.
1. School-based administrators: Minimum of semi-annual training for principals, assistant principals, and Directors of Student Services by Department of Special Services (DSS) to review changes to the SR&R, work through discipline scenarios to foster division-wide, consistent implementation, and review areas of need based on discipline data review and analysis.
  2. School-based staff: Minimum of semi-annual training for school-based staff by principals/designees to review changes to the SR&R and to support response to a root cause(s) associated with school discipline. All principals<sup>1</sup> must review the Student Rights and Responsibilities booklet with their faculties prior to the opening of school and to pay special attention to any changes.
  3. Students: Minimum of semi-annual lessons (beginning of the year and mid-year for students by school-based staff) to review the SR&R and to provide additional related student lessons based on the review and analysis of discipline data. Principals shall develop procedures to ensure that each student has an opportunity to become familiar with the regulation. This includes appropriate adaptations for students with disabilities and students with unique learning needs. The completion of the SR&R lessons is to be reported to the Office of Equity and Student Conduct.
  4. Transportation staff and coaches: Minimum of semi-annual training for transportation and coaching staff by DSS to review changes to the SR&R and to support positive responses to concerns.
  5. Families: Provide an asynchronous SR&R workshop for families to review the SR&R in support of the written policy and associated Family Guide to ensure families have access to information outlined in the SR&R in multiple modalities (visual and auditory). Additional opportunities to receive two-way education from DSS will be provided at minimum twice yearly.

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<sup>1</sup> The titles of school system personnel used in this regulation shall in all events be deemed to include the designees of such personnel and any successors in the event of reorganization.



Families may find resources regarding [digital citizenship](#) and other [Student Safety and Wellness](#) topics by clicking on the supplied links.

## VII. SUMMER PROGRAM

The SR&R booklet does not apply in its entirety to summer school attendance. The following notice shall be provided to all summer school students as part of their orientations:

Each student in summer programming, to include students in extended school year programs, is expected to comply with the rules of student conduct outlined in the current version of [Regulation 2601.P](#).

A school principal may impose a [short-term suspension](#) and/or make a [referral to the Division Superintendent](#) in any situation involving prohibited conduct.

With respect to any violation for which the disciplinary sanction includes a [referral to the Division Superintendent](#), the provisions and procedures set forth in the current version of [Regulation 2601](#) shall govern and be controlling. A student who is expelled, reassigned, or suspended for a violation that occurred during a summer program session may also be expelled, reassigned, or suspended during the regular school term.

All other violations of the SR&R occurring during summer programming shall be dealt with at the discretion of the summer program administration, following a conference with the student at school. The decision to suspend a student from summer programming is reviewable by the principal, provided the [parent/guardian](#) appeals within two days after the suspension decision. The principal shall review such matters on an expedited basis and shall issue a decision within one [school day](#) following receipt of such request, if practicable. In conducting such review, the principal has the discretion to elect to schedule a hearing or may issue a decision based on an examination of the written record. If not satisfied with the principal's decision, the parent/guardian may submit a written appeal to the Division Superintendent within four business days after the date of the principal's decision. The hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the written record. The decision by the hearing officer shall in all events be final. In the event that a summer programming session ends before disciplinary action shall have been taken or otherwise carried out, such action may be taken or imposed by school officials, as the case may be, during the next regular school session.

Legal Reference: [Code of Virginia, Section 22.1-279.3](#)

CHAPTER I

RIGHTS AND RESPONSIBILITIES OF STUDENTS

FCPS students have the following rights and responsibilities which are further delineated in the sections below:	
Rights to:	Responsibility for:
• Equal Opportunity	• Attendance
• Notice in Age-appropriate Manner	• Pledge of Allegiance and One Minute of Silence
• Expression and Limitations	• Dress Code
• Safe Digital Environment	• Digital Citizenship and Cybersecurity
• Distribute Literature	• Sharing of Literature
• Adult Students and Their Parent/guardian	• Search and Seizure
• School Records	• Personally Owned Devices
• Complain	• Cell Phones

A. Right to Equal Opportunity

1. No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to [discrimination](#) under any education program or activity.

Furthermore, in accordance with [federal](#) and [Virginia](#) law and [Title IX](#), and FCPS policies, all students have the following rights:

1. The right to a school and classroom environment that affirms the identity of all students and is responsive, caring, and inclusive.
2. The right to access restroom and locker room facilities and other non-stigmatizing accommodations that are consistent with the student’s gender identity, faith, and for any other reasons as identified in Regulation 2603.
3. The right to non-disclosure of gender identity and/or sexual orientation.
4. The right to be called by chosen names and pronouns.
5. The right to internally generated and shared school lists of students (e.g., honor roll, graduation programs, yearbooks, school newspapers) that identify students by their chosen names and genders.
6. The right to receive support to ensure the safe and equitable access to all school and school division facilities and activities.
7. The right to have their personally identifiable information and citizenship or immigration status protected from unauthorized sharing.

8. The right to equitable access to the leaning environment, educational materials, and extracurricular activities.
2. Students or a parent/guardian may present concerns, complaints, or inquiries about FCPS' compliance with its obligation to provide equal opportunity to the responsible office listed below if the concern, complaint, or inquiry has not been addressed by the school-based administrator or if the parent/guardian has continued concerns after sharing the concern, complaint, or inquiry with the school-based administrator. Correspondence may be addressed to these offices in care of Fairfax County Public Schools.
    - a. Issues concerning physical accessibility to facilities may be presented to the director, Office of Design and Construction Services (571-423-2280), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.
    - b. Issues concerning [discrimination](#), including complaints about sexual harassment or gender-based discrimination ([Title IX](#) complaints), may be presented to the Title IX coordinator at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu), (571-423-3070), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.
    - c. Issues concerning programs and activities for students with disabilities may be presented to the coordinator, Due Process and Eligibility (571-423-4470), located at 8270 Willow Oaks Corporate Drive, Fairfax, Virginia 22031.
    - d. Issues concerning supports for gender-expansive and transgender students may be presented to the regional assistant superintendent by the student or [parent/guardian](#). Contact information may be found on the FCPS website.
    - e. Issues regarding other concerns may be presented to the regional assistant superintendent. Contact information may be found on the FCPS website.

#### B. Right to Notice in Age-Appropriate Manner

All students may expect communication from staff that meets their needs, per applicable regulations, both with regard to age and developmental levels. The regulatory language in this document is shared with students through lessons developed both with age and needs taken into consideration. The staff who address student discipline will also provide opportunities for conversation and interaction with the student with a focus on caring culture goal and through an instructional, equitable lens.

#### C. Right of Expression and Limitations

Students may exercise the right to freedom of expression through speech, assembly, petition, and other lawful means and have the right to advocate change of any law, policy, or regulation. The exercise of this right may not interfere with the rights of others, nor may oral or written student opinions or visual expression be used to present material that falls into any of the following categories:

1. Material that reasonably leads the principal to forecast [substantial disruption](#) of, or material interference with, school activities or that endangers the health or safety of students. A full definition of such material and the procedures to be used by the

principal in making a forecast of disruption are contained in the current version of [Regulation 2612, Regulations and Procedures Governing Freedom of Expression by Students](#).

2. Material that is [libelous](#) or [slanderous](#)-statements that are inaccurate or false statements that injure the person by damaging their reputation; cause personal humiliation, mental anguish, and suffering; or cause other injuries. A more detailed definition of libelous and [slanderous](#) material and additional guidelines governing such material are contained in the current version of [Regulation 2612](#).
3. Material that advocates the commission of a criminal act or is a criminal act as defined by the criminal code of the United States, the Commonwealth of Virginia, or Fairfax County.
4. Material that is [obscene](#) as defined in [Section 18.2-372 of the Code of Virginia \(1950\)](#), as amended, or material that is "harmful to juveniles" as defined in [Section 18.2-390](#) or that violates [Section 18.2-391 of the Code of Virginia \(1950\)](#), as amended. Current copies of these sections of the Code of Virginia are provided upon request from the Equity and Student Conduct Office.

#### D. Right to Safe Digital Environments

Students have the right to safe, trusting, accessible, and positive physical and virtual learning environments. In accordance with Appendix A of the SR&R, these rights include: The right to be treated with respect in online learning environments. The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. The right to access, support, and opportunities to use the provided technology tools and resources that support learning. The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments. Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.

#### E. Right to Distribute Literature

In high schools and middle schools, the student government shall coordinate the procedures for receiving and reviewing literature that students enrolled in the school want to display or distribute. In all schools, the material is subject to approval by the principal. The principal, in consultation with the student government, if feasible, shall determine adherence or nonadherence to the provisions of this section and the current versions of [Regulation 2612](#), [Policy 1365, Distribution of Materials](#), and [Regulation 1367, Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions](#). If the literature satisfies these requirements, the principal and student government shall not deny distribution based on the viewpoint expressed in the literature. The principal shall make this determination within one day after copies are presented and shall designate a reasonable time, place, and manner for distribution or display of such literature if the provisions of this section and the current version of [Regulation 2612](#) have been met.

Any student who does not agree with the principal's decision may appeal in writing within four school days to the regional assistant superintendent, who shall make a decision within

two school days after receipt of the appeal. A student who does not agree with the decision of the regional assistant superintendent may appeal in writing to the Division Superintendent. The Division Superintendent will render a decision within two school days, and that decision shall be final. The above time periods may be enlarged by school officials in extraordinary situations.

Elementary students may not make mass distributions of non-school materials in school buildings or on [school property](#) during school hours, including during bus arrival and departure times.

#### F. Rights of Adult Students and Their Parent/guardian

With certain exceptions, 18-year-olds are considered adults under the law of Virginia. Those 18-year-olds who want to act in lieu of their parent/guardian regarding field trips, part-time employment, use of motor vehicles, and questioning by police, must sign a declaration. Students who want to exercise this right may do so by following the procedures outlined in the current version of [Regulation 2604, Rights of Adult Students](#). The parent/guardian of such a student shall be notified of student's decisions in this regard.

As provided by federal law, the parent/guardian of a student who is a dependent for tax purposes may have access to the student's record. Further, as required by the Code of Virginia<sup>2</sup>, the parent/guardian will be notified by letter of any instance of the student's suspension from school. School personnel will continue to contact the student's parent/guardian regarding the student's academic performance in school and any suspension from school even though a declaration is filed by the student. Unless otherwise noted, adult students are subject to all rules and regulations of the school.

The SR&R hearing and appeal process does not apply in its entirety to students who are older than persons of school age as such term is defined in the Code of Virginia unless such students are eligible for special education services pursuant to the Individuals With Disabilities Education Improvement Act (collectively, "adult students"). While adult students are expected to comply with the rules of conduct as stated in the SR&R, the hearing and appeal process applicable to them is more limited and is as follows: the determination of whether an adult student has violated one or more rules of conduct, whether the adult student should be disciplined (up to and including [expulsion](#)), and whether readmission should be allowed, shall be made by the school principal whose decision in that regard shall be final unless—as to a [long-term suspension](#) or expulsion—the adult student appeals in writing within four business days to the hearing officer. If an appeal is made by the adult student, the hearing officer may decide the appeal by reviewing only the written record or may elect to hold an additional hearing. The hearing officer's decision shall be in writing. If an appeal is made by the adult student to the School Board, the School Board may decide the appeal by reviewing the written record or may elect to hold an additional hearing.

#### G. Right for School Records

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<sup>2</sup> According to the Code of Virginia, a "person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year. [Va. Code §22.1-1](#).

Students have the right to accurate and complete school records, maintained in accordance with applicable [federal](#) and [Virginia](#) laws. Accurate and complete individual records shall be maintained for each student enrolled in FCPS. The current versions of [Policy 2701, Student Personal Data](#), [Regulation 2701, Student Personal Data](#), and the Management of Student Scholastic Records Manual (the "Records Manual"), govern the management of student records and provide:

1. That [parent/guardian](#) has the right to inspect any and all records relating to their dependent(s).
2. That students who have reached 18 years of age, or are attending an institution of postsecondary education, have the right to inspect their records.
3. That students under the age of 18, with written parent/guardian permission, may inspect their records.
4. That information may be released to others only under carefully prescribed conditions in accordance with applicable [federal](#) and [Virginia](#) law, and outlined in the annual notice provided to all FCPS families regarding Surveys, Records, Curriculum, [Privacy](#), and Related Rights and Opt-Out Forms.
5. That nominal fees may be charged for duplication of records.
6. That a [parent/guardian](#) or adult students may challenge the contents of a student's scholastic record by following the procedures in the Records Manual, which provides for a complaint and a hearing.
7. That certain information, known as directory information, may be released without parental consent, in accordance with applicable [federal](#) and [Virginia](#) law, unless the [parent/guardian](#) has opted out of such disclosure in the annual notice provided to all FCPS families regarding Surveys, Records, Curriculum, [Privacy](#), and Related Rights and Opt-Out Forms.
8. That scholastic records may be forwarded on request to a school in which the student intends to enroll or to which the student has applied for admission.

The current versions of [Policy 2701](#), [Regulation 2701](#), and the Records Manual are available for review in the principal's office at each school.

#### H. Right to Complain<sup>3</sup>

Students or the [parent/guardian](#) who believe that actions or inactions of the school officials are not in their best interests may present complaints via written (preferred method) or verbal notice to teachers, counselors, or school administrators who shall make themselves available or schedule appointments to hear these complaints.

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<sup>3</sup> This section does not apply to situations involving violations of conduct that result in suspensions from school, reassignments, or expulsion recommendations. For information on the right to appeal a short-term suspension from school to the Division Superintendent, see Chapter II.C.4.d. of this regulation. For information on the right to appeal to the School Board a long-term suspension from school, a school reassignment decision, or an expulsion recommendation, see the current version of [Policy 2611](#), Procedures for Hearings and Appeals to School Board. This section does not apply to situations involving reports of allegations of sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#).

If you have any questions or concerns about the right to complain contact the Ombudsman's office at [ombudsman@fcps.edu](mailto:ombudsman@fcps.edu). If you have any questions or concerns about the right to report sexual harassment, contact the [Title IX](#) coordinator at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu).

1. Meeting with the Principal

If a student or [parent/guardian](#) is not satisfied that a complaint previously presented to a member of the school staff has been resolved satisfactorily, the student or parent/guardian may request a meeting of the student, the parent/guardian, and the principal. The principal may require the parent/guardian to attend and shall, following the meeting, promptly inform the parent/guardian in writing of the decision on the complaint. All staff shall report any observed or reported allegations of prohibited [discrimination](#). The principal shall notify, the [Title IX](#) coordinator, of complaints alleging prohibited [discrimination](#).

2. Complaint to the Regional Assistant Superintendent

The principal's decision on a complaint may be submitted for review by the student or [parent/guardian](#) to the regional assistant superintendent within two [school days](#) following receipt of the principal's decision. The written complaint shall state precisely the reasons for the dissatisfaction with the principal's decision and shall be limited to the matter under review. Upon receipt of a written complaint, the regional assistant superintendent shall promptly review the complaint and inform the student or parent/guardian in writing of the decision. The regional assistant superintendent has the discretion to include a meeting with the principal and the student or parent/guardian as part of the review of the complaint.

I. Responsibility for Attendance

1. General

School attendance is required by law, as outlined in the Code of Virginia, for all enrolled students, ages five to eighteen. Students are expected to attend all classes and to arrive for each class on time. Students shall follow their assigned daily schedules unless properly excused by the principal or authorized representative. Students shall provide a satisfactory written explanation from their [parent/guardian](#) for any absence from class and any student who seeks to leave school during the [school day](#) shall submit in advance a written parent/guardian request directed to the principal. Principals may, at their discretion, accept a personal or telephone contact with the parent/guardian in lieu of a written request. The current version of [Regulation 2234, Student Absences and Attendance Regulations](#), provides additional details, including how school absences and tardies are treated.

2. Chronic Absence

Chronic absence is missing ten percent or more of the school year for any reason, including illness or family emergency, suspensions, and unexcused absences. Missing school for any reason can impact learning, and chronic absence has been associated with below grade level reading skills, course failure, and dropping out of school. If a student is chronically absent, the school principal will contact the

[parent/guardian](#) to develop a plan for improved attendance. The Virginia Department of Education now uses each school's chronic absence rate as one of the measures to determine school accreditation and school quality.

3. Unexcused Absences

An unexcused absence is an absence where (i) the student misses the scheduled instructional [school day](#) in its entirety and (ii) no indication has been received by school personnel within three days of the absence that the student's [parent/guardian](#) is aware and supports the absence, or (iii) the parent/guardian provides a reason for the absence that is unacceptable to the school administration. The school administration may change an unexcused absence to an excused absence when it determines that the parent/guardian has provided an acceptable reason meeting criteria for the student's absence or there are extenuating circumstances. School attendance is required by law, as outlined in the Code of Virginia. Absences and tardies will be addressed by individual interventions with students and the parent/guardian. Students are fully responsible for completing any missed assignments.

4. Five or More Unexcused Days of Absences

Whenever any student accumulates a total of five unexcused days of absence in a school year, the school will contact the [parent/guardian](#) and a plan will be developed. If the student continues to have unexcused absences in the same school year, and accrues a total of ten unexcused absences, a conference will be scheduled and the attendance officer or attendance intervention specialist will be notified. If further incidences occur in the school year the attendance officer may file a complaint with the Juvenile and Domestic Relations Court as described in [Section 22.1-258 of the Code of Virginia](#). The current version of [Regulation 2234](#) provides additional details.

J. Responsibility for Pledge of Allegiance and One Minute of Silence

The Pledge of Allegiance will be recited and a moment of silence will be observed daily at the direction of the principal unless the student or [parent/guardian](#) objects to participation in such exercises. Students shall not be subjected to unfavorable comment or [stigmatization](#) for their decision to participate in or to [abstain](#) from the [recitation](#) of the Pledge of Allegiance or the observance of one minute of silence. Nonparticipating students are expected to sit quietly, or to stand silently, during the Pledge of Allegiance or the observance of the minute of silence and to refrain from engaging in any disruptive or distracting activity. No disciplinary sanctions may be imposed for refusal to participate in reciting the Pledge of Allegiance or in observing the minute of silence; however, interference with the exercise of pledging allegiance by others or interference with other students' exercise of their choice to [meditate](#), pray, or engage in any other silent activity may result in the same disciplinary measures accorded to other instances of classroom disruption in school. Student prayer rights are described in more detail at <https://www.fcps.edu/current-employees/employee-resources/equity-and-employee-relations-eer/guidelines-religious>.

K. Responsibility for Dress Code

All students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable.



Clothing with language or images that are [vulgar](#), discriminatory, racist/culturally divisive, or [obscene](#); or clothing that promotes illegal or violent conduct, such as [gang](#) symbols, Confederate flags, swastikas and KKK references, the unlawful use of [weapons](#), drugs, alcohol, tobacco, [marijuana](#) or [drug paraphernalia](#); or clothing that contains [threats](#) is prohibited. (See Chapter II.A.2.b.(7) for additional information regarding gang-related clothing.) Clothing should fit, be neat and clean, and conform to standards of safety, good taste, and decency. Clothing that exposes private areas or an excessive amount of bare skin is prohibited. Examples of prohibited clothing include but are not limited to: clothing that exposes undergarments, studded or chain belts, clothing constructed of see-through materials, and head coverings (i.e., hats) unless worn for a [bona fide](#) purpose (religious, cultural, medical). School administration may reach out to a student's family if clarification is needed regarding the purpose of a head covering.

School staff will resolve dress code infractions in a discreet and respectful manner and without any of the following: using any direct physical contact with the student or the student's attire or requiring any student to undress in front of another person. Dress code standards apply to all students. Students who are not compliant with the foregoing may be subject to counseling, loss of privileges, removal from class or activities, or disciplinary action.

The current version of [Regulation 2613, Student Dress Code](#), provides additional details.

#### L. Responsibility for Digital Citizenship and Security

Digital citizenship education is provided to all students for the purpose of maintaining a safe environment.

FCPS expects students to be responsible members of society and to display digital citizenship in accordance with the Acceptable Use Policy for Student Network Access at all times. When using devices, student shall respect others, conduct themselves ethically, follow digital citizenship and security guidelines on school distributed items and personally owned computing and network devices. Students are to respect the rights of others and to refrain from the use of profanity or hateful messaging and cyber bullying in accordance with FCPS non-discrimination policy. Students may not post information if violates the privacy of others, jeopardizes the health and/or safety of students, is obscene (including the portrayal or description of sexual matters) or [libelous](#), causes substantial disruption of school activities, [plagiarizes](#) the work of others, or is a commercial [advertisement](#). It is the responsibility of the students to use only their account or password. It is a violation to share passwords or to otherwise give access to an account to any other user. Depending upon the specific circumstances, failing to adhere to these standards can lead to consequences under the SR&R.

The FCPS' network access is intended for educational purposes only. Any attempt to use any technology inappropriately, the operation of the network or equipment, or interfere with the learning environment is prohibited and will be subject to the sanctions under the SR&R. Students may be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the school environment, and/or results in a criminal charge or conviction

A more detailed outline of specific rights and responsibilities for students using FCPS Electronic devices and the FCPS network can be found in the current version of [Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources](#).

M. Responsibility Related to Distribution of Literature

Students have a responsibility to see that expressions do not interfere with the educational program. Students have a responsibility to refrain from (i). using visual imagery or statements that are profane, obscene, slanderous, libelous, or violent; (ii). Using disruptive tactics; and (iii). Advocating violation of the law or school regulations, to include, but not limited to, any distribution of literature promoting the use of illegal substances, inaccurate or false statements that injure the person by damaging his or her reputation; cause personal humiliation, mental anguish, and suffering; or cause other injuries.

N. Cell Phones

1. Students in grades K-6 (including 6th grade students at Poe MS, Holmes MS, and Glasgow MS): Phones must be silenced and in backpacks for the duration of the school day. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting Internet, calls, etc.) are to be off when phone use is prohibited. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phones for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones maybe used on campus only before and after school.
2. Students in grades 7-8: Phones must be silenced and kept put away for the duration of the school day. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Storage may be in a locker, backpack, pencil bag, etc., during the day. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus only before the first bell and after the last bell.  
**Note:** Secondary schools (i.e., Robinson Secondary, Lake Braddock Secondary, and Hayfield Secondary) have ability to permit cell phone usage during passing periods as the three schools support students in grades 7-12 who frequently use the same halls for class change to ensure cell phone expectations can be operationalized within the three schools' unique structures.
3. Students in grades 9-12: Phones must be silenced and put away during all instructional periods. Phone accessories are also to be silenced and away when phone use is prohibited. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting Internet, calls, etc.) are to be off when phone use is prohibited. Storage may be in a locker, backpack, pencil bag, etc., during classes. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs.

Cell phones may be used on campus before the first bell, after the last bell, during passing periods, and lunches.

4. Parent/guardians, multi-disciplinary team members, or other persons with knowledge of students who require access to personally owned devices as an accommodation shall make requests for such accommodations through their respective multi-disciplinary team [i.e., 504 Committee, IEP Team, English Language Committee, Multi-Tiered Systems of Support (MTSS) Team].

O. Responsibility Regarding Search and Seizure

1. General

Desks, lockers, and storage spaces, which are the property of the school are provided to students for their use. The principal may conduct general inspections on a periodic or random basis and may open desks, lockers, or storage spaces and examine the contents, including personal belongings of students. The [parent/guardian](#) shall be notified of instances of general search or individual search of belongings.

2. Individual Belongings

Any desk, locker, storage space, item of personal belonging, electronic device, and/or vehicle parked on [school property](#) or at a school-sponsored activity may be inspected on an individual basis when reasonable grounds exist to suspect that it contains evidence of a violation of a school regulation or of unlawful activity (such as illegal drugs, [weapons](#), stolen property, and other contraband), provided that the search is conducted primarily for the purpose of enforcing order and discipline in the school or at the school-sponsored activity and not for criminal prosecution. Reasonable efforts to locate the student should be made prior to the search, if practicable. If the student is present, the school official shall advise the student of the circumstances justifying the search and seizure of the objects that the official believes the search may disclose. If the student is not present, the student shall be subsequently informed of the search. Stolen items, items that are prohibited by law, and items that are possessed or used in violation of School Board policy or school system regulations may be impounded. The student shall be given a receipt for any items impounded (other than contraband) by school authorities, and the [parent/guardian](#) shall be notified of any items impounded.

3. Individual Search

Students believed to have any such contraband on their person may be searched, and metal detectors may be used. Such personal searches may extend to pockets; to the removal and search of outer garments such as jackets, coats, sweaters, or shoes; and to items such as pocketbooks or backpacks. Students suspected of having consumed alcohol are subject to breath sample tests (as provided in the current version of 2601), as appropriate. Students who, without the permission of school officials, leave their school campus or otherwise access unauthorized areas (including their own vehicles) during the school day and thereafter return to any portion of [school property](#) during that same school day, are subject to search, as determined by school administration.

4. Video and Audio Surveillance

Public areas of [school property](#) are subject to video and audio surveillance and recording.

## CHAPTER II

### ACTS FOR WHICH STUDENTS MAY BE DISCIPLINED, DISCIPLINARY PROCEDURES, AND INTERVENTIONS

Positive approaches to student discipline and collaboration among a [parent/guardian](#), teachers, and school administrators have proven to be the best way to teach expected conduct and responsible citizenship. Fairfax County Public Schools (FCPS) is committed to working with a parent/guardian and utilizes schoolwide systems to teach, model, and reinforce positive conduct. The partnership between schools and families promotes school safety, effective learning environments, and the social-emotional development of students. When students do not demonstrate expected conduct or engage in misconduct that creates a disturbance in the learning environment or unsafe conditions for others in the school, a range of interventions and consequences are utilized. Under law, certain misconduct is expressly prohibited on [school property](#), buses, and during school-sponsored activities and may result in prescribed consequences. Other misconduct may result in interventions and/or disciplinary consequences determined by the principal, taking into consideration all relevant factors.

Administrators consider many factors when determining appropriate responses to student behavior, including, but not limited to, the student's age, developmental factors, and past response to interventions. Administrators may consider other factors independently or in consultation with staff members to discern what the behavior may be communicating. Administrative responses and interventions are designed to assist staff in understanding and addressing student behavior, re-teach and reinforce school and classroom expectations and prevent further issues that may impede academic progress, interfere with school operations, create negative relationships, or endanger the health, safety and welfare of students or others. Fairfax County Public Schools use a [multi-tiered system of support \(MTSS\)](#) to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.

FCPS is committed to the consistent, unbiased, and equitable implementation of discipline policy, regulations, and practices across all schools, educational programs, and varying demographic categories. The discipline response chart below is utilized to increase consistency and guide principal decisions regarding discretionary consequences. Possible disciplinary sanctions for each level are defined and, when used, should be paired with an intervention from the same level or an earlier level as appropriate.

The following administrative responses to student behavior are provided as a guide for administrators but will in no event limit administrators' ability to exercise discretion required to construct a response and intervention that, in their judgement, is appropriate under the totality of the circumstances presented. While reliance upon suggested levels may be appropriate when responding to many student behavior issues, FCPS recognizes that circumstances will arise which warrant an administrative response that varies from the table set forth below. Those

circumstances include, but are not limited to, incidents in which the principal determines that the misconduct has substantially impeded the learning of the students or others, interfered with school operations, endangered the well-being of others, or the conduct was repetitious following attempts to intervene.

In the event of a conflict between a provision of the chart and the narrative of the SR&R, the narrative shall govern.

**Leveled Responses to Student Behaviors**

X = aligns with state and local guidance for where leveled sanctions should begin

\* = allows this level of sanction to be imposed at the principal’s discretion as part of a progressive response

® = allows for a suspension up to 5 days if frequency and/or intensity are present. Also allows for a [referral to the Division Superintendent](#); however, if a referral is made, the misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations

SBAR Code <sup>4</sup>	Category A: Behaviors that impede the Academic Progress (BAP) of the student or of other students	Level 1	Level 2	Level 3	Level 4	Level 5
BAP1	Interfering with learning in the classroom (talking, excessive noise, off task, out of seat, possessing items that distract)	X	X	*	®	
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	X	X	*	®	
BAP3	Scholastic dishonesty (such as cheating, plagiarism)	X	X	*	®	
BAP4 <sup>5</sup>	Unexcused tardiness to class	X	X			
BAP5 <sup>5</sup>	Unexcused tardiness to school	X	X			

SBAR Code	Category B: Behaviors related to School Operations (BSO) that interfere with the daily operation of school procedures	Level 1	Level 2	Level 3	Level 4	Level 5
BSO1	Altering an official document or record	X	X	*	®	
BSO2	Giving false information to staff; misrepresentation	X	X	X	®	
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	X	X	X	®	
BSO4 <sup>5</sup>	Failure to be in one’s assigned place on school grounds	X	X			
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)	X	X	X	®	
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	X	X	X	®	
BSO7	Dress Code violation	X	X	*		

<sup>4</sup> SBAR Codes are the student disciplinary reporting codes established by the Virginia Department of Education.

<sup>5</sup> Exclusionary dispositions shall not be given for tardiness, attendance infractions, or cell phone infractions.

SBAR Code	Category B: Behaviors related to School Operations (BSO) that interfere with the daily operation of school procedures	Level 1	Level 2	Level 3	Level 4	Level 5
BSO8	Gambling (games of chance for money or profit)	X	X	*	®	
BSO9	Possessing items that are inappropriate for school, but do not endanger others (examples include toys, literature, electronics)	X	X	*	®	
BSO10	<u>Possession</u> of stolen items, other than prescription medication	X	X	X	®	
BSO11	Unauthorized use of school electronic or other equipment	X	X	*	®	
BSO12	Violation of the Acceptable Use of Technology/Internet policy	X	X	X	®	
BSO13	Violation of School Board policy regarding the <u>possession</u> or use of portable communication devices	X	X	*	*	
BSO13a	Violation of above with regards to cell phone possession or use	X	X			
BSO14	Vandalism, graffiti, or other damage to school or personal property	X	X	X	*	

SBAR Code	Category C: Relationship Behaviors (RB) which create a negative relationship between two or more members of the school community (No physical harm is done) <sup>6</sup>	Level 1	Level 2	Level 3	Level 4	Level 5
RB1	<u>Bullying</u> with no physical injury	K-6	X	X	®	
RB2	<u>Cyberbullying</u>	K-6	X	X	®	
RB3	Posting, <u>distributing</u> , displaying, or sharing inappropriate or <u>obscene</u> material or literature, including using electronic means	X	X	X	*	
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	X	X	X	*	
RB5	Stealing money or property without physical force	X	X	X	®	
RB6	Speaking to another in an uncivil, discourteous manner	X	X	X	®	
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	X	X	X	®	
RB8	Using profane or <u>vulgar</u> language or gestures (swearing, cursing, <u>hate speech</u> , <u>gang</u> signs or gestures)					
RB8a	Swearing/cursing	X	X	X	®	
RB8b	<u>Hate speech</u>	X	X	X	®	
RB8c	<u>Gang</u> signs	X	X	X	®	
RB8d	Gestures	X	X	X	®	
RB9	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					
RB9a	Using slurs based upon the actual or perceived race	K-6	X	X	®	
RB9b	Using slurs based upon the actual or perceived ethnicity	K-6	X	X	®	
RB9c	Using slurs based upon the actual or perceived color	K-6	X	X	®	
RB9d	Using slurs based upon the actual or perceived national origin	K-6	X	X	®	

<sup>6</sup> These behaviors do not include conduct that could constitute sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#).

<b>SBAR Code</b>	<b>Category C: Relationship Behaviors (RB) which create a negative relationship between two or more members of the school community (No physical harm is done)<sup>6</sup></b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
RB9e	Using slurs based upon the actual or perceived citizenship/immigration status	K-6	X	X	®	
RB9f	Using slurs based upon the actual or perceived weight	K-6	X	X	®	
RB9g	Using slurs based upon the actual or perceived gender	K-6	X	X	®	
RB9h	Using slurs based upon the actual or perceived gender identity (which includes, but is not limited to, malicious <a href="#">deadnaming or malicious misgendering</a> )	K-6	X	X	®	
RB9i	Using slurs based upon the actual or perceived gender expression	K-6	X	X	®	
RB9j	Using slurs based upon the actual or perceived sexual orientation	K-6	X	X	®	
RB9k	Using slurs based upon the actual or perceived religion	K-6	X	X	®	
RB9l	Using slurs based upon the actual or perceived disability	K-6	X	X	®	
RB10	Failure to respond to questions or requests by staff	X	X	X	®	
RB11	Unwanted or improper physical contact	X	X	X	*	

<b>SBAR Code</b>	<b>Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>
BSC1	Alcohol: Possessing or using alcohol		X <sup>7</sup>	X	®	
BSC1a	Alcohol: Under the influence of		X <sup>7</sup>	X	®	
BSC2	Alcohol: <a href="#">Distributing</a> alcohol to other students				X	
BSC3	Drugs: Possessing <a href="#">drug paraphernalia</a>		X	X	®	
BSC4	Drugs: Violating School Board non-prescription (Over-the-Counter) medication policy (see narrative)	X	X	X	®/ *	
BSC4a	Drugs: Violating School Board imitation drug policy		X <sup>8</sup>		X	
BSC5	Tobacco: Possessing tobacco products		X	X	®	
BSC5a	Tobacco: Using tobacco products		X	X	®	
BSC5b	Tobacco: <a href="#">Distributing</a> tobacco/electronic cigarette products		X	X	®	
BSC5c	Tobacco: Possessing tobacco paraphernalia		X	X	®	
BSC5d	Tobacco: Possessing electronic cigarettes		X	X	®	
BSC5e	Tobacco: Using electronic cigarettes		X	X	®	

<sup>7</sup> Required response for first time possession, use of alcohol, inhalants, marijuana, or non-alcoholic beer: up to a 2 day in-school suspension; voluntary completion of Alcohol and Other Drug intervention; parent/guardian information session; 7-14 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the wellbeing of others. Selling or distribution of alcohol, or drugs (with the exception of tobacco products) shall be a mandatory referral to the Division Superintendent.

<sup>8</sup> While exceptions may apply, the typical required response for first time possession or use of prescription drugs (that are not prescribed to the student) or imitation drugs: 2 days in-school suspension; completion of Alcohol and Other Drug intervention; parent/guardian information session; 21 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the wellbeing of others.

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC6	<a href="#">Bullying</a> behavior without physical injury that continues after intervention. Bullying that leads to physical injury should be classified as Assault and Battery		X	X	X	
BSC7	<a href="#">Cyberbullying</a> that continues after intervention. <a href="#">Cyberbullying</a> that relates a <a href="#">threat</a> to the safety of students and staff should be treated with a higher level of intervention and consequences		X	X	X	
BSC8	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment (includes age, marital, and military status)		X	X	X	
BSC8 a-d <sup>6</sup>	Discriminatory Harassment: Harassment based on a person's (a) race, color, national origin (including malicious outing related to citizenship or national origin), (b) religion (including malicious removal of religious garb), (c) disability, (d) any other legally protected category (including malicious outing related to gender identity or sexual orientation).		X	X	X	
BSC8f	Discriminatory Harassment (includes harassing conduct): Gender Identity. (When the facts presented are "severe, pervasive, and objectively offensive" consult the Title IX office)		X	X	X	
BSC8g	Discriminatory Harassment (includes harassing conduct): Sexual Orientation (When the facts presented are "severe, pervasive, and objectively offensive" consult the Title IX office)		X	X	X	
BSC9	Bus: Distracting the bus driver	K-6	X	X	®	
BSC10	Bus: Endangering the safety of others on the bus	K-6	X	X	®	
BSC11	Fire Alarm: Falsely activating a fire or other disaster alarm	K-6	X	X	®	
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	X	X	X	®	
BSC13	Engaging in reckless behavior that creates a risk of injury to self or others	X	X	X	®	
BSC14	Fighting that results in no injury as determined by the school administration	X	X	X	®	
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	K-6	X	X	*	
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	X	X	X	®	
BSC17	Minor shoving, pushing, striking, or biting a student with no visible injury	X	X	X	®	
BSC18 <sup>6</sup>	Exposing body parts, <a href="#">lewd</a> , or indecent public behavior	K-6	X	X	®	
BSC19 <sup>6</sup>	Physical contact of a sexual nature—patting body parts, pinching, tugging clothing	K-6	X	X	*	
BSC22	Stealing money or property using physical force (no <a href="#">weapon</a> involved)		K-6	X	X	
BSC24	Leaving school grounds without permission	X	X			
BSC25	Trespassing	X	X	X	®	
BSC26	Possessing dangerous instruments/substances that could be used to inflict harm upon another		X	X	®	



SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC27	<a href="#">Weapons</a> : Possessing any weapon (other than a firearm) as defined by <a href="#">§18.2-308.1</a>		K-6	X	*	
BSC27a	Possessing a machete, switchblade knife, or any other knife with a blade length of three inches or more					X

SBAR Code	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	Level 1	Level 2	Level 3	Level 4	Level 5
BESO1	Assault: Intending to cause physical injury to another person	K-6	X	X	X	
BESO1a	Group Assault: Intending to cause physical to another person	K-6	X	X	X	
BESO2	Assault and Battery: Causing physical injury to another person other than a staff member		X	X	X	
BESO2a	Assault and Battery: Causing physical injury to a staff member		K-6	K-6	K-6	7-12
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	X	X	X	®	
BESO4	Striking Staff: The use of force against a staff member when no injury is caused	K-6	X	X	X	
BESO5	Drugs: Possessing controlled substances, illegal drugs inhalants, or synthetic hallucinogens or unauthorized prescription medications					
BESO5	Drugs: Possessing <a href="#">marijuana</a> or THC oil		X <sup>7</sup>	X	®	
BESO5b	Drugs: Possessing schedule I & II drugs					X
BESO5c	Drugs: Possessing <a href="#">inhalants</a>		X <sup>8</sup>	*	®	X <sup>8</sup>
BESO5d	Drugs: Possessing unauthorized prescription medications		X		®	X
BESO5e	Drugs: Possessing your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO5f	Drugs: Possessing other drugs					X
BESO6	Drugs: Being under the influence of <a href="#">controlled substances</a> , illegal drugs, <a href="#">inhalants</a> , or synthetic hallucinogens or unauthorized prescription medications		X	X	®	
BESO7	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications.					
BESO7a	Drugs: Using marijuana or THC oil			X		
BESO7b	Drugs: Using cocaine or Schedule I <a href="#">controlled substances</a> (including ecstasy, LSD, and <a href="#">synthetic marijuana</a> )					X
BESO7c	Drugs: Using <a href="#">inhalants</a>		X <sup>7</sup>	X	®	

SBAR Code	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	Level 1	Level 2	Level 3	Level 4	Level 5
BESO7d	Drugs: Using unauthorized prescription medications		X <sup>8</sup>		®	X <sup>9</sup>
BESO7e	Drugs: Using your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO7f	Drugs: Using other drugs					X
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire		X	X	X	
BESO10	<a href="#">Gang</a> -Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in <a href="#">§18.2-46</a> <sup>10</sup>		X	X	X	
BESO11	<a href="#">Hazing</a> as defined in <a href="#">§18.2-56</a> and noted in <a href="#">§ 22.1-279.6</a>		X	X	X	
BESO12	Threatening, intimidating or instigating violence, injury or harm to a staff member or members		K-6	X	X	
BESO13	Threatening, intimidating or instigating violence, injury or harm to another student(s) or other(s)	K-6	X	X	X	
BESO15	Using an object not generally considered to be a weapon to threaten, intimidate, or attempt to injure school personnel					X
BESO16	Using an object not generally considered to be a weapon to threaten, intimidate, or attempt to injure student(s) or other(s)					X
BESO17	Bomb threat–Making a bomb <a href="#">threat</a>		*	X	X	

SBAR Code	Category F: Persistently Dangerous (PD). Behaviors described in the Virginia’s Unsafe School Choice Option Policy required by the federal Every Student Succeeds Act of 2015.	Level 1	Level 2	Level 3	Level 4	Level 5
PD1	Homicide - Firearm					X
PD2	Homicide - Other Weapon					X
PD5	Use of a Bomb					X
PD6	Assault with Firearm or Weapon					X
PD7	Actual or Attempted Robbery					X
PD8	Kidnapping/Abduction					X
PD9	Malicious Wounding without a Weapon					X
PD11	Illegal <a href="#">Possession</a> of a Handgun					X
PD12	Illegal <a href="#">Possession</a> of Rifle or Shotgun					X
PD13	Illegal <a href="#">Possession</a> of Any Other Projectile Weapon					X
PD14	Illegal <a href="#">Possession</a> of a Bomb					X
PD15	Illegal <a href="#">Possession</a> of Other Firearms					X

<sup>9</sup> Second or subsequent possession or use of a prescription drug not prescribed to the student, or imitation drugs, shall result in a referral to the Division Superintendent.

<sup>10</sup> Students engaging in gang-related activities should be referred to the Office of Student Safety and Wellness for additional resources

SBAR Code	Category F: Persistently Dangerous (PD). Behaviors described in the Virginia’s Unsafe School Choice Option Policy required by the federal Every Student Succeeds Act of 2015.	Level 1	Level 2	Level 3	Level 4	Level 5
PD16	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell ( <a href="#">Marijuana</a> )					X
PD16a	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell (Schedule I/II)					X
PD16b	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell (Schedule III-VI)					X
PD16c	<a href="#">Distributing controlled substances</a> or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) ( <a href="#">Marijuana</a> )					X
PD16d	<a href="#">Distributing controlled substances</a> or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) (Schedule I/II)					X
PD16e	<a href="#">Distributing controlled substances</a> or prescription medications or illegal drugs or synthetic hallucinogens to another student(s) (Schedule III-VI)					X

SBAR Code	Title IX Sexual Harassment  Title IX prohibits sex discrimination in public schools. Federal law dictates how schools specifically address certain types of offenses under Title IX - specifically Sexual Harassment. Title IX Sexual Harassment offenses must be immediately referred to the TIX Office to be addressed under Regulation 2118 and school-based administrators cannot investigate or discipline Title IX Sexual Harassment. Other sex-based discriminatory conduct, is addressed under Regulation 2601, the SR&R.  Regulation 2118 governs Title IX: Sexual Harassment by Students, including discipline. Potential disciplinary consequences for Title IX Sexual Harassment include but are not limited to: suspension, reassignment, expulsion, and exclusion from school and all school-sponsored activities. Discipline under Title IX Sexual Harassment is imposed exclusively by the Superintendent’s Hearing Officer.	Level 1	Level 2	Level 3	Level 4	Level 5
BSC8e	Sexual Harassment: includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature could be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity.					TIX
BSC8h	Sexual Harassment: Dating Violence					TIX
BSC8i	Sexual Harassment: Domestic Violence					TIX
BSC8j	Retaliation (related to filing a sex-based discrimination complaint)					TIX
BSC21a	Sexual Harassment: Stalking (See Glossary)					TIX
PD3	Sexual Assault (Rape, Sodomy, Fondling, Incest, Statutory Rape)					TIX
PD4	Attempted Rape and/or Sodomy					TIX
PD10	Aggravated Sexual Battery on a Student					TIX

The following levels of administrative response are comprised of tiered social-emotional, behavioral, and academic supports provided by other school personnel and in collaboration with the student’s family and can be paired with potential sanctions. The following administrative responses to student behavior are provided as a guide for administrators and intended to provide a progressive leveled response that is as minimally exclusionary to the fullest extent possible. Intervention and supports listed area illustrative, not exhaustive.

Level	Responses:
1	<p><b>Level 1 Responses</b> are intended to prevent further behavioral issues while keeping the student in school.</p> <p><b>Interventions and Supports:</b></p> <ul style="list-style-type: none"> <li>• Seat change</li> <li>• Written reflection as an opportunity for intervention</li> <li>• Counselor/Student conference (includes re-teaching of expected behavior)</li> <li>• Behavior progress chart: recognize and reward positive alternative behavior</li> <li>• Administrator/Student conference</li> <li>• Administrator/Teacher/<a href="#">Parent/guardian</a> conference</li> <li>• Written reflection</li> <li>• Restorative circle or conflict resolution</li> <li>• School-based community service (to repair the relationship)</li> <li>• Restitution</li> </ul> <p><b>Sanctions:</b></p> <ul style="list-style-type: none"> <li>• Confiscation of student articles by the administration (to be returned a parent/guardian)</li> <li>• Temporary loss of classroom or parking privileges</li> <li>• Detention (before school, at lunch, after school)</li> </ul>
2	<p><b>Level 2 Responses</b> are designed to prevent further behavior issues and keep the student in school. Interventions expand and depending upon the severity of the behavior, may include short-term removal of the student from the classroom. .</p> <p><b>Interventions and Supports (in addition to Level 1 options):</b></p> <ul style="list-style-type: none"> <li>• Behavior contract (developed with and signed by the student, <a href="#">parent/guardian</a>, and school officials)</li> <li>• Check-In/Check-Out</li> <li>• Schedule change</li> <li>• Referral to school multi-tiered system of support (MTSS) team</li> <li>• Consultation with support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Office of Special Education Instruction, Substance Abuse Prevention specialist, or Mentor Program))</li> <li>• Referral to local screening committee to determine need for assessment for special education or 504 eligibility</li> <li>• Referral to individualized education program (IEP) team</li> </ul> <p><b>Sanctions (in addition to Level 1 options):</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for up to seven calendar days</li> <li>• Saturday detention</li> <li>• Removal from classroom for less than half the day (AIA)</li> <li>• In-school suspension (up to two school days) with behavioral instruction and academic support</li> </ul>
	<p><b>Level 3 Responses</b> include more intensive interventions. Dependent upon the severity, repeated nature of the behavior and/or safety concerns, Level 3 responses may include the student’s short-term removal from school.</p>

Level	Responses:
3	<p><b>Interventions and Supports (in addition to Levels 1 and 2 options):</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Restorative justice conference</a></li> <li>• Referral to support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Substance Abuse Prevention specialist, or Mentor Program)</li> <li>• Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)</li> <li>• Referral to behavioral support group</li> <li>• Referral for community-based services</li> <li>• <a href="#">Threat</a> assessment as indicated by the behavior</li> <li>• Invitation for <a href="#">parent/guardian</a> to visit/consider alternative education programs</li> <li>• Referral to local screening committee to determine need for assessment for special education or 504 eligibility</li> <li>• Referral to individualized education program (IEP) team</li> </ul> <p><b>Sanctions (in addition to Levels 1 and 2 options):</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for 7-14 calendar days</li> <li>• In-school suspension (up to five school days) with behavioral instruction and academic support</li> <li>• Short-term out-of-school suspension (up to two school days) with restorative circle or administrator conference upon return</li> <li>• Referral to law enforcement where required</li> </ul>
4	<p><b>Level 4 Responses</b> include targeted individualized interventions and customarily result in school-based disciplinary action. However, the principal may make a <a href="#">referral to the Division Superintendent</a> for these violations. A <a href="#">referral to the Division Superintendent</a> may result in a number of different responses based on circumstances and rarely results in an <a href="#">expulsion</a>.</p> <p><b>Interventions and Supports (in addition to Levels 1–3 options):</b></p> <ul style="list-style-type: none"> <li>• Restitution via written contract</li> <li>• <a href="#">Threat</a> assessment as indicated by the behavior</li> <li>• If review of the student’s suspension record indicates that the student has had multiple suspensions for the same or related behaviors, suggesting a pattern of behavior concerns or when there is a <a href="#">referral to the Division Superintendent</a>, IEP team should conduct an FBA and/or BIP</li> </ul> <p>Students with disabilities</p> <ul style="list-style-type: none"> <li>• Referral to IEP team if the student has or will have had more than ten days of suspension cumulatively over the school year to determine how services will be delivered on day 11</li> <li>• Request an IEP meeting to consider whether supports and/or services are needed.</li> <li>• If any action may result in a change of special education placement, including a series of short-term removals that accumulate to more than ten school days in a school year or a referral to the Division Superintendent, then a Manifestation Determination Review must be conducted.</li> </ul>

Level	Responses:
	<p><b>Sanctions:</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for 14-21 calendar days</li> <li>• Short-term out-of-school suspension (up to three school days for grade K-3 students per incident, unless specified misconduct has occurred; up to five school days for grade 4-12 students, unless accompanied by <a href="#">referral to the Division Superintendent</a>, in which case the principal may suspend for up to ten school days) with restorative circle or administrator conference upon return</li> <li>• <a href="#">Referral to the Division Superintendent</a></li> <li>• Referral to law enforcement as required</li> </ul>
5	<p><b>Level 5 responses</b> target behaviors for which the code of Virginia or School Board policy mandate a <a href="#">referral to the Division Superintendent</a>. Interventions are intended to support the student during any related short-term removal from school, and to implement required protections for students with disabilities. A <a href="#">referral to the Division Superintendent</a> may result in a number of different responses based on circumstances and rarely results in an <a href="#">expulsion</a>.</p> <p><b>Required Interventions and Supports:</b></p> <ul style="list-style-type: none"> <li>• Referral to Out-of-School Support Office to arrange academic support during suspension</li> <li>• Referral to school counselor, school social worker, and school psychologist to identify who will contact family and student to determine emotional status and offer support</li> </ul> <p>Students with disabilities</p> <ul style="list-style-type: none"> <li>• MDR, even if the student has not had ten days of suspension, because the consequence assigned may result in a change in placement.</li> <li>• FBA or BIP</li> <li>• Referral to IEP team to determine how services will be delivered on day 11 (when a student with a disability has been suspended for 10 or more days cumulatively over school year)             <ul style="list-style-type: none"> <li>• IEP team may also consider possible need for change to goals, accommodations, services, or placement on IEP</li> </ul> </li> </ul> <p><b>Required School-based Administrative Responses to Level 5 Behaviors:</b></p> <ul style="list-style-type: none"> <li>• Referral to Division Superintendent</li> <li>• <a href="#">Threat</a> assessment when indicated by the behavior</li> <li>• Referral to law enforcement as required</li> </ul>

A. Acts for Which Students May Be Disciplined

Introduction: Administrators consider many factors when determining responses to student behavior and follow the leveled responses to student behavior charts. The least exclusionary sanctions paired with targeted interventions are to be used prior to removal from the classroom. When the intensity and/or frequency of the behavior is not positively impacted by less restrictive consequences, sanctions may include suspension, reassignment, [expulsion](#), and exclusion from school and all school-sponsored activities, for prohibited conduct as outlined in this regulation occurring on [school property](#), while engaged in or attending a school-sponsored activity (i.e.,

sports, clubs), or which affects students going to or returning from school including on a school bus or at a school bus stop. Students may also be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the school environment, and/or results in a criminal charge or conviction.

If a student has been suspended from school, make-up work will be provided by the school during the period of suspension and graded upon return. A [parent/guardian](#) is expected to provide adequate supervision for the student during periods of suspension and to work collaboratively with the school to arrange for assignments to be picked up and to ensure that the student completes assignments while on suspension.

A student may be subject to disciplinary action for violation of any: (i) federal, state, or local law, rule, or regulation and/or (ii) policy or regulation of the School Board, the school system, or the school. Principals customarily will respond to many instances of prohibited conduct with school-based consequences, including, where necessary, suspension not to exceed five days<sup>11</sup> as outlined in this regulation. For more serious violations, the principal has the discretion to choose to make a [referral to the Division Superintendent](#) to conduct a hearing in order to consider more serious disciplinary action (to include a [long-term suspension](#), a reassignment, and/or a recommendation to the School Board for [expulsion](#)). Where a [referral to the Division Superintendent](#) is made, the principal also may impose a suspension of up to ten days and may recommend a specific disciplinary action to the Division Superintendent. No inference is to be drawn from the absence of a principal's recommendation. For the most serious violations (including those involving certain [weapons](#), illegal drugs, and assault on a school employee causing injury), the principal is obligated by School Board policy to make a referral to the Division Superintendent.

A school principal may impose a [short-term suspension](#) and make a [referral to the Division Superintendent](#) in any situation involving prohibited conduct as outlined in this regulation. The misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations.

Any student who commits multiple offenses (regardless of their nature) at the same time or on different occasions may, at the discretion of school officials, face more stringent disciplinary action as a result, notwithstanding the sanction identified below for any particular act of prohibited conduct. Nothing contained herein shall require the use of progressive disciplinary measures or shall establish the order in which such disciplinary measures shall be imposed.

Before a student is removed from their base school and reassigned to another educational setting, other disciplinary options will be considered such as loss of privileges, community service, after school detention, or Saturday school. When a student is subject to out-of-school suspension, the school system shall, if feasible, provide academic support and other services necessary for the student to maintain academic progress.

When a student makes a [threat](#) of violence toward others, or when a student's behavior indicates that a threat is reasonably likely, a threat assessment will be conducted by school officials, pursuant to [Regulation 2111](#), Procedures for Conducting a Threat Assessment. The purpose of a threat assessment is to assess the seriousness of the student's threat, to provide assistance to

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<sup>11</sup> Students who are in kindergarten through third grade ordinarily are not subject to suspensions from school of more than three consecutive days. Virginia law provides for exceptions where such students engage in dangerous misconduct (see Chapter II.C.3. of this regulation).



the student being assessed, to support victims or potential victims, and to take preventive or corrective measures to maintain a safe and secure school environment. The [parent/guardian](#) is notified of the threat assessment and their input is part of the assessment process. Principals shall report to the police any occurrence of specific types of threats, and shall notify the parent/guardian of any minor child who is the object of such a threat, pursuant to [Regulation 2111](#). A threat assessment is not a disciplinary action and is not a prerequisite to disciplinary action. Students violating the SR&R are subject to discipline regardless of whether a [threat](#) assessment has been conducted and regardless of the outcome of that assessment.

Students may be disciplined for offenses defined and classified as Title IX offenses in [Regulation 2118](#), Title IX: Sexual Harassment by Students, at the conclusion of the Title IX grievance process enumerated in [Reg 2118](#). Potential disciplinary consequences for each of the behaviors specified with TIX in the Leveled Responses to Student Behavior charts include but are not limited to: suspension, reassignment, [expulsion](#), and exclusion from school and all school-sponsored activities. Only Title IX decision-makers (designated as the Superintendent's hearing officer(s)) may impose discipline related to those offenses, and such discipline will not be implemented until the conclusion of the Title IX grievance process, including any appeals, as well as the discipline appeal afforded in [Reg 2118](#), Section V.

Retaliation against individuals who report or participate as witnesses in the investigation of a [discrimination](#), harassment, and/or [sexual misconduct](#) complaint is strictly prohibited. Retaliation means any adverse action taken against a person for making a report of [discrimination](#), harassment, and/or sexual misconduct; or participating in any activity related to the complaint. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage someone from reporting or participating in a discriminatory harassment or sexual misconduct investigation.

In accordance with [VA Code 22.1-277.06](#), recommendations of the Division Superintendent for [expulsion](#) by the School Board for prohibited conduct other than those involving illegal drugs or [statutory weapons](#) shall be based on consideration of the following factors: (i) the nature and seriousness of the violation; (ii) the danger to the school community; (iii) the student's disciplinary history, including the seriousness and number of previous infractions; (iv) the appropriateness and availability of an alternative educational placement or program; (v) the student's age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student's attendance and academic records; and (viii) such other matters as deemed appropriate. No decision to discipline a student shall be reversed solely on the grounds that such factors were not considered.

Prohibited conduct encompasses any behavior incompatible with a K-12 educational environment and good citizenship and includes, but is not limited to, the following: assault; disruptive behavior; alcohol, tobacco, [marijuana](#), and other drug violations; property violations; and [weapons](#) violations. The violations listed herein are examples of prohibited conduct.

Acts for which students may be disciplined include, but are not limited to:

1. Assault

- a. The following violations may result in a suspension from school for up to five days unless the principal makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.

- (1) Threatening to assault or physically assaulting a school staff member without injury.
- (2) Any involvement in a group assault. Any collection or group of students assembled with the intention of committing an assault constitutes a group. Each and every student who is part of a group shall be held directly responsible for any assault committed by one or more members of the group.
- (3) Threatening to assault or physically assaulting another student or any other person (other than a staff member), whether or not causing injury.
- (4) [Hazing](#) or otherwise mistreating another student by recklessly or intentionally endangering the health or safety of, or inflicting bodily injury on, the student in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. A report of hazing with bodily injury shall be made to the Commonwealth's Attorney in accordance with [Section 18.2-56 of the Code of Virginia](#).
- (5) Improper touching of another person (whether or not consensual).<sup>12</sup>

- b. For students in grades 7-12, physically assaulting a staff member causing injury shall result in a [referral to the Division Superintendent](#) and the principal may suspend for up to ten days. For students in grades K-6, physically assaulting a staff member causing injury may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

## 2. Disruptive Behavior

Disruptive behavior often interferes with student learning and school operations. For violations involving disruptive behavior, a [restorative justice conference](#) and/or referral to the FCPS restorative justice practitioner may be used in lieu of, or in addition to, disciplinary action, at the discretion of the principal.

- a. The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

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<sup>12</sup> These behaviors do not include conduct that could constitute sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#). All staff members shall report all allegations of bullying and harassment to the principal. The principal is responsible for notifying the Title IX coordinator of any sexual harassment allegation within 24 hours of receiving notice. All allegations (whether founded or not) of such, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS).

- (1) Misconduct, including fighting<sup>13</sup>, mistreating, cursing, hateful, [vulgar](#), or offensive gesturing, or verbally abusing any person
  - (2) Use or [possession](#) of fireworks
  - (3) Using profane or [vulgar](#) language or gestures (swearing, slurs, cursing, [hate speech](#), [gang](#) signs or gestures)
  - (4) Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, religion, or disability
  - (5) Verbal or written use of [vulgar](#), profane, [obscene](#), or patently offensive language<sup>12</sup>
  - (6) Disruption of the educational process, or open defiance of the authority of any teacher or staff member
  - (7) [Possession](#) or use of a smoking or vaping device (for example, a vape, a JUUL, or a like device). To the extent the foregoing contains alcohol, [marijuana](#), nicotine, or an illegal drug, specific consequences are listed below in this regulation
  - (8) Willful disruption of any school-sponsored activity that impedes participation of others or presents a safety concern
  - (9) Violation regarding the Acceptable Use Policy
  - (10) Unauthorized use or [possession](#) of a laser pointer or other laser devices
  - (11) Forgery, cheating, plagiarism, or dishonesty, including the use of portable communication devices for such purpose
  - (12) Gambling in any form
  - (13) Use or [possession](#) of matches or lighters
- b. The following violations may result in a suspension from school for up to five days unless the principal makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.
- (1) [Vulgar](#), profane, [obscene](#), or patently offensive conduct including possessing or displaying visual imagery that is obscene as defined in the Code of Virginia or engaging in indecent or [lewd](#) exposure of body parts, including via the Internet or other electronic means.<sup>12</sup>

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<sup>13</sup> School officials may, in their discretion, consider self-defense as a factor when determining disciplinary action for misconduct involving fighting. Self-defense will never justify or excuse any other violation of the SR&R, including but not limited to any possession or use of a weapon.

- (2) [Bullying](#)<sup>14</sup> on any basis.
  - (3) Discriminatory harassment<sup>12</sup> (which is harassment based on a person's age, race, color, religion, national origin, marital status, disability, or any other legally protected category.) Sexual harassment is prohibited by Regulation 2118.
  - (4) [Sexual misconduct](#)<sup>12</sup> (which includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature) but that is not within the scope of “sexual harassment” as defined by [Regulation 2118](#).
  - (5) Conduct that endangers the well-being of others, including making threats or intimidating.
  - (6) Unauthorized or illegal use of, or access to, computers, software, telecommunications, or related technologies or any willful act that causes physical, financial, or other harm to, or otherwise disrupts, information technology or the academic environment or any violation of cybersecurity policies set forth by the Office of Cybersecurity (OCS).
  - (7) Taking part in, assisting, facilitating, or promoting gang-related activities that are disruptive to the school environment, which include, but are not limited to, the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a [gang](#) that advocates illegal, disruptive, or intimidating behavior. If a student is suspected of being in a gang or has violated the provisions of this section, the principal shall notify the [parent/guardian](#) and refer the student to the FCPS Student Safety and Wellness Office for additional resources and interventions to address gang involvement.
3. Alcohol, Tobacco, [Marijuana](#), and Other Drug Violations (including Vaping of Any Substance)

School disciplinary action may be taken regardless of whether the student’s age is such that the [possession](#) or use of alcohol, tobacco products, [marijuana](#), or over-the-counter drugs is permitted by law.

a. Tobacco and Smoking Device Violations

The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the [principal](#) may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

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<sup>14</sup> The principal is responsible for investigating and documenting all allegations of bullying. All allegations (whether founded or not) of bullying, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS). In connection with any allegation of bullying, and within five school days of the initial report of such to a school official, the principal shall furnish notice regarding the status of the investigation to the parent/guardian of each student allegedly involved.

Possessing, using, or [distributing](#) tobacco products, vaping products, or smoking devices (to include, for example: JUUL devices, electronic cigarettes, vapor devices, and hookah pens), all of which are collectively referred to herein as “tobacco products.”

- (1) For a first violation related to tobacco products, a student shall participate in an FCPS tobacco and smoking intervention program to be conducted by the Student Safety and Wellness Office. Failure to attend and successfully complete the intervention program shall result in a school-based disciplinary action not to exceed one day of suspension. The [parent/guardian](#) is expected to complete an information session on the prevention of substance misuse.
- (2) For a second or subsequent violation related to tobacco products, a student shall receive an in-school consequence or be suspended from school for no more than two days at the discretion of the [principal](#).

School officials may report any such violation to the police in accordance with the [Code of Virginia, Section 18.2-371.2](#).

b. Alcohol, [Marijuana](#) (including THC oil), and [Inhalants](#), Possession and Use

For violations involving alcohol, [marijuana](#), or inhalants, students shall be referred to an FCPS alcohol and other drug ([AOD](#)) intervention program in lieu of, or in addition to, disciplinary action at the discretion of the [principal](#)

- (1) Violations related to use or possession of alcohol, marijuana, or inhalants customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension.
  - (a) For a first violation related to alcohol, marijuana, or inhalants a student must participate in an FCPS tobacco and smoking intervention program to be conducted by the Student Safety and Wellness Office and may receive up to two day in-school suspension. Failure to attend and successfully complete the intervention program will result in a school-based disciplinary action not to exceed one day of suspension. The parent/guardian is expected to complete an information session on the prevention of substance abuse. The principal may not impose an out-of-school suspension or make a referral to the Division Superintendent for a first offense unless the student engaged in other misconduct, in addition to the possession or use violation, that warrants such disciplinary response.
  - (b) For a second or subsequent violation related to use of or possession of alcohol, marijuana, or inhalants a student will receive an in-school consequence or be suspended from school for no more than two days at the discretion of the principal. The principal may impose a suspension up to five days if warranted by the unique circumstances of the situation. (e.g., other acts that have concerns related to impeded learning and/or safety, third possession or use infraction without engaging in other acts). The principal may make a referral to the Division Superintendent and suspend up to ten days only if the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or

followed school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

- (2) For possession in an amount indicative of personal individual use for a single occasion or use; alcohol, marijuana, inhalants, or nonalcoholic beer, herein referred to as prohibited substances, and its impact on students ability to participate in student activities (so long as such student has not engaged in other prohibited conduct for which a referral to the Division Superintendent is required by this regulation, has not previously been referred to the Division Superintendent for an illegal drug violation, and is not currently subject to probationary conditions imposed by the Division Superintendent) in lieu of a five day out-of-school suspension.
  - (a) For high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.
  - (b) For high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all [student activities](#) including teams, clubs, and all other school-sponsored activities for an additional 14-21 days.
- (3) If the student is suspected of being under the influence of alcohol, [marijuana](#), or otherwise having violated the provisions of this section, the [principal](#) shall notify the [parent/guardian](#) of the suspicion. For suspicion of alcohol the principal shall immediately administer a breath sample test to determine any alcohol content. The principal shall recommend that the student do at least one of the following:
  - (a) Voluntarily attend an FCPS [AOD](#) intervention program.
  - (b) Voluntarily participate in a substance abuse assessment, at [parent/guardian](#) expense, with the Fairfax-Falls Church Community Services Board or a private provider to determine the need for substance abuse treatment.
- (4) Selling and distributing alcohol, marijuana, inhalants, or nonalcoholic beer shall be referred to the Division Superintendent for first and subsequent offenses.

c. [Nonprescription Drugs](#) (Over-the-Counter Drugs)

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<sup>15</sup> These types of violations may include, but are not limited to, assault on staff or students with injury, possession of weapons or explosives, possession of drugs or controlled substances indicative of an intent to distribute, distribution of drugs and/or controlled substances, or any violation that would clearly interfere with graduation ceremonies. The decisions to exclude a student from graduation may be based on a decision from the Hearings Office or may be made by the principal in collaboration with the regional assistant superintendent.

Nonprescription drugs are those not authorized under the current version of [Regulation 2102, First Aid, Emergency Treatment, and Administration of Medications for Students](#). Nonprescription drugs include products such as Advil, aspirin, Coricidin, Dramamine, Nyquil, Tylenol, or their generic equivalents, caffeine pills, cough syrup, and other over-the-counter drugs intended to be ingested or inhaled. The [parent/guardian](#) is expected to bring all medication, including nonprescription medication, to the school health room so the medication can be safely stored and administered.

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

Using, abusing, possessing, or [distributing](#) (where such distribution is other than for the purpose of abuse) any [nonprescription drug](#).

- (2) The following violation may result in a suspension from school for up to two days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may also impose a suspension for up to ten days.

[Distributing](#) any non-prescription drug for the purpose of abuse.

d. Prescription Drugs

The [parent/guardian](#) must bring all medications to the school health room, with a form signed by a doctor for the administration of any prescription drug during the school day, or during school activities, so the medication can be safely stored and administered.

- The following violation may result in school-based disciplinary action.

[Possession](#) or use of the student's own: (i) prescription medication; or (ii) THC-A or cannabidiol oil, provided that written certification for use of such was issued by a licensed practitioner in accordance with the Code of Virginia.

- e. Any [Controlled Substance](#) (including but not limited to, ecstasy, cocaine, synthetic marijuana, non-prescribed opioids, illicit fentanyl), including Prescription Drugs not Prescribed to the Student, and [Synthetic Marijuana](#), and [Imitation Controlled Substances](#) (collectively, Illegal Drugs), or [Drug Paraphernalia](#).

For violations related to illegal drugs or [drug paraphernalia](#), a student shall be referred to an FCPS [AOD](#) intervention program in lieu of, or in addition to, disciplinary action at the discretion of the [principal](#), unless a [referral to the Division Superintendent](#) is made. Where a referral to the Division Superintendent is made, an assignment to an [AOD](#) intervention program may be made in addition to the referral to the Division Superintendent.

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.
- (a) Arriving on [school property](#) or to a school-sponsored activity under the influence of illegal or illegally used [controlled substance](#) (including ecstasy, cocaine, [synthetic marijuana](#), non-prescribed opioids, illicit fentanyl, or any prescription drug not prescribed to the student), or for possessing or [distributing drug paraphernalia](#).
- i. The student shall serve a two-day in-school suspension. For a second or subsequent violation, the principal may impose a suspension up to five days.
  - ii. For high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.
  - iii. For high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all [student activities](#) including teams, clubs, and all other school-sponsored activities for an additional 14-21 days.
- (b) For first time [possession](#) in an amount indicative of personal individual use for a single occasion; or use of: any prescription drug not prescribed to the student, or imitation drugs; or possession or distribution of [drug paraphernalia](#) shall result in the following actions (so long as such student has not engaged in other prohibited conduct for which a [referral to the Division Superintendent](#) is required by this regulation, has not previously been referred to the Division Superintendent for an illegal drug violation, and is not currently subject to probationary conditions imposed by the Division Superintendent) in lieu of a five day out-of-school suspension:
- i. The student shall serve a two-day in-school suspension.
  - ii. The student shall participate in the FCPS Alcohol and Other Drug ([AOD](#)) intervention program. (Failure to successfully complete the AOD intervention program shall result in an out-of-school suspension for one day).



- iii. The violation of this subsection shall also result in temporary removal for 21 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.
  - iv. The [parent/guardian](#) is expected to complete an information session on the prevention of substance misuse.
- (2) The following violations shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.
- (a) Second or subsequent [possession](#) or use of a prescription drug not prescribed to the student, or imitation drugs.
  - (b) [Possession](#) or use of illegal substances (including ecstasy, LSD, cocaine, [synthetic marijuana](#), non-prescribed opioids, illicit fentanyl).
  - (c) [Distributing](#), facilitating the distribution of, or manufacturing a [controlled substance](#) (including anabolic steroids, or prescription drugs, non-prescribed opioids, illicit fentanyl, [synthetic marijuana](#)), or any [imitation controlled substance](#).
  - (d) Theft of a student's prescription drug. A report shall be made to the police in accordance with the Code of Virginia.

The [Division Superintendent](#) shall conduct a hearing to determine whether a disciplinary action other than [expulsion](#) is appropriate. The School Board or Division Superintendent may determine, based on the facts of the case, that special circumstances exist and that a disciplinary action other than expulsion is appropriate. A report shall be made to the police in accordance with the Code of Virginia.

- (3) If the student is suspected of being under the influence of illegal drugs or otherwise having violated the provisions of this subsection, the [principal](#) shall notify the [parent/guardian](#) of the suspicion and recommend that the parent/guardian pursue appropriate intervention. In addition, the principal may recommend that the student do at least one of the following:
- (a) Voluntarily participate in an FCPS [AOD](#) intervention program.
  - (b) Voluntarily participate in a substance abuse assessment, at [parent/guardian](#) expense, with the Fairfax-Falls Church Community Services Board or private provider to determine the need for substance abuse treatment.

All illegal drug violations shall be reported to the police in accordance with the Code of Virginia.

#### 4. Property Violations

For violations involving property, a [restorative justice conference](#) may be used in lieu of, or in addition to, disciplinary action, at the discretion of the [principal](#).

The student or the student's [parent/guardian](#) shall be required to reimburse the School Board for any actual loss of, breakage of, destruction of, or failure to return property owned by or under the control of the School Board, caused or committed by such student in pursuit of their studies ([Code of Virginia, Section 22.1-280.4](#)). The student, or parent/guardian, will be financially responsible for any loss or damage to School Board property resulting from the misconduct.

- a. The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a five-day suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.
  - (1) Unauthorized presence on [school property](#) or failure to leave promptly after being told to do so by an FCPS staff member or a police officer.
  - (2) Theft or attempted theft of another person's property or money without the use of force or fear.
- b. The following violations may result in a suspension from school for up to five days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.
  - (1) Theft or attempted theft of another person's property or money by the use of force or fear.
  - (2) Willfully causing or attempting to cause damage to, or theft of, any [school property](#).
  - (3) Vandalism, arson, or any [threat](#) or false threat to bomb, burn, damage, or destroy in any manner a school building, [school property](#), or a school-sponsored activity.
  - (4) Attempted theft of another person's prescription medication. A report shall be made to the police in accordance with the Code of Virginia where the attempted theft is of student medication(s).

#### 5. [Weapons](#) Violations

Students are expected to report immediately to a school official whenever they observe or otherwise become aware of the presence of a weapon on [school property](#) or at a school-sponsored activity. Doing so serves to protect the well-being of other students as well as

school officials and where the reporting student is the one who is in [possession](#) of the weapon, increases the likelihood of favorable consideration by the [principal](#), or a finding of special circumstances by the [Division Superintendent](#).

a. [Possession](#) or Use of [Statutory](#) Weapon

(1) [Possession](#) or use of a [statutory](#) weapon (as defined below) on [school property](#) or at a school-sponsored activity may result in a suspension for up to ten days and shall result in a [referral to the Division Superintendent](#) who will consider a recommendation for [expulsion](#) for a period of not less than one year. As employed herein, the term “statutory weapon” shall mean the following:

- (a) Any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material.
- (b) Any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon.
- (c) A pneumatic gun, as defined in [Section 15.2-915.4 of the Code of Virginia](#), including BB gun, paintball gun, or pellet gun.
- (d) Any destructive device, as defined in [Section 22.1-277.07 of the Code of Virginia](#), including any explosive, incendiary, or poison gas, bomb, grenade, and other devices and [weapons](#) enumerated therein.
- (e) A firearm muffler or firearm silencer.

(2) Special Circumstances

Notwithstanding the foregoing provisions, the [Division Superintendent](#) shall conduct a hearing to determine whether a disciplinary action other than [expulsion](#) is appropriate. The School Board or Division Superintendent may determine, based on the facts of the case, that special circumstances exist and that another disciplinary action is appropriate. All [statutory weapons](#) violations shall be reported to the police in accordance with the Code of Virginia.

b. [Possession](#) or Use of Switchblades, Machetes, and Certain Other Knives

(1) The following violations shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.

[Possession](#) or use of any machete, any switchblade knife (regardless of blade length), or any other knife with a blade length of three inches or more on [school property](#) or at a school-sponsored activity. Provided, however, that where a student is found (without having engaged in other prohibited conduct) for the first time to be in possession of a machete, switchblade knife, or other knife with a blade length of three or more inches with no indication that the student intended to use such weapon to threaten, intimidate, or harm another, there will be an expedited review of the written record.

- (a) In the event the [Division Superintendent](#) finds special circumstances on the written record, the student shall receive the following: a suspension of up to 10 days; probationary conditions; and a temporary removal for not more than 21 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations will result in a student being ineligible to participate in graduation ceremonies.
- (b) In the event the [Division Superintendent](#) does not find special circumstances on the written record, the Division Superintendent should hold a hearing to determine what disciplinary action, if any, should be imposed, subject to any right the student may have under this regulation to appeal to the School Board.

(c) Use of Other Weapon

The following violation shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.

Unauthorized use of another weapon (as defined below) or any item used as a weapon to threaten, intimidate, or harm another.

c. [Possession](#) of Other [Weapons](#)

- The following violation may result in a suspension from school for up to five days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.

[Possession](#) of any other weapon. As employed herein, the term “other weapon” shall mean any object of any nature (other than a [statutory](#) weapon or those described in Chapter II.A.5.b.) that can be used to threaten and/or harm another person. Examples of other [weapons](#) include but shall not be limited to: any knife of less than three inches (other than a switchblade knife), nunchaku, brass knuckles, spring stick, throwing star, stun weapon, taser, mace, pepper spray, ammunition, spring loaded pellet gun, razor blade, any studded accessory, studded collar, chain collar, or similar article of clothing; and any object that is designed to look like (but not to function as) a statutory weapon, such as an imitation handgun.

d. Law and Policy

This section implements the Gun-Free Schools Act (see [Section 22.1-277.07 of the Code of Virginia](#)), as well as FCPS’ own policy<sup>16</sup> which independently prohibits student [possession](#) or use of all [weapons](#), except where expressly authorized by school officials as part of the curriculum or of officially sanctioned activities.

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<sup>16</sup> FCPS’ own policy on weapons is authorized by the Code of Virginia, including [Section 22.1-277.07:1](#).

B. Reporting to Police and the [Parent/guardian](#) of Victims of Certain Code Violations

1. Mandatory report. As required by [Section 22.1-279.3:1\(B\)\(1\)](#) of the Code of Virginia, the principal shall, in addition to taking appropriate disciplinary action, immediately report to the police department incidents involving alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications, that may constitute a felony. In the event a principal is unable to determine whether an incident may constitute a felony, the principal shall consult with Division Counsel, or outside counsel designated by Division Counsel, prior to reporting an offense to the police in order to determine whether the incident may constitute a felony.

Additionally, as required by [Section 22.1-279.3:1\(B\)\(2\)](#) of the Code of Virginia, the principal shall, in addition to taking appropriate disciplinary action, immediately report to the police department incidents involving (i) sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in [18.2-47](#) or [18.2-48](#) of the Code of Virginia, or [stalking](#) of any person as described in [18.2-60.3](#) of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; (ii) written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, unless the written threat is made by a student with a disability; (iii) illegal carrying of a firearm, as defined in [Section 22.1-277.07](#) of the Code of Virginia, onto school property; (iv) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in [Section 18.2-85](#) of the Code of Virginia, or explosive or incendiary devices, as defined in [Section 18.2-433.1](#) of the Code of Virginia, or chemical bombs, as described in [Section 18.2-87.1](#) of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; and (v) threats or false threats to bomb, as described in [Section 18.2-83](#) of the Code of Virginia, made against school personnel or involving school property or school buses.

Any student who commits a reportable violation shall be required to participate in such prevention and intervention activities as may be prescribed by school officials, in addition to any disciplinary action that may be taken.

Material that is suspected of being [marijuana](#) or a [controlled substance](#) shall be turned over to the police department.

1. [School resource officers](#)' (SROs)<sup>17</sup> primary role in schools is as a law enforcement officer. It is recognized that marginalized communities and those that have experienced trauma may have concerns with law enforcement members being present in school environments. The partnership between Fairfax County Public Schools and the Fairfax County Police Department as outlined in the School and Law Enforcement Partnership is intended to foster relations of mutual respect and understanding in order to build a positive and safe school environment. SROs shall not become involved in routine school matters such as administrative actions or actions not directly related to the safety of the students and staff. The SRO shall refrain from functioning as a school disciplinarian and shall not intervene in school discipline matters. The discipline of students will remain the responsibility of the school faculty and administrators. At any time, the SRO may become

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<sup>17</sup> For information only, the full SRO MOU can be found at <https://www.fcps.edu/node/36886>.

involved when a school administrator has an immediate safety concern that cannot be addressed by the school's safety and security staff which the school administrator reasonably believes could lead to substantial harm to self or others. Examples of such concerning behaviors could include, but are not limited to: assault, interference with school processes that impede the safety of others, the need to disarm a student who has a weapon or the removal of a unknown substance.

When students are questioned by FCPS administrators for the purpose of student discipline, neither the SRO nor any other police officer shall be present unless FCPS administrators have an immediate safety concern in which the administrator reasonably believes could lead to substantial harm for self or others. In responding to incidents of students engaging in possible prohibited conduct which also involves criminal offenses, FCPS administrators will defer conducting interviews with students where directed to do so by the police until police interviews with students have been completed and the [principal](#) has confirmed that FCPS administrators may conduct interviews (including situations involving: imminent risk of harm, such as [weapons](#); a felony or violent misdemeanor; or where Virginia law requires immediate reporting to law enforcement).

2. The questioning of students by police officers, other than SROs, in school or on [school property](#) about alleged illegal activities shall meet the conditions as defined in the current version of [Regulation 2616, Questioning of Students by Police](#).
3. The [principal](#) shall also immediately notify the [parent/guardian](#) of any minor student who is the victim or intended victim of a reportable incident as provided in subsection 1 of this section B.

C. Disciplinary Procedures and Interventions; [Parent/guardian](#) Notification

1. Procedures in Determining Facts and Imposing Sanctions

The [principal](#) shall determine the appropriate disciplinary actions to be taken in each case of prohibited conduct, except when a [referral to the Division Superintendent](#) is required and may request the assistance of other appropriate staff members. Students and families need to be aware school staff has the right to question students in the interest of maintaining safe and secure school environments, and while school staff are not held to the same threshold as law-enforcement officials when obtaining information, the decision to provide a student response, whether verbal or written, to any such questions is voluntary. In disciplinary cases, all students have the right to due process and to fair procedures in determining facts and imposing sanctions.

- a. Students, including witnesses, may be asked to verbally explain what happened and invited to write their own version of what happened so each can record the information in their own words. Students will be informed that the written statement is voluntary. However, no student aged eight or younger shall be asked to write a statement.
- b. In the event that a school administrator has reason to believe that the student has committed an offense that would result in a [referral to the Division Superintendent](#), or that the student has committed a drug violation, the school administrator shall make reasonable efforts (e.g., phone, e-mail, text) to notify the student's [parent/guardian](#) as soon as possible, before questioning the student about the alleged offense, unless

the school administrator believes that there is imminent danger to the student or others, or that there is a risk that evidence will be lost or destroyed. No school official shall ask the student to write or sign a statement about the offense until a [parent/guardian](#) has been notified. In the event that a school official errs and obtains a written or signed statement from the student before a parent/guardian has been notified, the written or signed statement shall not be provided to the Hearings Office or School Board. School administrators shall document parent/guardian notification efforts, including time, date, and method of notification via approved contact information located on record in the Student Information System (SIS). Nothing herein shall be interpreted as requiring a school administrator: (i) to obtain a parent/guardian's consent for questioning a student; (ii) to refrain from questioning a student until a parent/guardian acknowledges the notice which was provided, or (iii) to refrain from questioning a student without the parent/guardian being present, notwithstanding the parent/guardian's direction or preference regarding such.

- c. Except in [exigent](#) circumstances, school administrators shall make reasonable efforts to notify a student's [parent/guardian](#) prior to reporting a student's violation to the SRO, unless otherwise required by law. When [principals](#) are required by law to immediately report certain misconduct to police, school administrators shall comply with such [statutory](#) requirements and shall thereafter make reasonable efforts to immediately notify the student's parent/guardian. School administrators shall document reports to the SRO and parent/guardian notification efforts.
  - d. A [parent/guardian](#) seeking information about the hearings process should contact the [Division Superintendent](#).
  - e. The [principal](#) may impose a suspension of up to five days or make [a referral to the Division Superintendent](#) in any situation involving prohibited conduct when the principal believes such action is warranted. The principal shall monitor each case to ensure that an appropriate intervention and follow-up response have been made.
  - f. Notwithstanding other provisions of the SR&R, and subject to review and revocation at any time by the [principal](#), [Division Superintendent](#), or School Board, a principal has the discretion to permit a suspended student to attend school or any designated portion of the school program, subject to such restrictions and limitations as the principal directs, pending a final disciplinary decision by school division officials.
  - g. Notwithstanding the foregoing, nothing contained herein shall be construed to diminish the authority of the [principal](#): (i) to protect the health and safety of students and others in connection with the school, or any school-sponsored activity, or (ii) to ascertain the facts about any incident. The principal shall do so in a reasonable, good faith manner, and shall be accountable for respecting the rights and responsibilities of everyone in the school.
2. Interventions Without Suspension from School

With approval of the [principal](#) and concurrence of all involved students, students may be invited to participate in a [restorative justice conference](#) to resolve disputes or address student behavior. This does not preclude the possibility of disciplinary action for prohibited conduct.

FCPS promotes the use of positive behavioral approaches and school officials work diligently to help each student understand school rules and the impact of their behavior on others.

a. The following are examples of authorized interventions:

- (1) Reviewing/reteaching expected behavior
- (2) Student-teacher conference and reflection on behavior
- (3) Conference with [parent/guardian](#)
- (4) [Parent/guardian](#) attends one day of school with student
- (5) Behavior contract
- (6) Conflict resolution with school counselor
- (7) Referral to school psychologist or school social worker
- (8) Referral to an FCPS AOD intervention program
- (9) Referral to a Behavior Intervention Services, Behavior Intervention teacher (BIT)
- (10) Referral to community resources

b. The following are examples of authorized disciplinary measures:

- (1) Admonition and counseling of the student in private concerning their responsibilities.
- (2) After-school detention. Except in extreme cases, a student must be given advance notice of this action. The [parent/guardian](#) shall be notified when a student is assigned after-school detention.
- (3) Suspension from all student privileges (including parking, senior privileges, all other student privileges, and [student activities](#), including teams, clubs, and all other school-sponsored activities) for a fixed period of time.
- (4) Probation. Being placed on probation is notification that a student's behavior has been unacceptable and must be improved. A student may be placed on probation by the [principal](#) following a conference with the student's [parent/guardian](#) in which the terms and conditions of the probation are explained. The principal shall also notify the parent/guardian in writing when probation is imposed, including the reasons for the probation and its date of termination. Probationary conditions shall be of a duration of no more than one calendar year unless the student violates one or more of these conditions.



- (5) Removal from class. Teachers shall have the initial authority to remove a student from a class for disruptive behavior that interrupts or obstructs the learning environment, using the following criteria:
  - (a) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
  - (b) The removal of the student occurs only after teacher or administrative interventions have failed to end the disruptive behavior. However, nothing herein shall preclude the immediate removal of a student for behavior that might warrant suspension from school.
  - (c) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.
  - (d) Written notice of the student's behavior and removal from class is given to the [parent/guardian](#) by the teacher when the recommendation of the teacher is that the student should be removed for longer than one school day or from the same class on consecutive days.
- (6) Alternative instructional arrangement (AIA). The student may be removed from their regular schedule of classes and assigned to a program of study under supervision of a qualified staff member for a fixed period of time, less than one-half of the school day.
- (7) In-school suspension (ISS). The student may be removed from their regular schedule of classes and assigned to a program of study under the supervision of a qualified staff member for a fixed period of time, one-half or more school days.
- (8) The student assigned to AIA or ISS shall have the opportunity to receive full credit for work performed and the [principal](#) shall notify the [parent/guardian](#) in writing of the terms and duration of the arrangements.

Students who believe that decisions made by staff members are not in their best interest may present complaints to teachers, counselors, or school administrators.

### 3. Suspension of Students in Grades K-3

No student in kindergarten through third grade is to be suspended from school for more than three consecutive days or expelled for a violation, unless such student is determined to: (i) have possessed or used a [statutory](#) weapon [as defined in Chapter II.A.5.a]; (ii) have possessed or used illegal drugs [as defined in Chapter II.A.3.d]; (iii) be the subject of a Juvenile Court report to the school system for delinquency adjudication or a conviction of one or more criminal offenses as set forth in [Section 16.1-260\(G\) of the Code of Virginia](#); (iv) be involved in physical harm, or credible [threat](#) of physical harm, to another; or (v) have violated the SR&R with [aggravating circumstances](#), which are defined as: (i) 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) the 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) the student engaged in a serious offense that was persistent and unresponsive to targeted interventions as documented through an established intervention process. For a violation of subsection (i) or (ii), the [principal](#) shall make a [referral to the Division Superintendent](#) and may also impose a suspension from school for up to ten days. For a violation of subsection (iii) or (iv) where the principal chooses to make a referral to the Division Superintendent, the principal may also impose a suspension from school for up to ten days. For all other violations of the SR&R, the principal may impose a suspension from school for only up to three days, unless the Division Superintendent or [School Board](#) determines that there are [aggravating circumstances](#); the foregoing is applicable even where the principal chooses to make a referral to the Division Superintendent.

4. Suspension for Ten School Days or Less ([Short-Term Suspension](#))

- a. While the Code of VA allows suspension of up to ten school days, FCPS allows principals the discretion to suspend up to five school days. A referral to the Division Superintendent is required when consideration of suspension for more than five school days.
- b. The [principal](#) may suspend a student for five days or less after giving the student oral or written notice of the code of conduct violation, an explanation of the facts as known to school personnel if the student denies the violation, and an opportunity to present their version of what occurred.
- c. After complying with the above procedures, the [principal](#) may suspend a student and may set conditions for the ending of a suspension so long as the period of such suspension does not exceed five days. A [parent/guardian](#) conference with school officials may be required in connection with a student's readmission to school. A parent/guardian conference shall be required subsequent to a third suspension within a 12-month period. The student shall also be suspended from all [student activities](#) including teams, clubs, and all other school-sponsored activities for the duration of the suspension, at a minimum.
- d. When a student is suspended, the school shall:
  - (1) Notify the student of the suspension and the right to appeal.
  - (2) Make a reasonable effort to notify the student's [parent/guardian](#) of the suspension, inform the parent/guardian that a copy of the rules governing suspensions and the procedures for appeal is being sent home with the student, and make arrangements for the student's return home.
  - (3) Send written notification, to the [parent/guardian](#) by the end of the school day when possible, but not later than the end of the next school day, by U.S. mail and, if possible, also by e-mail, informing them of the suspension, the reasons for the action, the length of the suspension, the right to appeal, the student's right to return to school at the end of the suspension, and any conditions for that return (such as a reentry conference or other requirement). The information provided shall include a copy of the rules governing suspensions and notice of

the right to appeal (current version of [Regulation 2602](#)) and information regarding the availability of community-based education programs or other educational options

- e. The decision to suspend a student for five days or less (without either a [referral to the Division Superintendent](#) or a recommendation for reassignment) may be appealed to the [principal](#) by the student's [parent/guardian](#) or by the student if they are 18 years of age or older. Such an appeal must be made within two school days from the initial decision to suspend by submitting written notice of the appeal to the principal. This written notice must include the reasons the suspension should be reversed or otherwise modified.<sup>18</sup>
- (1) When notified of an appeal by the [parent/guardian](#), the [principal](#) shall reinstate the student in school until the appeal has been decided except under one of the following conditions:
    - (a) The [principal](#) determines that the reinstatement of the student would pose a danger to persons or property or an ongoing [threat](#) of disruption of the school's educational program.
    - (b) The suspension is pursuant to a [referral to the Division Superintendent](#), in which case, the student's suspension may be extended until the decision to long-term suspend, reassign, or to expel has been determined (subject to the [principal](#)'s discretion to permit a suspended student to attend school or any designated portion of the school program in accordance with Chapter II.C.1.f. "Disciplinary Procedures and Interventions").
  - (2) If the [principal](#) upholds the decision to suspend and the [parent/guardian](#) wants to continue the appeal process, the parent/guardian shall within two school days notify the principal and the [Division Superintendent](#) in writing of the appeal, stating specifically why the suspension should be reversed or modified.
  - (3) After receiving a written request for an appeal from the [parent/guardian](#), a hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the record of the student's behavior. Should a hearing take place, a hearing will be promptly scheduled with the parent/guardian at a mutually agreeable time for a hearing on the appeal or, failing that, shall notify the parent/guardian in writing at least two business days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures of the hearing. The student may be represented at the hearing by a parent/guardian and additional adults who may be legal counsel, a member of the clergy, a social worker, etc. The hearing shall be conducted by a hearing officer. The hearing will be recorded by FCPS through stenographic, tape, or other means, and no other recordings are permitted. Upon request, students, a parent/guardian, and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent/guardian may request that a discipline hearing be transcribed by a court reporter. The transcription

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<sup>18</sup> As such, any appeal of short-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

must be requested at the time the hearing is scheduled, and arrangements will be made by the [Division Superintendent](#) for transcription as well as [redaction](#) of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the [parent/guardian](#), and a hearing may not be delayed on account of such a request.

- (4) Following an appeal, a hearing officer shall promptly notify the [parent/guardian](#) and the [principal](#) in writing of the decision and the basis for the decision. If the suspension is overturned, the cumulative record of the student and any other school-maintained records will reflect that conclusion. If a hearing officer upholds the suspension, the suspension shall be imposed, and such decision shall be final.
- (5) In cases of appeal when the student has not been reinstated in school during the period when the appeal is being reviewed by a hearing officer, the student shall be reinstated in school after ten days of suspension if the appeal has not been decided by a hearing officer.

f. Emergency Temporary Removal

Any student whose presence poses a continuing danger to persons or property or an ongoing [threat](#) of disruption may be removed from school immediately and the notice, explanation of facts, and opportunity to present their version required under "Suspension for Ten Days or Less ([Short-Term Suspension](#))" shall be given as soon as practicable thereafter.

5. [Records Review](#)

A student who fails to maintain a satisfactory disciplinary record and for whom prior disciplinary consequences and/or interventions have been initiated may be the subject of a records review to be conducted by the regional assistant superintendent. The [parent/guardian](#) and student will be afforded the opportunity to participate in a meeting to review the student's disciplinary record, school-based interventions to date, and other relevant information. As a result of the review, the RAS may propose additional interventions to include probationary conditions and voluntary enrollment in an appropriate, alternative educational setting. Students in grades K-6 will not be referred to the [Division Superintendent](#) unless they have first been the subject of a records review, except where the referral is required under this regulation or where the student's presence in their current school endangers the well-being of others.

6. Referrals to Alternative Educational Programs

A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative educational program on a voluntary basis. The [principal](#) will submit a Nontraditional School Programs Elective Placement Referral Form (SS/SE-227) with all required attachments to the senior administrator of Nontraditional School Programs and a meeting will be scheduled to facilitate placement into the appropriate program. Referrals can be made at any time throughout the year. If a student is eligible for special education services, the procedural support liaisons can request participation of alternative school representatives during an

individualized educational program (IEP) meeting to determine the appropriate placement. Further details about the various program options can be found at <https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program>.

7. Suspension for 11 to 45 School Days Unless Certain Misconduct Has Occurred ([Long-Term Suspension](#))<sup>19</sup>

Where a [referral to the Division Superintendent](#) is made, the [principal](#) may recommend to the Division Superintendent that a student be suspended for more than ten days. The Division Superintendent may authorize such suspension after the student and the [parent/guardian](#) have been provided written notice of the proposed action and the reasons therefor and of the right to a hearing before the Division Superintendent, if requested in writing within two days of receipt of the notification. When a student, who has been suspended is also referred to the Division Superintendent, the student may not attend school or be on any [school property](#) while the student's appeal is pending, except as specifically permitted (i) by the Division Superintendent or the [School Board](#), or (ii) by the principal who has the discretion to authorize a student to be on school property to attend school, a designated portion of the school program, or an [AOD](#) intervention program.

- a. When the [Division Superintendent](#) receives a request for a hearing, the hearing shall be promptly scheduled with the [parent/guardian](#) at a mutually agreeable time or, failing that, the Division Superintendent shall notify the parent/guardian in writing at least two business days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures. The student may be represented at the hearing by a parent/guardian and additional adults who may be legal counsel, a member of the clergy, a social worker, etc. The hearing will be recorded by FCPS through stenographic, tape, or other means and no other recordings are permitted. Upon request, students, a parent/guardian, and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent/guardian may request that a discipline hearing be transcribed by a court reporter. The transcription must be requested at the time the hearing is scheduled, and arrangements will be made by the Division Superintendent for transcription, as well as [redaction](#) of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the parent/guardian, and a hearing may not be delayed on account of such a request.
- b. When a student is the subject of a [referral to the Division Superintendent](#), the Division Superintendent will consider all possible sanctions in the same hearing (to include [long-term suspension](#), reassignment, and/or [expulsion](#)).<sup>20</sup>
- c. At the conclusion of the [Division Superintendent's](#) hearing on the referral, and subject to the Division Superintendent's final written decision, the issue of the student's possible return to their current classes (beginning on the next school day) will be considered by the Division Superintendent in consultation with the school [principal](#). The student's return shall be allowed unless the Division Superintendent

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<sup>19</sup> See Definition of Long-Term Suspension in Glossary of [Regulation 2601](#)

<sup>20</sup> As such, any appeal of long-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

concludes that doing so would endanger the well-being of others, or if there is a victim or victims at the school, such as in cases of assault or sexual harassment.

- d. Parent/guardian acknowledgement of any right to appeal shall be indicated through a signature on a separate page or electronic notification attached to the decision letter explicitly stating the acknowledgement of this right, and to be in the preferred language of the [parent](#). In the event the student's parent/guardian subsequently appeal the [Division Superintendent's](#) final written decision to the [School Board](#), the appeal may include a request for the student to attend classes and the reasons the parent/guardian believe the student would not endanger the well-being of others, unless there is a victim or victims at the school, such as in cases of assault or sexual harassment. An ad hoc three-member committee of the School Board may, following a review of the record then on file, allow the student to return to classes pending the final decision of the School Board on the appeal.
  - e. Following the hearing, the [Division Superintendent](#) shall promptly notify the [parent/guardian](#) and the [principal](#) of the decision and the basis for the decision, noting the parent/guardian's right to appeal in writing to the full [School Board](#). Appeals to the full School Board shall be conducted in accordance with the procedures established in the current version of [Policy 2611, Procedures for Hearings and Appeals to School Board](#).
  - f. If the decision to extend the suspension is in conjunction with the Division Superintendent's decision for reassignment or [expulsion](#), an appeal on the extension will be considered by the [School Board](#) as part of the reassignment or expulsion proceeding.
8. [Expulsion](#)

Expulsion is any disciplinary action imposed by the [School Board](#) or a designated committee thereof, as provided in FCPS school policy, whereby a student is not permitted to attend school within FCPS or the regular instructional program of FCPS and is ineligible for readmission to such for 365 calendar days after the date of the expulsion. Expulsion may be imposed or rescinded only at the discretion of the School Board or a designated committee thereof. The [principal](#) shall promptly send written notice of the facts warranting a [referral to the Division Superintendent](#), the [parent/guardian](#), and the student. When the principal makes a referral to the Division Superintendent, the principal may choose to recommend specific disciplinary actions, including expulsion. No inference is to be drawn from the absence of a principal's recommendation. As a part of the referral, the Division Superintendent may consider forwarding a recommendation for expulsion to the School Board whether or not such has been expressly recommended by the principal. The principal shall offer to meet with the student and parent/guardian prior to a hearing to explain the hearings process and to discuss the facts leading to the referral. The parent/guardian also is entitled to receive a redacted copy of the discipline packet that the school submitted in support of the referral, upon notice to the Division Superintendent. The hearing procedure is as follows:

- a. The [Division Superintendent](#) shall promptly schedule a hearing on the referral at a mutually agreeable time or, failing that, shall notify the [parent/guardian](#) in writing at

least two business days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures.

- b. When a student is the subject of a [referral to the Division Superintendent](#), the Division Superintendent will consider all possible sanctions in the same hearing (to include [short-term suspension](#), [long-term suspension](#), reassignment, and/or expulsion).
  - c. No [expulsion](#) recommendation is binding on the [Division Superintendent](#), who may implement alternative disciplinary sanctions or determine that no discipline is warranted.
  - d. If the [Division Superintendent](#) decides to recommend [expulsion](#), they shall notify the clerk of the [School Board](#) and shall inform the student and the [parent/guardian](#) of such and shall send them a copy of the current version of [Policy 2611](#). The Division Superintendent also may offer the parent/guardian a [letter of agreement](#) which, if agreed to and signed by the parent/guardian and thereafter accepted by a School Board committee, would conclude the case without a further hearing.
  - e. The [School Board](#) or a designated committee shall make a determination on the recommendation in accordance with the current version of [Policy 2611](#).
9. Educational Placements During Appeal

For those cases in which a decision by the [School Board](#) is pending, the student is expected to enroll in and attend the educational program designated by the [Division Superintendent](#) during the pendency of the proceeding. As an alternative, the student may continue to receive out-of-school support assigned by the Office of School Improvement and Supports to assist in completion of tests and assignments.

10. Students Suspended or Expelled from Attendance at School from Another District or a Private School

A student who has been expelled or suspended for more than 30 days from attendance at school by another [school board](#) or a private school, or for whom admission has been withdrawn by a private school, may be excluded from attendance for no more than one calendar year in the case of [expulsion](#) or withdrawal of admission, and in the case of suspension of more than 30 days, for no longer than the duration of such suspension. The school shall provide written notice to the student and their [parent/guardian](#) of the reasons for such possible exclusion and of the right to attend a hearing conducted by the [Division Superintendent](#). The student may not attend school until a review of the case is conducted by the Division Superintendent. Exclusion from some or all FCPS programs shall be imposed upon a finding that the student presents a danger to the other students or staff members of the school division. The decision to exclude shall be final unless altered by the School Board after timely written petition in accordance with the procedures established in the current version of [Policy 2611](#). Upon the expiration of the exclusion, the student may petition the Division Superintendent for admission.

11. Reassignment to an Alternative Program

The [Division Superintendent](#) may require any student who (i) has been charged with an offense relating to Virginia's laws on [weapons](#), alcohol, [marijuana](#), drugs, or intentional injury to another person or with an offense required by law to be reported to school officials, or (ii) has been found guilty or not innocent of any of the above offenses or of a crime that resulted in or could have resulted in injury to others or of a crime required by law to be reported to school officials, or (iii) has been found to have committed a serious offense or repeated offenses in violation of [School Board](#) policies, to attend an alternative program, including, but not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. The Division Superintendent may impose this requirement without regard to where the crime has occurred.

a. Student's Suspension for Intentional Injury of a Fellow Student in the Community

Following notice and a hearing, a school [principal](#) is authorized to impose a [short-term suspension](#) upon any student who has been charged with a criminal offense reportable to school officials and involving intentional injury to another student who attends the same FCPS school, regardless of where such offense occurred. In addition, the school principal may, concurrent with the imposition of the short-term suspension, recommend to the [Division Superintendent](#) that the charged student be reassigned to a school or program other than that which the victim attends. The Division Superintendent shall determine, in accordance with the procedures below, whether the charged student shall be reassigned to an alternative educational program or to another school.

b. Hearing Procedures for Reassignments

The student and [parent/guardian](#) shall be provided an opportunity to participate in a hearing to be conducted by the [Division Superintendent](#) regarding such reassignment. Written notice to the student and the parent/guardian shall be provided if the student will be required to attend an alternative program. The decision of the Division Superintendent shall be final unless altered by the [School Board](#) upon timely written petition by the student or the parent/guardian. Following the hearing, the Division Superintendent shall promptly notify the parent/guardian and the [principal](#) of the decision and the basis for the decision, noting the parent/guardian's right to appeal in writing to the full School Board. Appeals to the full School Board shall be conducted in accordance with the procedures established in the current version of [Policy 2611](#).

12. Reports from Court

Any student for whom the school division has received a report pursuant to [Section 16.1-305.1 of the Code of Virginia](#) of adjudication of delinquency or conviction of a specified crime may be suspended or expelled from school attendance in accordance with [Section 22.1-277 of the Code of Virginia](#).

Notification is sent to the [Division Superintendent](#) by the staff of the court when a student is charged with committing specified crimes including those involving criminal street [gang](#) activity or found in violation of certain laws, when a student is found not guilty of specific



charges, or when charges against a student are dismissed, withdrawn, or reduced as required by [Sections 16.1-260](#), [16.1-301](#), and [16.1-305.1 of the Code of Virginia](#).

13. Unauthorized Persons

All visitors to a school or its grounds shall report to the main office immediately. Persons who fail to do so may be considered trespassers and subject to legal action, and student visitors who fail to do so also may be subject to disciplinary action, as well as legal action. Any person whose presence or action interferes with or disrupts the operation of the school, its students, or school activities shall be prohibited from entering school or remaining on [school property](#) or remaining at a school-sponsored activity, wherever located.

14. Petition for Readmission

In accordance with the current version of [Policy 2611](#), students who are expelled and who are not permitted to return to regular school attendance or to attend, during the [expulsion](#), an alternative program, may petition for readmission to be effective one year after the date of expulsion. In order to be timely, a written petition for readmission, along with a copy of the [School Board's](#) expulsion decision, must be filed with the [Division Superintendent](#) no earlier than eight months, but not later than ten months, after the date of expulsion. The Division Superintendent may, at the discretion of the hearing officer, hold a hearing and shall issue a decision prior to the expiration of the one-year expulsion period. An untimely petition may result in a delayed decision on readmission. When a petition for readmission is denied by the hearing officer for the Division Superintendent, the student may petition the School Board for review of such denial. The School Board's review is based on the written record. An application may be made annually in accordance with the above schedule. Notice of the right to petition for readmission, as well as any conditions, will accompany the expulsion decision.

15. Other Disciplinary Consequences

A student who engages in prohibited conduct may be subject to ongoing consequences, even after the student returns to school attendance following suspension or [expulsion](#). Such consequences include, but are not limited to, reassignment to a different regular school or to an alternative educational program, probationary conditions, community or civic service, and restitution. School officials, at their discretion, may impose various conditions and restrictions for so long as the student attends any school or program operated by, or on behalf of, the School Board. Students, who have been found to be involved with illegal drugs, alcohol, [marijuana](#), and/or the illegal use of [controlled substances](#), and who thereafter have been assigned to a Fairfax County school or educational program where other students are in attendance, may be required to submit to school officials: (i) a then-current, negative drug screen report from a qualified independent laboratory and (ii) satisfactory evidence of participation in a substance abuse treatment or educational intervention program as recommended by Community Services Board or another qualified professional. In lieu of a negative drug screen, school officials may accept satisfactory evidence that the student has enrolled and is participating in the recommended substance abuse treatment or educational intervention program.

Where a student successfully completes an intervention seminar in lieu of a disciplinary sanction, the student's disciplinary record shall contain the violation as well as note the student's completion of the intervention seminar; and, in such an event, no suspension shall be recorded.

School officials, at their discretion, may impose various conditions and restrictions for so long as the student attends any school or program operated by, or on behalf of, the [School Board](#). As a probationary student, the student is required to maintain satisfactory academic, disciplinary, and attendance records. In addition, a probationary student is required to abide by all applicable laws in the community and to comply with the terms of any court order, including a probation order. Probationary conditions shall be of a duration of no more than one calendar year unless the student violates one or more of these conditions.

D. Guidance for the [Parent/Guardian](#) of Students with Disabilities Related to Discipline

FCPS looks at every student and their unique needs and is committed to working collaboratively with each family to support their child's needs. For students with special education services, the IEP team (to include the parent/guardian) requires that each child's unique needs are reviewed and considered during the IEP process. For a student with a disability under 504 of the Rehabilitation Act of 1973, refer to Chapter II,D.,8. Protections for Students Covered by Section 504 Plan.

1. Prevention of Disciplinary Incidents

When a student's behavior impedes their learning or that of others, or if there appears to be a pattern of misconduct leading to suspension, the IEP team, which includes the [parent/guardian](#), shall prioritize the use of positive behavioral interventions, strategies and supports, and take one or both of the following actions:

- a. Develop IEP goals and services specific to the child's behavioral needs.
- b. Conduct an FBA and develop a BIP to address the child's behavioral needs.

2. [Short-Term Suspensions](#) (Less than Ten School Days)

Students with disabilities may be disciplined in the same manner as non-disabled peers for up to ten consecutive or cumulative school days in the same school year.

3. [Long-Term Suspension](#) (More than Ten School Days)

If a student with disabilities is recommended for a suspension of more than ten consecutive or cumulative school days in a school year, the school shall conduct an MDR and provide services to enable the student to participate in the general education curriculum and progress toward meeting the goals of their IEP. The MDR team meeting shall convene as soon as reasonably possible, but no later than the tenth day of suspension. On the same date on which FCPS decides to long-term suspend a student with a disability because of a violation of the code of conduct, FCPS shall notify the [parent/guardian](#) and provide them a copy of the procedural safeguards.

4. [Parent/guardian](#) Notification

When a disciplinary incident involving a student with an intellectual or developmental disability may result in a suspension of any kind, school staff shall not request a verbal or written statement from the student until a parent/guardian has been provided notice. School administrators shall make reasonable efforts to contact the student's parent/guardian and document those efforts.

5. Consultation with the Student's IEP Team

Prior to making a decision to suspend or refer to the [Division Superintendent](#) a student with a disability, the [principal](#) of the school (or the principal's designee) shall consult with the student's case manager or another key member of the IEP team if the case manager is not available, review the student's IEP—including any BIP—and take into consideration any special circumstances regarding the student.

If any written or verbal statement concerning a disciplinary incident is requested of a student with a disability, school staff shall consult with the student's case manager or another key member of the IEP team or 504 committee if the case manager is not available, review the IEP or 504 plan, and ensure all accommodations documented in the student's IEP or 504 plan are provided to the student.

If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene an IEP meeting to determine whether additional goals or services are needed to address the student's behavioral needs and where necessary conduct a functional behavior assessment and develop a behavior intervention plan.

When FCPS reassigns a student with an IEP for disciplinary reasons, in which the [reassignment](#) would result in a change of placement, the IEP team will convene to discuss the student's IEP or implementation of the student's IEP at the new location. Because the least restrictive environment (LRE) of a student with a disability is not to be predetermined, it is the duty of the IEP team to discuss, propose, and decide upon the LRE, consistent with the disciplinary decision. Accordingly, the IEP team will consider the views of all members of the meeting.

When FCPS allows a student, that has been removed from an educational setting for disciplinary reasons, to return to another location that has a comparable educational program, the IEP team shall convene to discuss the student's educational services.

6. Manifestation Determination Reviews (MDR)

In conducting an MDR, the school shall follow the procedures below:

- a. Relevant members of the student's IEP team—as determined by the [parent/guardian](#) and school—shall comprise the MDR team.
- b. The MDR team shall determine that the misconduct was a manifestation of the student's disability (causality) if either of the following two conditions is met:

- (1) The conduct was caused by, or had a direct and substantial relationship to, the student's disability, or
  - (2) The conduct was a direct result of the failure of FCPS to implement the IEP.
- c. In making a determination of causality, the MDR team shall consider all relevant information in the student's file and other factors including the student's IEP, placement, school evaluations, observations, and information supplied by the [parent/guardian](#) or school officials.
- d. The MDR decision and written rationale shall be made available to the appropriate hearing officer prior to any Hearings Office proceedings.
- e. If the MDR team determines the misconduct was a manifestation of the student's disability:
- (1) In the event that the misconduct did not involve serious harm to a victim or [threat](#) of serious harm to a prospective victim, the [principal](#) shall withdraw the [referral to the Division Superintendent](#);
  - (2) In the event that the misconduct involves serious harm to a victim or [threat](#) of serious harm to a prospective victim, the [referral to the Division Superintendent](#) will remain in effect so that suitable safety measures and protective measures may be considered. The student shall be returned to the same educational placement from which they were removed, which may be at the same or an equivalent location, unless:
    - (a) The [parent/guardian](#) and school officials agree to a change in placement; or
    - (b) Where applicable, the student is assigned by the [Division Superintendent](#) to an interim alternative educational setting for 45 school days for certain offenses relating to illegal drugs [controlled substances](#), [weapons](#), or serious bodily injury, in accordance with [Virginia Administrative Code, 8VAC20-81-160, Section C.5](#).
    - (c) The school division institutes expedited special education due process proceedings to change the student's placement, in a situation where maintaining the current placement is substantially likely to result in injury to the student or others, in accordance with [Virginia Administrative Code 8 VAC 20-81-160, Section E.2](#).
  - (3) The student's IEP team must conduct an FBA as soon as possible if one has not already been conducted or update the FBA if one already exists. Based on the information in the FBA, the IEP team shall develop or update a BIP.
- f. If the MDR team determines the misconduct is not a manifestation of the student's disability, further discipline may be considered by school officials in the same manner and for the same duration as for non-disabled students. However, special education services must be provided during the period of suspension and/or [expulsion](#) so as to

enable the student to continue to participate in the general education curriculum and to progress toward meeting their IEP goals.

- g. If the [parent/guardian](#) does not agree to a change in special education placement or with the outcome of the MDR, they have the opportunity to request a local administrative review within FCPS. The parent/guardian may also request an expedited due process hearing through the Virginia Department of Education according to the procedures outlined in the VDOE Special Education Procedural Safeguards Requirements (<https://www.fcps.edu/sites/default/files/media/forms/se4.pdf>).

#### 7. Protections for Students Not Currently Eligible for Special Education

A student who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violated the code of student conduct, may assert the protections for students eligible for special education prescribed by Virginia special education regulations if the school had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge that a student is a student with a disability—unless the [parent/guardian](#) did not consent to an evaluation, has refused services, or the student has been evaluated and determined not to be a student with a disability—under the following circumstances:

- a. The [parent/guardian](#) expressed concern, in writing, to supervisory or administrative personnel or the student's teacher that the student is in need of special education and related services.
- b. The [parent/guardian](#) has requested an evaluation of the student to be determined eligible for special education and related services.
- c. The teacher of the student or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education department chair or their supervisor within FCPS.

#### 8. Protections for Students with Disabilities Covered by Section 504 Plans

- a. When a [principal](#) recommends a suspension of more than ten school days, initiates a suspension that would accumulate to more than ten school days in a school year, or refers to the [Division Superintendent](#) a student with a disability who has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, the school shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend reassignment or [expulsion](#). The [parent/guardian](#) may request additional staff or persons attend the meeting other than those identified by school staff.
- b. The knowledgeable committee shall convene a Causality Hearing to determine whether or not the misconduct has a causal relationship to the student's disability.

A committee is not required to convene in those situations pertaining to the use or [possession](#) of illegal drugs, alcohol, or [marijuana](#) where the student currently is engaging in the use of illegal drugs, alcohol, or marijuana.

- c. If it is determined that the misconduct was caused directly by the disability, the student may not be expelled or suspended for more than ten days.
- d. If it is determined that the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as nondisabled peers.
- e. If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene the knowledgeable committee to review the 504 Plan to determine whether additional accommodations or other supports are needed to address the student's behavior and where necessary conduct a functional behavior assessment or develop a behavior plan.
- f. The student shall not be entitled to receive continuing educational services during any period of suspension or [expulsion](#).
- g. The knowledgeable committee's determination shall be forwarded to the [Division Superintendent](#), who reviews this information in consideration of further disciplinary action.

### Glossary

Ableism	Discrimination in favor of an able-bodied person.
Abstain	To choose not to do or have something, especially something you like or enjoy, because it is bad for your health or morally wrong.
Aggravating Circumstances	As defined by the Virginia Department of Education, such includes; (i) 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) the 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) the student engaged in a serious offense that was persistent and unresponsive to targeted interventions as documented through an established intervention process. The Code of Virginia requires that the above also includes consideration of the student's disciplinary history.
Alcohol and Other Drug (AOD) Intervention	An intervention provided by a Substance Abuse Prevention specialist who provides a substance abuse screener and psycho-education. This education includes up to date facts about the potential impact of drug and alcohol use, as well as, open discussions about the choices that lead to substance use, the impact these choices can have on students, friends, and other members of the family, options for responding to peer pressure, and strategies to quit the use of substances. A handoff to community providers, who can provide additional supports and treatment options is made available for those with a moderate to high risk for substance abuse.
Assault	An act, criminal or tortious, that threatens physical harm to a person, whether or not actual harm is done
Bona fide	Genuine. Real. In good faith.
Bullying	Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes <a href="#">cyberbullying</a> . "Bullying" does not include ordinary teasing, horseplay, argument, or peer conflict.

Change of Placement	<p>“Change of Placement” means when the local educational agency places the child in a setting that is distinguishable from the educational environment to which the child was previously assigned and includes: (34 CFR 300.102(a)(3)(iii), 34 CFR 300.532(b)(2)(ii), and 34 CFR 300.536). 1. The child’s initial placement from general education to special education and related services; 2. The expulsion or long-term removal of a student with a disability; 3. The placement change that results from a change in the identification of a disability; 4. The change from a public school to a private day, residential, or state-operated program; from a private day, residential, or state-operated program to a public school; or to a placement in a separate facility for educational purposes; 5. Termination of all special education and related services; 6. Graduation with a standard or advanced studies high school diploma. A “change in placement” also means any change in the educational setting for a child with a disability that does not replicate the elements of the educational program of the child’s previous setting.</p>
Controlled Substances	<p>Drugs or substances found in the Drug Control Act (<a href="#">54.1-3400 of the Code of Virginia</a>), including all prescription drugs, regardless of whether the drug is considered to be a controlled substance under federal law. For student disciplinary purposes, controlled substances include but are not limited to cocaine, hallucinogens such as MDMA (ecstasy), and the actual and any generic formulations of: Adderall, Codeine, Oxycontin, Percocet, Ritalin, Valium, Vicodin, Zoloft, and any other prescription drugs for pain, depression, hyperactivity, or attention deficit disorders.</p>
Cyberbullying	<p>Any threats by one student toward another through electronic means, typically through e-mail or on websites (e.g., blogs, social networking sites). Electronic communication that supports deliberate, hostile, hurtful messages, intended to harm others is a form of bullying. Cyberbullying includes such things as sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person without consent; pretending to be someone else in order to make that person look bad; and defamatory online personal polling websites.</p>
Day	<p>Means a school day unless the context requires otherwise.</p>
Deadnaming	<p>When someone refers to a person who is transgender or gender-expansive by a name other than their own chosen name.</p>



Discrimination	Denying a person the benefit of any education program activity on the basis of race, sex, color, age, religion, sexual orientation, gender identity, national origin, genetic information, pregnancy status, childbirth or related medical condition, marital status, veteran status, and disability violation of applicable law.
Discriminatory Harassment	Verbal, electronic, or physical action that denigrates or shows hostility toward an individual because of their age, race, color, religion, national origin, marital status, disability, or any other legally protected class. Such harassment may create an intimidating, hostile, or offensive student environment.
Disruption	Disruption of the educational process means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student group or group of students.
Distracting	Distracting means any behavior that results in unwanted noise, conversation, or acts.
Distributing or Distribution	Includes, without limitation, giving, sharing, or selling, or intending or attempting to do so, as well as facilitating any of the above.
Division Superintendent	The Division Superintendent or assigned designee (that is, regional assistant superintendent, hearing officer, or assistant superintendent or any other administrative staff member authorized to act in that capacity).
Drug Paraphernalia	All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. ( <a href="#">Code of Virginia, Section 18.2-265.1</a> )
Exigent	Requiring immediate attention or action.
Expulsion	Any disciplinary action imposed by a school board or a committee thereof, as provided in school 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.
Faith-based Discrimination	Treating individuals differently because of their religious

(religious discrimination)	beliefs and practices, and/or their request for accommodations of their religious beliefs and practices. It also includes treating individuals differently because of their lack of religious beliefs or practices.
Frequency	The rate at which something occurs or is repeated over a particular period of time or in a given sample
Gang	A group of two or more persons, whether formal or informal, and however identified, which individually or collectively engage in activities that are illegal, destructive, disruptive, or intimidating. Such does include, but is not limited to, a criminal street gang. The group may, but need not necessarily, have an identifiable name, sign, symbol, or colors.
Hate Speech	Any form of expression intended to humiliate or incite hatred against a group or class of persons based upon their actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability.
Hazing	Recklessly or intentionally endangering the health or safety of a student or inflicting bodily injury on a student in connection with or for the purpose of initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student so endangered or injured participated voluntarily in the relevant activity. The Code of Virginia prohibits hazing and imposes criminal penalties. ( <a href="#">Code of Virginia, Section 18.2-56</a> )
Imitation Controlled Substance	A drug or substance in which the substance or container bears the name, markings, or likeness to, or is represented to be, a controlled substance (including a prescription drug).
Imitation Marijuana	A substance which bears a likeness to or is represented to be marijuana.
Inhalant	Any substance that gives off vapors or fumes and that is inhaled for a high.
Intensity	The strength of the behavior, such as an impulse or emotion
Letter of Agreement	A written agreement which may be offered by the Division Superintendent's hearing officer to a student whom the hearing officer is recommending for expulsion. If the agreement is signed by the student's <a href="#">parent/guardian</a> and accepted by a School Board committee, the student is

assigned to an alternative education program during the term of the expulsion, and the student's case is concluded without a further hearing.

Lewd	Showing or intended to incite in an offensive way.
Libel	Any false and harmful written or printed statement designed to expose a person to public ridicule or hatred and would injure a person's reputation in any way; anything that gives an unflattering or damaging picture of someone.
Libelous	Writing or publishing libel.
Long-Term Suspension	Disciplinary action that denies school attendance for 11-45 school days, unless misconduct involves: (i) possession or use of a statutory weapon [as defined in chapter II.A.5.a.] or illegal drugs [as defined in chapter II.A.3.d.]; (ii) serious bodily injury, or (iii) aggravating circumstances. Where a determination of (i), (ii), or (iii) is made, the long-term suspension may extend beyond 45 school days, but shall not exceed 364 calendar days.
Marijuana	Any part of the cannabis plant, whether growing or not, its seeds, resin or residue, or any extract and any of its various forms, other than THC-A oil or cannabidiol oil provided that a written certification for use was issued by a licensed practitioner in accordance with the Code of Virginia.
Malicious	Characterized by malice; intending or intended to do harm.
Marijuana, synthetic	A substance which is a controlled substance. On occasion, this substance is referred to as "Spice; K-2; or JWH-018." For the purposes of the SR&R, the term synthetic marijuana also includes any substances which bears a likeness to, or is represented to be, cannabimimetic agents or synthetic marijuana.
Meditate	To think deeply and continuously; reflect.
Misgendering	The act of labelling others with a gender that does not match their gender identity.
Nonprescription (Over-the-Counter Drug)	Any drug that can be obtained legally without a doctor's prescription.
Obscene	Words or pictures that are offensive, rude, shocking.

Outing	The act of disclosing an LGBTQIA+ person's sexual orientation or gender identity without the person's consent.
Parent/guardian	"Parent/guardian" means any parent, guardian, legal custodian, or other person having control or charge of a child.
Plagiarize	To steal and pass off the ideas or words of another as one's own; use without crediting the source.
Possession	The actual or constructive possession of a specific object or substance. Such possession may be sole, joint, or collective.
Prescription Drug	Any medication that requires a doctor's prescription.
Principal	The principal, any assistant principal, or, in their absence, the designated teacher in charge.
Privacy	Keeping information about a person that can be used to identify the person because it is unique (e.g., full name, address, etc.) out of the public domain.
Profanity	The use of swear words.
Reassignment	The disciplinary decision that requires a student to attend another school or an alternative education program, or both, pursuant to Virginia Code 22.1-277
Recitation	The act or an instance of reading or repeating aloud.
Records review	A meeting conducted by the regional assistant superintendent at the request of the principal, to which the parent/guardian and student are invited to participate, for the purpose of reviewing the student's disciplinary record and interventions to date in order to further address the student's conduct issues.
Redaction	The act of selecting or adapting (as by obscuring or removing sensitive information) for publication or release.
Referral to the Division Superintendent	Referral to the Division Superintendent means a decision which is made by the principal in order for there to be consideration of student disciplinary action greater than a <a href="#">short-term suspension</a> . Where the principal makes such a referral, the Division Superintendent will conduct a hearing to determine based on the facts whether additional disciplinary consequences (to include one or more of the following: a <a href="#">long-term suspension</a> , a reassignment, or a recommendation to the School Board for expulsion) are appropriate in accordance with this SR&R. In conducting this hearing, the Division Superintendent also will determine whether the

short-term suspension imposed by the principal is warranted. When making a referral to the Division Superintendent, the principal may choose to recommend a specific disciplinary action, provided, however, that whether or not the principal recommends a specific disciplinary action, the Division Superintendent has authority to take one or more of the following actions in accordance with the SR&R: determine that no disciplinary action is warranted, confirm a short-term suspension, impose a long-term suspension, effect a reassignment, and forward a recommendation to the School Board for expulsion.

Restorative Justice  
Conference

A restorative justice conference brings together the people most affected by wrongdoing to discuss the incident, understand who has been harmed, and to decide how the harm should be repaired. The harmed persons and school community are given a voice in the discipline process and resolution of the incident. The offending student is responsible for repairing the harm to the extent possible.

School Board

The Fairfax County School Board or a designated committee thereof.

School Day

Any day school is in session.

School Property

Any property owned, leased, or used by the School Board, including any vehicle operated by or on behalf of the School Board, such as school buses, cars, and vans.

School Resource Officer (SRO)

A certified law enforcement officer hired by the Fairfax County Police Department or other local police department to provide law-enforcement and security services to FCPS schools. Pursuant to the Code of Virginia, an SRO is to help (i) ensure safety and (ii) prevent truancy and violence in the schools.

Sexual Misconduct

Misconduct that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature but that is not within the scope of "sexual harassment" as defined by [Regulation 2118](#).

Short-Term Suspension

Disciplinary action that denies school attendance for a period not to exceed ten days.

Slander

The utterance of false charges or misrepresentation in the presence of another person which defame and damage another's reputation.

Slanderous

To utter slander against.

Statutory	Fixed by law.
Stigmatize	To characterize or mark as disgraceful.
Stigmatization	The act of being stigmatized.
Student Activities	These include extracurricular activities, co-curricular requirements, and athletics. Students participating in athletics, performing arts, clubs, competitions, practices, and any other activity that provides opportunities for participation outside of normal school hours, in addition to any student who is a spectator or audience members at a school sponsored activity are included in this definition.
Substantial Disruption	Includes any incident that generates a considerable negative impact on normal school operations, or results in a significant impact to students, the parent/guardian, and/or staff, such as using prohibited substances in a large group setting at school; requiring a response that disrupts school operations such as the need for emergency medical services; or creating a situation where the parent/guardian is compelled to keep their children out of school, or where groups of students are unable to focus on learning due to a specific incident.
Threat	An expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware of the threat existing in any fashion, whether orally, visually, in writing, or electronically.
Title IX Definitions	Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following: <ol style="list-style-type: none"><li>1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity; or</li><li>2. Dating violence, domestic violence, <a href="#">sexual assault</a> (including rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape) or <a href="#">stalking</a> (see below)</li></ol>
Dating violence	Violence committed by a student—

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - 1. The length of the relationship.
  - 2. The type of relationship.
  - 3. The frequency of interaction between the students involved in the relationship.

Domestic violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual Assault

- A. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- B. Rape; carnal knowledge of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- C. Sodomy; oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- D. [Sexual Assault](#) With An Object; use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their

temporary or permanent mental or physical incapacity;

- E. Fondling; the intentional touch of the private body parts (groin, breast, buttocks) under the clothing of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of age, or due to temporary or permanent mental or physical incapacity;
- F. Incest; non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- G. Statutory rape; non-forcible sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- 1. fear for their safety or the safety of others; or
- 2. suffer substantial emotional distress.

Vulgar

Lack of culture, refinement, taste. Coarse or crude.

Weapon

Any item so defined in the text of this regulation. For the purpose of the Gun-Free Schools Act, nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.

Legal Reference: Code of Virginia, Sections [2.2-3900](#),[4.1-1100](#) [9.1-110](#),  
[15.2-915.4](#), [16.1-260](#), [16.1-301](#), [16.1-305.1](#), [18.2-56](#), [18.2-60.3](#), [18.2-83](#),  
[18.2-85](#), [18.2-87.1](#), [18.2-265.1](#), [18.2-308.1](#), [18.2-371.2](#), [18.2-372](#), [18.2-](#)  
[390](#), [18.2-391](#), [18.2-433.1](#), [22.1-1](#), [22.1-78](#), [22.1-254](#), [22.1-254.1](#), [22.1-](#)  
[258](#), [22.1-276.2](#), [22.1-277](#), [22.1-277.06](#), [22.1-277.07](#), [22.1-277.07.1](#), [22.1-](#)  
[279.3](#), [22.1-279.3:1](#), [22.1-279.6](#), [22.1-280.4](#), [54.1-3400](#), [54.1-3408.3](#)

Virginia Administrative Code, [8VAC20-81-160](#)

See also the current versions of:

[Policy 1352](#)

[Pledge of Allegiance to the Flag](#)

[Policy 1365](#)

[Distribution of Materials](#)



<a href="#"><u>Policy 1450</u></a>	<a href="#"><u>Nondiscrimination</u></a>
<a href="#"><u>Policy 2601</u></a>	<a href="#"><u>Rights and Responsibilities of Students</u></a>
<a href="#"><u>Policy 2611</u></a>	<a href="#"><u>Procedures for Hearings and Appeals to School Board</u></a>
<a href="#"><u>Policy 2613</u></a>	<a href="#"><u>Student Dress Code</u></a>
<a href="#"><u>Policy 2701</u></a>	<a href="#"><u>Student Personal Data</u></a>
<a href="#"><u>Regulation 1367</u></a>	<a href="#"><u>Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions</u></a>
<a href="#"><u>Regulation 2102</u></a>	<a href="#"><u>First Aid, Emergency Treatment, and Administration of Medications for Students</u></a>
<a href="#"><u>Regulation 2111</u></a>	<a href="#"><u>Procedures for Conducting a Threat Assessment</u></a>
<a href="#"><u>Regulation 2118</u></a>	<a href="#"><u>Title IX: Sexual Harassment by Students</u></a>
<a href="#"><u>Regulation 2150</u></a>	<a href="#"><u>Prevention of Alcohol and Other Drug Use by Students</u></a>
<a href="#"><u>Regulation 2152</u></a>	<a href="#"><u>Tobacco and Smoking Device Violations by Students</u></a>
<a href="#"><u>Regulation 2234</u></a>	<a href="#"><u>Student Absences and Attendance Regulations</u></a>
<a href="#"><u>Regulation 2602</u></a>	<a href="#"><u>Rules of Conduct and Disciplinary Procedures</u></a>
<a href="#"><u>Regulation 2603</u></a>	<a href="#"><u>Gender-Expansive and Transgender Students</u></a>
<a href="#"><u>Regulation 2604</u></a>	<a href="#"><u>Rights of Adult Students</u></a>
<a href="#"><u>Regulation 2606</u></a>	<a href="#"><u>Teacher Removal of Students From Classes</u></a>
<a href="#"><u>Regulation 2612</u></a>	<a href="#"><u>Regulations and Procedures Governing Freedom of Expression by Students</u></a>
<a href="#"><u>Regulation 2613</u></a>	<a href="#"><u>Student Dress Code</u></a>
<a href="#"><u>Regulation 2616</u></a>	<a href="#"><u>Questioning of Students by Police</u></a>
<a href="#"><u>Regulation 2701</u></a>	<a href="#"><u>Student Personal Data</u></a>
<a href="#"><u>Regulation 4411</u></a>	<a href="#"><u>Procedures for Responding to Student Threat or Physical Assault Against a Fairfax County Public Schools (FCPS) Employee</u></a>

<a href="#"><u>Regulation 4952</u></a>	<a href="#"><u>Investigation of Complaints of Discrimination or Harassment Based on Race, Sex, Color, Religion, National Origin, Age, or Disability</u></a>
<a href="#"><u>Regulation 5810</u></a>	<a href="#"><u>School Activity Funds Management</u></a>
<a href="#"><u>Regulation 6410</u></a>	<a href="#"><u>Appropriate Use of Fairfax County Public Schools' Network and Internet Resources</u></a>
<a href="#"><u>Regulation 8617</u></a>	<a href="#"><u>Student Transportation–Eligibility, Routes, and Schedules</u></a>
Websites	<a href="https://www.fcps.edu/about-fcps/policies-regulations-and-notices"><u>https://www.fcps.edu/about-fcps/policies-regulations-and-notices</u></a> <a href="https://www.fcps.edu/node/36886"><u>https://www.fcps.edu/node/36886</u></a> <a href="https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program"><u>https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program</u></a> <a href="https://www.fcps.edu/sites/default/files/media/forms/se4.pdf"><u>https://www.fcps.edu/sites/default/files/media/forms/se4.pdf</u></a>
Forms	SS/SE-227, Nontraditional School Programs Elective Placement Referral Form

**Attention Parents!**  
**View more information about Student Rights and  
Responsibilities online at [www.fcps.edu/srr](http://www.fcps.edu/srr)**

The Office of the Ombudsman is available to talk with parents and students as a confidential, informal, independent, and impartial resource. If you need additional help navigating the school system, contact the Office of the Ombudsman at 571-423-4014 or [ombudsman@fcps.edu](mailto:ombudsman@fcps.edu).

Title IX complaints may be presented to the Title IX coordinator

571-423-3070

8115 Gatehouse Road, Falls Church, Virginia 22042

For Deaf and Hard of Hearing - Dial 711 for access to Telecommunication Relay Services (TRS)

Please contact the following for information regarding matters relating to Section 504 of the Rehabilitation Act of 1973 and equal access to FCPS facilities:

Section 504:

571-423-1304

8270 Willow Oaks Corporate Drive, Fairfax, VA 22031

Dial 711 for access to Telecommunication Relay Services (TRS)

Due Process and Eligibility:

571-423-4470

8270 Willow Oaks Corporate Drive, Fairfax, VA 22031

Dial 711 for access to Telecommunication Relay Services (TRS)

Facilities:

Design and Construction Services

571-423-2280

8115 Gatehouse Road, Suite 3500, Falls Church, VA 22042

Dial 711 for access to Telecommunication Relay Services (TRS)

**Fairfax County Public Schools**  
**Fairfax, Virginia**

Department of Special Services  
Office of Intervention and Prevention Services  
Equity and Student Conduct Office

571-423-4270

[www.fcps.edu](http://www.fcps.edu)



## Exhibit 5



# STUDENT Rights & Responsibilities

Grades K-12 | 2023-24  
A GUIDE FOR FAMILIES

Navigating a **SAFE** and **REWARDING** school experience with your child!



August 2023

Dear Parents and Families,

On behalf of Fairfax County Public Schools (FCPS), I welcome you and your children to the 2023-24 school year. I am confident this year will be filled with affirming and validating opportunities that continue to yield exceptional learning, growth, and achievement for every student. The wellness and academic future of our community's young people is essential. In FCPS, we take this responsibility very seriously. We encourage strong working relationships with our families to best serve our students in every facet of their lives.

The 2023-24 *Student Rights and Responsibilities: A Guide for Families* explains expectations for student behavior and adult responses to enhance school safety and create a fair, equitable, and supportive school environment. We know that students learn best when expectations for behavior are clear, consistent, fair, and developmentally appropriate; build on strong relationships between teachers and students; and engage families at every opportunity. In FCPS, we understand that discipline policies and practices must provide opportunities for students to reflect, problem-solve, and build positive relationships. Therefore, through such interventions as the [restorative justice](#) process, our disciplinary response aims to give both students and adults an opportunity to make responsible decisions and interact respectfully in the classroom and throughout the school. Disciplinary practices in FCPS focus on preventing problem behaviors and provide a [leveled system](#) of responses that uses instructional, restorative, and age-appropriate interventions before removing students from class or from school.

As we begin a new school year, please be assured that our school division maintains a commitment to providing a caring and inclusive climate and culture where all students are welcomed, respected, valued, and supported. It is our goal that every child is fully engaged, academically challenged, and prepared for success in school and beyond. Partnering with FCPS families is our imperative, and we ask that you use this document as a guide for discussing these expectations with your child so that they are well prepared for success when the 2023-24 school year begins. You will also find that this publication includes information that you may need throughout the school year, including contact numbers and other resources.

The current version of the Student Rights and Responsibilities (SR&R) can be found in the appendix to this booklet and is also available at [SR&R](#). It will be updated during the year online, if necessary.

- Please log in to your SIS ParentVue account to acknowledge receipt of this document, as required by law.
- Please review and sign by September 29, 2023.

I am grateful for your support and look forward to collaborating with you this year. Please contact your child's teacher or principal should you have questions about this document or if we can be of assistance to you.

Sincerely,



Michelle C. Reid, Ed.D.  
Superintendent of Schools



# IMPORTANT

## PARENT AND/OR GUARDIAN SIGNATURE SHEET

Please log on to your SIS ParentVue account and sign to acknowledge review of this document OR sign and return this form to your child’s school by September 29, 2023.

By signing and returning this page, you acknowledge that you have received the *Student Rights & Responsibilities: A Guide for Families* for school year 2023-24. This booklet is required by law and contains the following:

- Acceptable Use Policy for Student Network Access (Appendix A)
- Standards of Conduct for Students Riding School Buses (Appendix B)
- Parental Responsibility and Involvement Requirements (Appendix C)
- Compulsory School Attendance (Appendix C)
- Law Regarding Prosecution of Juveniles as Adults (Appendix C)
- Standards of Student Conduct, Interventions, and Consequences in Regulation 2601.37P (Appendix D)

This form will be kept at your child’s school.

The undersigned parent or guardian acknowledges receipt of all items listed above.

\_\_\_\_\_  
Parent or Guardian’s Signature

\_\_\_\_\_  
Date

*To enable us to properly record that you have returned this sheet, please carefully print the information below:*

\_\_\_\_\_  
Student’s Name

\_\_\_\_\_  
Student’s Grade

\_\_\_\_\_  
Student’s Teacher or Counselor

By signing the above statement, parents or guardians shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia, and the parent or guardian shall have the right to express disagreement with a school’s or school division’s policies or decisions.



**SIGN INTO YOUR SIS PARENTVUE ACCOUNT AND ACKNOWLEDGE RECEIPT NO LATER THAN  
or SIGN & RETURN AND SEND TO YOUR CHILD'S SCHOOL BY  
September 29, 2023**

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- Acceptable Use Policy for Student Network Access
- Standards of Conduct for Students Riding Buses
- Code of Virginia
- Regulation 2601.37P (Students Rights and Responsibilities)

## Important Contact Information

The following numbers are for offices within Fairfax County Public Schools that can assist [parents/family](#) when questions or concerns arise. The numbers outlined in the box are for community resources that can assist with crisis and mental health concerns.

<b>Equity and Student Conduct</b>	<b>571-423-1160</b>
<b>Student Safety and Wellness</b>	<b>571-423-4270</b>
<b>School Counseling Services</b>	<b>571-423-4420</b>
<b>School Psychology Services</b>	<b>571-423-4250</b>
<b>School Social Work Services</b>	<b>571-423-4300</b>
<b>Nontraditional School Programs</b>	<b>571-423-4202</b>
<b>Intervention and Prevention Services</b>	<b>571-423-4020</b>
<b>Parent Resource Center</b>	<b>703-204-3941</b>
<b>Superintendent</b>	<b>571-423-1010</b>
<b><a href="#">Hearings Office</a></b>	<b>571-423-1280</b>
<b>Family and Student Ombuds</b>	<b>571-423-4014</b>
<b>Title IX Coordinator</b>	<b>571-423-3070</b>
<b>School Safety and Security</b>	<b>571-423-2000</b>

**Region Assistant Superintendents:**

<b>Region 1</b>	<b>571-423-1110</b>
<b>Region 2</b>	<b>571-423-1120</b>
<b>Region 3</b>	<b>571-423-1130</b>
<b>Region 4</b>	<b>571-423-1140</b>
<b>Region 5</b>	<b>571-423-1150</b>
<b>Region 6</b>	<b>571-423-1160</b>

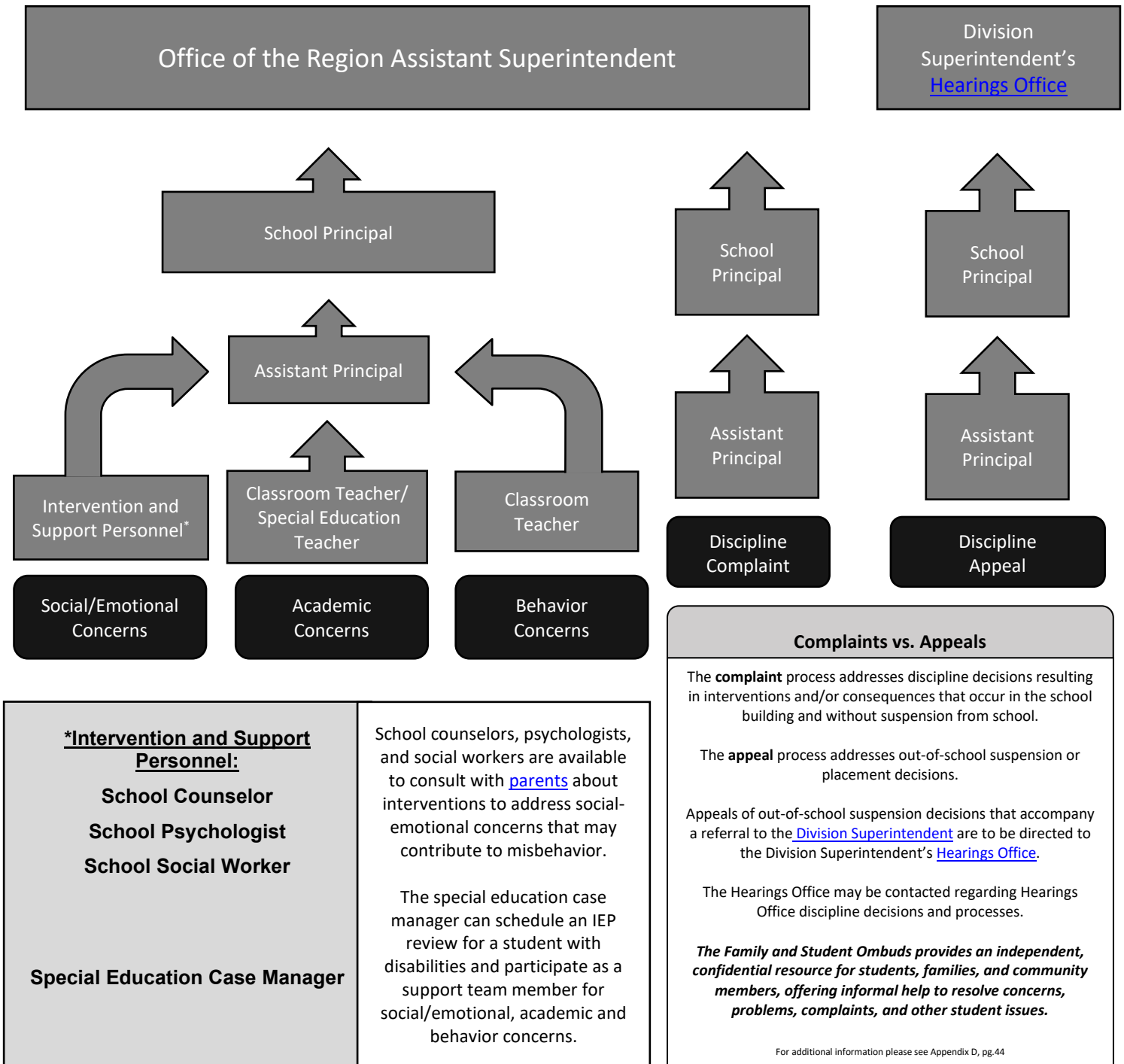
**Emergency Numbers (available 24/7)**

<b>Merrifield/CSB Emergency Mental Health</b>	<b>703-573-5679</b>
<b>PRS/Crisis Link</b>	<b>703-527-4077</b>
	<b>1-800-273-TALK (8255)</b>
<b>Crisis Text</b>	<b>Text NEEDHELP to 85511</b>

**Additional details about FCPS emergency procedures are available at**

# WHO DO I CONTACT?

Please refer to the flowchart below to determine who to contact if you have a concern or need support.



Questions or concerns regarding your options?

**Office of Equity and Student Conduct (571-423-1160)**

Additional support information can be found in the Parent Advocacy Handbook at

<https://www.fcps.edu/parentadvocacyhandbook>

# Student Rights and Responsibilities

## *A Guide for Families*

We have created the *Student Rights & Responsibilities, A Guide for Families* to assist you in your efforts to help your child understand school rules and expectations. These rules apply during school, in both the classroom and virtual environment, at school-sponsored activities, and include interactions between students as they travel to and from school. Students will receive a shortened version that is appropriate for their age, and teachers will review the rules with them during the first weeks of school. We encourage you to discuss these expectations with your child. For your convenience, the entire booklet, including links to referenced regulations, can be found online at [www.fcps.edu/srr](http://www.fcps.edu/srr).

A complete copy of the regulation regarding student discipline is included in the Appendix. If you have questions about any of the information, please do not hesitate to talk with your child's teacher or principal.

***Your child's behavior at school directly impacts academic success and school safety. Please read this guide and discuss it with your child.***

*Parents are essential partners in helping their children learn how to exhibit positive and prosocial behaviors, make ethical choices, and be accountable for their actions.*

This family guide is a supplementary tool intended to summarize policies, regulations, and procedures as they existed at publication, and which are subject to change without notice. The Virginia Board of Education and Fairfax County Public Schools (FCPS) reserve the right to enforce changes immediately. In any dispute, the official regulation in effect at the time of an incident will govern and will supersede the language in this guide.



The current regulations and policies can be found at <https://www.fcps.edu/policies-and-regulations>

Printed copies are available to those who do not have online access

## ***The Mission***

*Fairfax County Public Schools inspires and empowers students to meet high academic standards; lead healthy, ethical lives; and be responsible and innovative global citizens.*

### **\* STUDENT SUCCESS \* CARING CULTURE \* PREMIER WORKFORCE \* RESOURCE STEWARDSHIP\***

The Fairfax County [School Board](#) is committed to ensuring that every school in Fairfax County Public Schools (FCPS) promotes a responsive, caring, and inclusive culture where all feel valued, supported, and hopeful, and where every child is reached, challenged, and prepared for success in school and in life. Collaboration with parents is essential to reaching this vision.

Disciplinary practices in FCPS focus on prevention of problem behaviors and provide a leveled system of responses to behavior and discipline incidents that uses instructional, restorative, and age-appropriate responses. FCPS considers the unique needs of each child and works collaboratively with families to support these needs. No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity.

*Fairfax County Public Schools uses a [Multi-Tiered System of Support](#) (MTSS) to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.*

## Student Rights

The Constitution and the laws of the United States and the Commonwealth of Virginia give students many legal rights and liberties. [School Board](#) policies and regulations provide students many privileges as well, according to their ages and maturity levels. Students may exercise these rights and privileges as long as they do not interfere with the rights of others or the schools' ability to provide a safe learning environment.

### *FCPS students have the right to...*

- ✓ The right to a school and classroom environment that affirms the identity of all students and is responsive, caring, and inclusive.
- ✓ The right to access restroom and locker room facilities and other non-stigmatizing accommodations that are consistent with the student's gender identity, faith, and for any other reasons as identified in Regulation 2603.
- ✓ The right to non-disclosure of gender identity and/or sexual orientation.
- ✓ The right to be called by chosen names and pronouns.
- ✓ The right to internally generated and shared school lists of students (e.g., honor roll, graduation programs, yearbooks, school newspapers) that identify students by their chosen names and genders.
- ✓ The right to receive support to ensure the safe and equitable access to all school and school division facilities and activities.
- ✓ The right to have their personally identifiable information and citizenship or immigration status protected from unauthorized sharing.
- ✓ The right to equitable access to the learning environment, educational materials, and extracurricular activities.

***Students contribute to a quality learning experience by coming to class every day with a positive attitude, personal integrity, and a commitment to making good choices.***

# Student Responsibilities

FCPS expects students to balance expression of their *rights* with observance of their *responsibilities*. Even the youngest children can demonstrate accountability by treating others fairly and following the rules.

*In FCPS, students have the responsibility to:*

- ✓ *Attend school regularly, on time, and follow assigned schedules.*
- ✓ *Follow rules, procedures, and processes.*
- ✓ *Dress appropriately for a K-12 educational environment.*
- ✓ *Respect the authority of staff members.*
- ✓ *Respect the rights and property of others.*
- ✓ *Respect others' beliefs and differences.*
- ✓ *Refrain from using words, images, or gestures that are obscene, violent, disruptive, or disrespectful.*
- ✓ *Resolve disputes peacefully.*
- ✓ *Refrain from [bullying](#) or hurting other students.*
- ✓ *Tell school staff members about any behavior that may cause danger to anyone.*
- ✓ *Request access to social, emotional, and behavioral supports when needed.*

**The Rules of Student Conduct apply to students at all times:**

- **In school buildings**
- **On school grounds**
- **In virtual classroom environments**
- **On buses and other school vehicles**
- **At bus stops**
- **On the way to or returning from school**
- **At school and school-related activities both on and off [school property](#)**
- **Off school property and outside school hours if the conduct is detrimental to the school, adversely affects school discipline, or results in a criminal charge or conviction**



## ***Important Topics to Discuss with Your Child***

### ***Helpful Information for a Successful School Experience***

This section covers topics that parents and students frequently ask about. The regulations found in the appendices explain many of the items in detail.

Other information, such as dress code and cell phone use at school, is intended to help you and your child better understand expectations for conduct that will contribute to a positive and rewarding school experience. Expectations for student behavior, as well as skills for resolving conflicts, managing emotions, and getting along in the classroom are taught to students throughout the year. Children are encouraged and coached each day on how to work with others. When you also speak to your child about treating others with kindness, and keeping school a safe, drug free, and caring place, it can have a huge impact on your child's behavior. When there is a problem at school, the [principal](#) will try to reach you and partner with you to improve the behavior. Please be sure the school has your current phone number at all times.

## Attendance

School attendance is a critical component in a child's academic success.

### Did you know?

- Chronic absenteeism (missing 18 or more [school days](#) per year) is a primary cause of lower academic achievement even when the absences are "excused" or understandable.
- Regular school attendance in elementary school improves the chances that a child will read on grade level.
- Students who attend 90 percent or more of the school year are more likely to graduate from high school on time.
- Absences can be a sign that a student is losing interest in school, struggling with schoolwork, dealing with peer conflicts, or facing some other potentially serious difficulty.

At the 5th unexcused absence, the school will contact the [parents](#) and/or guardians to develop an attendance plan. If a student accumulates 10 or more unexcused full day absences, an attendance conference will be scheduled and the attendance officer or specialist will be notified.

### Help is Available:

Parents and/or guardians are encouraged to contact their child's school if they are concerned that their child is not regularly attending school. We want parents/guardians to know that we will work with them if attendance issues begin to accumulate.

For additional information on school attendance, please visit [www.fcps.edu/attendance](http://www.fcps.edu/attendance)

## Vaping

The National Center on Addiction and Substance Abuse defines vaping as, "the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device." Though it may look like water vapor, the aerosol actually contains many harmful toxic chemicals such as nicotine aerosol which have been linked to cancer, as well as respiratory and heart diseases.

"E-cigarettes" refer to any electronic vaporizer and are also known by many other names, such as e-cigs, vaporize, e-hookahs, mods, Juul pens, or vape pens.

The Juul "pen," which looks like a flash drive, has become very popular with teens. A Juul "pod" contains the nicotine of 20 cigarettes, and rates of addiction to vaping are very high.

Please let your child know that vaping is **not** safe, and that you do not want them to start.

***Vapor products are not allowed on school grounds or at school sponsored activities. Students who are found to possess, use, or distribute vapor products will be subject to discipline as outlined in Regulation 2601.37.***

For additional information and resources, please visit <https://www.centeronaddiction.org/> or [www.cdc.gov](http://www.cdc.gov) search for "vaping" or "juuling" on [www.fcps.edu](http://www.fcps.edu).

# Digital Citizenship and Social Media

Social media provides an easy and fun way for students to connect with friends, share favorite content, and be heard. However, sometimes, kids (and adults) make poor choices on social media, and the impact can be long lasting. The following Do's and Don'ts can help ensure students are bringing their best selves to all their social platforms:

## Do's

- Respect yourself and be yourself.
- Use privacy settings, strong passwords, and turn off location services unless needed.
- Pay attention to red flag feelings. If something makes you feel uneasy or uncomfortable, stop and consult with a trusted adult.
- Block unfriendly connections and treat people the way you would want to be treated and consider different perspectives.
- Slow down and reflect before posting. Posts are permanent and shareable.
- Consider the consequences. Imagine what could happen before you decide to post.
- Immediately tell your parents, teacher, or principal if you see cyberbullying, know of a student in crisis, or if someone threatens to harm themselves or others.

## Don'ts

- Don't post obscene, harassing, discriminatory, violent, vulgar, or hateful content.
- Don't add people you don't know to your social media accounts.
- Don't overshare.
- Don't say anything online that you wouldn't say in person.
- Don't get caught up in other people's drama. You don't have to take part in a conversation that makes you uncomfortable.
- Don't feed trolls. If someone is being mean or disrespectful to you, let it go or block them.

Visit <http://bit.ly/FCPSdigcitpublic> for more resources for Families

Administrators and/or other FCPS staff members may be notified if it appears that a student may be in crisis.

**If you or someone you know is in crisis, please text NEEDHELP to 85511, call 1-800-273-TALK, or dial 911.**

## Bullying

The definition of bullying according to the Virginia Department of Education is:

Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma.

“Bullying” includes cyberbullying.

- Cyberbullying refers to any [threats](#) by one student toward another typically through e-mails or on websites (e.g., blogs, social networking sites). Electronic communication that supports deliberate, hostile, hurtful messages intended to harm others is a form of bullying.

“Bullying” does not include ordinary teasing, horseplay, argument, or peer conflict.

Some key elements of bullying are:

- Intentionally aggressive behavior designed to inflict harm
- Repetitive behavior planned into the future
- Interpersonal relationship marked by an imbalance of power

*To learn more on how FCPS addresses bullying, contact 571-423-4270.*

## **Discrimination, Discriminatory Harassment, Sexual Misconduct and Retaliation**

### **FCPS Commitment**

FCPS is committed to responding to all complaints of discrimination in a manner that stops the discrimination, prevents it from happening again, and helps support the person who was discriminated against to make sure that any harm done by the discrimination is addressed. All students have a right to attend school and not fear the interruption of their education by others who behave in a discriminatory manner.

### **Discrimination**

Discrimination is treating someone unequally based on a certain characteristic in a way that interferes with a person’s education and/or academic performance. Discrimination based on a person’s race, color, religion, age, marital status, genetic information, national origin, mental or physical disability, or protected veteran status is strictly prohibited.

### **Discriminatory Harassment**

Discriminatory harassment is unwanted conduct toward an individual based on their actual or perceived age, race, color, sex, gender identity, sexual orientation, religion, national origin, marital status, disability, or any other legally protected class. The conduct must be sufficiently severe such that it creates a hostile educational environment, meaning it denies or limits a student’s ability to participate in or benefit from education programs and activities. Discriminatory harassment may be expressed in various ways, including through physical actions or through verbal, nonverbal, electronic, or written communications. Discriminatory harassment may include conduct such as epithets, various slurs such as racial, deadnaming, and misgendering, negated stereotyping, jokes, written, printed, graphic material that contains offensive, demeaning, or degrading images or comments.

## Discrimination, Discriminatory Harassment, Sexual Misconduct, and Retaliation, continued.

### **Sexual Harassment**

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: 1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity; or 2. Dating violence, domestic violence, sexual assault, or stalking. For purposes of this definition, “education program or activity” includes locations, events, or circumstances in which FCPS exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Sexual harassment is evaluated under a separate grievance process and can be found in [Regulation 2118.1](#).

### **Sexual Misconduct**

Sexual misconduct includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature.

### **Retaliation**

Retaliation against individuals who report or participate as witnesses in the investigation of a discrimination, harassment, and/or sexual misconduct complaint is strictly prohibited. Retaliation means any adverse action taken against a person for making a report of discrimination, harassment, and/or sexual misconduct; or participating in any activity related to the complaint. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage someone from reporting or participating in a discriminatory harassment or sexual misconduct investigation.

**For more information about the FCPS Title IX response and the FCPS discrimination and sexual harassment regulations, contact the Title IX Coordinator at [titleixcoordinator@fpcs.edu](mailto:titleixcoordinator@fpcs.edu), or 571-423-3070.**

Title IX webpage: <https://www.fcps.edu/title-ix>

## Important Topics A-Z

### ***Admission from Another School District or Private School***

FCPS may postpone or refuse admission to a student who has been expelled or suspended for more than 30 days from another school district or whose private school has withdrawn admission. School officials carefully review records in order to recommend the best placement for the student.

### ***Alcohol, Tobacco, Drugs***

A healthy learning environment is free of alcohol, tobacco, drugs, [inhalants](#), and look-alike or synthetic drugs. This includes prescription and [nonprescription](#) medications that a student is not authorized to have in school (see *Medications*). The [School Board](#) prohibits the possession, use, distribution, or sale of these substances in any form on [school property](#). Students suspected of being under the influence are subject to breath sample or drug tests. Consequences vary according to the student’s age, the nature, and number of offenses, and Fairfax County and Virginia law.

### ***Assault, Fighting***

Students who become angry or upset with anyone are encouraged to resolve conflicts peacefully. Teachers, counselors, and other school personnel can help students find civil, nonviolent ways to handle disagreements. A student who threatens to harm or physically attacks another student or staff member—or is part of a group that does this—is subject to consequences.

## **Attendance**

Students who attend school regularly and arrive on time are more likely to perform well academically. FCPS expects students to be in school and follow their assigned schedules unless their absence is excused due to illness, a death in the family, a medical or dental appointment, or religious obligations. [Parents](#) must give the school a written explanation for any student absence or late arrival. Parents are asked to call or e-mail the school attendance line if their child will be late or miss school. If school officials do not receive notice, parents will get a call and an e-mail through the e-Notify system notifying them that their child has not arrived at school as expected. Absence or tardiness is unexcused if the parent does not inform the school in advance or supply a note when the student returns to school. Students are required to make up missed work.

## **Bus Conduct**

FCPS bus transportation is an extension of the [school day](#), and the same student behavior standards that apply in the classroom apply on the bus and at the bus stop. Riders are expected to respect the driver's authority, remain in their seats, keep their hands to themselves and their voices low, keep the aisles clear, and generally behave in a way that contributes to a safe, pleasant trip to and from school. A driver may report a student's misconduct to the [principal](#) for discipline, and in serious situations, bus privileges may be taken away. See *Standards of Conduct for Students Riding School Buses* for details.

## **Cell Phones, Laptops, Tablets, Other Portable Devices**

FCPS is committed to assisting students and staff members in creating a 21st century learning environment. To support this progress, with classroom teacher approval, students may use their personal devices during the approved time allowed per school level (smartphones, laptops, netbooks, tablets, etc.) to access the Internet and collaborate with other students during the designated time per grade level as documented in 2601.37P. FCPS is not responsible for loss or damage of students' devices.

### **Cell Phone Guidelines**

#### **Elementary school Kindergarten-sixth grade (including sixth grade at middle schools)**

Phones must be silenced and in backpacks for the duration of the school day. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phones for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones maybe used on campus only before and after school.

#### **Middle School -Seventh and Eighth Grade**

Students in grades 7-8: Phones must be silenced and kept put away for the duration of the school day. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Storage may be in a locker, backpack, pencil bag, etc., during the day. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus only before the first bell and after the last bell. **Note:** Secondary schools (i.e., Robinson Secondary, Lake Braddock Secondary, and Hayfield Secondary) have ability to permit cell phone usage during passing periods as the three schools support students in grades 7-12 who frequently use the same halls for class change to ensure cell phone expectations can be operationalized within the three schools' unique structures

#### **High School: Ninth- Twelfth Grade**

Phones must be silenced and put away during all instructional periods. Phone accessories are also to be silenced and away when phone use is prohibited. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Storage may be in a locker, backpack, pencil bag, etc., during classes. Students are prohibited

from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs.

*Parent/guardians, multi-disciplinary team members, or other persons with knowledge of students who require access to personally owned devices as an accommodation shall make requests for such accommodations through their respective multi-disciplinary team [i.e., 504 Committee, IEP Team, English Language Committee, Multi-Tiered Systems of Support (MTSS) Team].*

### **Cheating, Plagiarism**

Honorable school citizens take credit only for work that is their own. Deliberately copying or using the work of others is considered cheating, plagiarism, or forgery. Students are prohibited from sharing work or discussing assessments with others.

### **Disruption**

A student who willfully disturbs a class or disobeys the teacher makes it difficult for the rest of the class to stay on task and continue learning and may put others at risk. This is also true at events such as athletic competitions and field trips. Disruptive behavior includes defying staff authority, using offensive language or gestures, making [threats](#), and fighting. Laser devices, fireworks, matches, and lighters are also not permitted at school and other school-sponsored activities.

### **Dress Code**

FCPS respects students' right to express themselves in the way they dress. It is important, however, that their appearance is tasteful and appropriate for a K-12 school setting. Discussion about dress code violations shall be held privately and maintain the dignity of the student.

Clothing and accessories should *not*:

- Display vulgar, discriminatory, or obscene language or images
- Promote illegal or violent conduct
- Contain [threats](#) or [gang](#) symbols
- Promote the unlawful use of [weapons](#), alcohol, tobacco, drugs, or drug [paraphernalia](#)
- Expose genitalia, chest, buttocks, underwear or undergarments due to transparency, length, or lack of coverage.
- Anything that obscures the face unless an accommodation is present
- Accessories that constitute a health or safety hazard or are harmful to the building or equipment. (i.e., spiked belts)
- Sunglasses inside the school building except as accommodation for medical use.

### **Expression**

Students have the right to express themselves through speech, assembly, distributing literature, and other ways. They are expected to communicate their opinions in ways that do not interfere with the rights of others, cause disruption or harm, damage another's reputation, or break the law. Middle and high school students should submit materials they want to display or distribute to the student government for review.

### **Gambling**

Gambling—betting, wagering, playing games of chance—is not allowed in the school environment.

### **Gang-related Activities**

All FCPS students deserve to attend school without concern for their welfare or exposure to undesirable peer pressure. Staff members are alert to students whose appearance or behavior indicates they may be involved in a gang that supports intimidation or illegal activities. Signs include certain clothing, tattoos, accessories, trademarks, and suspicious group activities. Consequences are serious for students whose appearance or behavior creates a disruption or actively promotes gang affiliation.

### **Medications at School**

To ensure that students take prescription and [nonprescription](#) (over-the-counter) medications safely, including THC-A or cannabidiol oil with authorization from a licensed practitioner, the school health room must administer the medications. The [parent](#) must bring the medication to the school health room for storage and provide documentation for administering it.

### **Pledge of Allegiance, One Minute of Silence**

Students are expected to recite the Pledge of Allegiance and to observe one minute of silence each day, unless the student or their [parent](#) objects to participation in such exercises. Nonparticipating students are expected to sit quietly, or to stand silently, and to refrain from engaging in any disruptive or distracting activity. A student's decision to participate or not to participate should be respected.

### **Police Involvement**

Under the Code of Virginia, [principals](#) must immediately report certain violations to the police. These include incidents that may be a misdemeanor or felony: assault and battery that results in bodily injury, sexual assault, wounding or stalking a person, conduct that involves alcohol or drugs, [threats](#) against school personnel, and conduct involving [weapons](#), bombs, or other explosive devices. Under these circumstances, the principal may contact the [school resource officer \(SRO\)](#). In most situations, the SRO or other police officer will contact the [parents](#) before questioning a child. If there is immediate risk of danger, the SRO will act to alleviate the risk and may question the student without advance notice to parents. The principal will contact parents as soon as possible. ***Except as noted above, the SRO is not involved in school discipline matters.***

### **Property Violations**

FCPS expects students to respect [school property](#). Damaging or threatening to damage, stealing, and vandalizing—as well as being on school property when not authorized—are subject to discipline.

### **Restitution**

A student who damages, destroys, or steals another's property, including property owned by FCPS, is responsible for compensating the owner for the loss by restoring the property to its original condition or paying for it to be repaired or replaced.

### **Restorative Justice**

A formal process facilitated by trained and skilled facilitators which brings together students involved in wrongdoing and those impacted to discuss the incident, understand who has been affected, and to create an agreement for reparation of harm.

### **Search, Seizure**

FCPS depends on students to help keep schools safe and drug-free. School officials may conduct random inspections of lockers, desks, and other areas on [school property](#). If they have reason to believe a student has a [weapon](#), alcohol, drugs, stolen property, or similar evidence, they may search their backpack, purse, pockets, outer garments, electronic device, or vehicle parked on school property. Items that do not belong at school, or are being misused, may be taken away from the student and returned to the [parent](#).

### **Student Activities**

School is more meaningful and enjoyable when a student becomes involved in activities such as clubs, teams, performing groups, yearbook, drama, student government, and safety patrols. Participation in these activities is a privilege, and students who participate are expected to maintain good grades and behavior.

### **Student Advisory Councils**

Participation in a high school Student Advisory Council gives students an opportunity to advise the [School Board](#) about issues that impact them.



### ***Student Government***

By participating in student government at their schools, students experience the rights and responsibilities of self-government and have an active role in managing school affairs. Student governments are required to operate according to established guidelines and direction from school staff. An activity that does not meet guidelines may be cancelled or restricted.

### ***Student Records***

FCPS maintains student records in accordance with federal and state laws, under carefully prescribed conditions. [Parents](#) have the right to review their children's official records, and eligible students aged 18 years or older may review their own records. Directory information—such as yearbooks, honor rolls, commencement programs, and sports statistics—may be released without parent consent.

### ***Students Aged 18 and Older***

With some exceptions, students aged 18 years and older are considered adults under Virginia law. They are still subject to school rules and regulations. They may sign a declaration if they want to act in place of their [parent](#) in certain situations, such as field trips and questioning by police. Parents will continue to be contacted regarding academic performance, emergency matters, and disciplinary action.

### ***Technology Use***

FCPS' Internet network and computers allow students access to vast resources and a creative outlet to pursue writing, art, music, science, math, and many other subjects. With that opportunity comes responsibility. Students are expected to use the technology ethically, respect the privacy and work of others, leave the workstation in good condition for the next user, and generally follow established rules for safety and security. The same expectations apply to the use of student owned devices such as laptops, tablets, and smartphones. See *Acceptable Use Policy for Student Network Access* in Appendix section.

### ***Virginia High School League Eligibility***

A student earns the privilege to participate in interscholastic athletics by meeting certain standards set by the Virginia High School League, the school district, and the school. Participation is dependent on positive conduct and citizenship. Meeting the intent and spirit of League standards will prevent the athlete, the team, the school, and the community from being penalized. It is the responsibility of the student and [parent](#) to know the rules.

### ***Visitors***

Schools welcome [parents](#) and other visitors who want to know more about our programs, meet staff members, and tour the facilities. All visitors must register at the school office upon arrival and may be required to wear an identification badge. Meetings and classroom visits should be arranged in advance. People who enter school buildings without reporting to the office or who disturb or interfere with school activities will be prohibited from remaining on [school property](#) and may be reported as trespassers.

### ***Weapons***

Students are not permitted to possess any gun, knife, explosive device, ammunition, object that is capable of discharging a projectile (pneumatic guns), or other weapon on [school property](#). This includes starter guns, paintball guns, pellet guns, blades, brass knuckles, mace, and similar devices, as well as objects that look like weapons. Consequences are strict and aligned with the Federal Gun-Free Schools Act.

# Interventions and Disciplinary Procedures

[Principals](#), teachers, and [parents/family](#) work together to teach students the behavior, social, and emotional skills needed to be successful in schools and in life. School is a positive place to learn, to make mistakes, and to explore new ideas. Students learn to collaborate, develop empathy for others, manage and express their emotions and behaviors in healthy ways, and take responsibility for their actions. Skills including self-awareness, self-management, social-awareness, relationship skills, and responsible decision-making are taught in various ways throughout a student’s academic career.

Fairfax County Public Schools use a Multi-Tiered System of Support (MTSS) framework to support students’ academic, behavior, social-emotional, and wellness needs. These needs are connected and, as a result, schoolwide practices must support a whole-child approach. School teams make decisions based on data to provide differentiated classroom instruction and teach the necessary skills for all students. FCPS uses the Positive Behavior Interventions and Supports (PBIS) within the MTSS framework to design, teach and reinforce necessary skills.

- **Tier 1:** Teach social, emotional, and behavioral skills to all students. Recognize and encourage students when they demonstrate these skills and are responsible citizens of the school.
- **Tier 2:** Provide additional instruction and practice in small groups, in collaboration with families, for students who have not yet developed identified skills.
- **Tier 3:** Develop an individualized intervention, which emphasizes the teaching of new skills, in collaboration with the family and school staff.

Teachers and school administrators use careful judgment and consider many factors including the age of the child, how the child has responded to past interventions, and impact on others in determining when students need help with behavior, and if so, what administrative responses are appropriate.

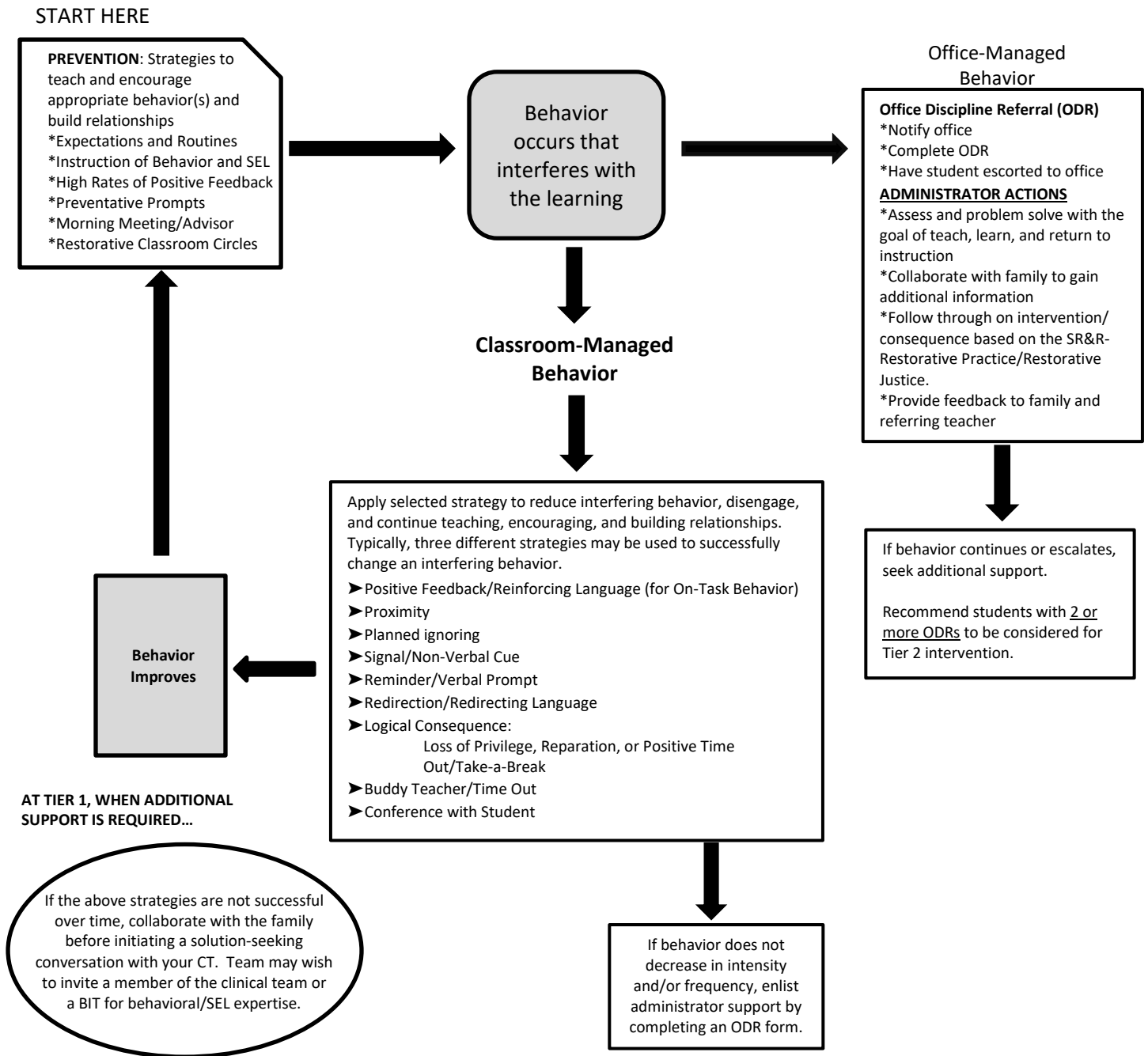
***FCPS is committed to the consistent and equitable implementation of discipline policy, regulations, and practices across all schools and educational programs. The charts in Chapter II of Regulation 2601 - Appendix D outline leveled responses, typically utilized by administrators as a guide, when addressing student behavior. The levels include social, emotional, behavioral, and academic supports provided by the school, working with you. In any given situation, based on unique circumstances, the [principal](#) may provide responses and interventions from other levels to best address student needs.***

The ***Student and Staff Behavior Support Flowchart*** begins with a list of preventions, which are approaches that build relationships, teach and encourage behaviors, and promote learning. Strategies such as teaching expectations and routines, instruction of behavior and social and emotional learning skills, high rates of positive feedback, use of preventative prompts, and holding Morning Meeting or Advisory are recommended. Next, the flowchart addresses when a behavior interferes with learning. Strategies that may be used by the teacher in the moment to stop the behavior are listed. Using a calm, neutral tone, staff may use one or more strategies with the goal of returning to teaching, encouraging, and building relationships as quickly as possible. Strategies are presented from the quickest and easiest to implement such as offering positive feedback or reinforcing language focused on what should be occurring while using planned ignoring of the problem behavior, moving in proximity to the student, using a signal or non-verbal cue, or a reminder or verbal prompt.

More intensive strategies may be needed for a student to calm and self-regulate or fix what has been broken or interrupted. In these cases, a logical consequence, one that fits the situation, may be applied such as making an amends, loss of a privilege, or positive time out/take-a-break. Lastly, if a student needs time away from the setting to calm and re-establish self-control, taking a brief time out in class or in another classroom with a Buddy Teacher is appropriate.

If after trying three strategies, the problem behavior does not decrease in intensity and/or frequency, the staff member may ask for an administrator's support by completing an Office Discipline Referral (ODR). It is always best practice for the staff member to conference with a student to truly understand and hear their perspective, insert their voice and restore the relationship. These conversations are likely to determine solutions and identify possible academic, behavioral, social, and emotional skills that require support. The Behavior Flowchart suggest preferred ways in which the staff responds to student behaviors.

# Behavior Support Flowchart



*Adapted from PBIS of VA, Midwest PBIS Network & Mid-Atlantic PBIS Network, 2018.*

# Disciplinary Procedures

Positive approaches to student discipline and collaboration among a [parent](#), teachers, and school administrators have proven to be the best way to teach expected conduct and responsible citizenship. The school [principal](#) determines appropriate responses to most forms of misconduct and will work with you and your child's teacher to determine what interventions might be needed to help ensure the problem behavior does not happen again.

## ***Responses Without Suspension from School***

FCPS officials work to help each student understand school rules and how their misconduct may affect others. In most situations, teachers and administrators first use responses that take place at school before considering out-of-school suspension. These responses may include:

- Use of Positive Behavior Interventions and Supports (PBIS)
- Reteach desired behavior
- Restructure classroom practices based upon needs
- Address social skills and emotional skills that may contribute to behavior
- Private admonition and counseling by the teacher
- Counseling by another member of the staff
- [Parent](#)/Teacher/Administrator/Student conference
- Change in seating
- Restorative practices or conference
- Behavior contract/chart
- After-school detention
- Lunch detention
- Temporary removal of privileges such as parking, senior privileges, teams, clubs, and other school-sponsored activities
- Temporary removal from class
- Functional Behavior Assessment (FBA)/Behavior Intervention Plan (BIP)

In chronic or very serious situations, such as bringing a gun, distribution, repeated possession, or use of drugs on school grounds, the [principal](#) must submit a referral to the [Division Superintendent](#). The principal may also make a referral to the Division Superintendent for other serious offenses, depending on the circumstances of the situation. The principal also includes information about the student's past grades, attendance, behavior, and information provided by teachers, counselors, and others who know the student. By law, certain types of behavior are strictly prohibited and require that the principal make a referral to the Division Superintendent who will determine if additional disciplinary consequences should be imposed.

The following procedures apply when a student is involved in serious misconduct which may result in a suspension up to 10 days, with a referral to the Division Superintendent:

- The principal will take action to stop the incident, including calling the police or [SRO](#) when necessary to ensure student and staff safety.
- The principal will attempt to contact the [parents](#) as soon as possible and before questioning the student.
- Students will have a chance to talk with the principal about what happened. The SRO is not present while the principal speaks to students, unless there is a safety concern. The principal will not ask the student for a written statement or continue with questioning the student before notifying a [parent](#). After notifying parents, the principal may ask the student to write down what

happened in their own words. The student will be told that they do not have to write this statement.

- The [principal](#) will give [parents](#) information to help them understand the nature of the offense and the discipline process.
- Students and parents who disagree with staff decisions may present complaints to teachers, counselors, school administrators, and the region assistant superintendent.
- Parents may appeal all disciplinary decisions that would cause the student to be kept out of school.

#### Police Involvement:

- FCPS and local law enforcement agencies have a signed agreement that outlines the role and responsibilities of [SROs](#) in the schools. This agreement can be found at <https://www.fcps.edu/node/36886>.
- For some serious, dangerous situations, the law requires that the [principal](#) immediately notify the police.
- An SRO may be called by an administrator to provide security, protection, or handling of contraband.
- If the principal is not required by law to immediately notify the police, but believes a law may have been broken, they will attempt to notify [parents](#) before calling the SRO or the police.
- Unless there is an immediate risk of danger, the SRO shall take immediate steps to contact parent before any questioning of a student.

Full information about each of the following procedures is found in Regulation 2601.37P, located in the Appendix.

#### ***Suspension from School***

A [principal](#) may remove a student from school for up to ten days ([short-term suspension](#)) or recommend to the [Division Superintendent](#) that the student be removed for more than ten days ([long-term suspension](#)), when a student violates school rules. During suspension from school, the student may not participate in teams, clubs, and other school-sponsored activities, and may also be required to attend an intervention seminar. The student will be assigned work to be completed. The [parent](#) will be asked to come to school and get the assignments, or to make arrangements for another student to pick up the work. Completed assignments should be returned to school for grading. A staff member may call to see how the student is doing.

A student whose presence poses a continuing danger or disruption may be removed from school immediately. The student and parent will receive notice and have an opportunity to respond as soon as possible.

#### ***Referral to the Division Superintendent***

When a student commits a serious violation, the [principal](#) may submit a referral to the Division Superintendent to determine whether the student will remain at their school, be [long-term suspended](#), reassigned to a different school or program, or recommended to the [School Board](#) for

[expulsion](#). When a referral to the [Division Superintendent](#) is made, the parents and student have a right to participate in a hearing before the Division Superintendent's officers, who will determine the disciplinary outcome.

When a student is suspended from school pending their hearing, the student is assigned a teacher who will act as a case manager to help the student stay on track with assignments. Other direct support may also be provided.

#### ***Reassignment***

A student who commits serious and/or repeated school-related offenses, or who is charged with certain serious crimes related to an alleged community-based incident may be reassigned to a different school or program, including to an alternative educational setting. Before a student can be reassigned, the [parents](#) and student have a right to participate in a hearing before the Division Superintendent's hearing officers, who will determine the disciplinary outcome. Parents may appeal the hearing officer's reassignment decision to the School Board, which will review the appeal on the written record. When FCPS reassigns a student with an IEP for disciplinary reasons, in which the **reassignment** would result in a change of placement, the IEP team will convene to discuss the student's IEP or implementation of the student's IEP at the

new location. Because the least restrictive environment (LRE) of a student with a disability is not to be predetermined, it is the duty of the IEP team to discuss, propose, and decide upon the LRE, consistent with the disciplinary decision. Accordingly, the IEP team will consider the views of all members of the meeting.

### **Alternative Education Programs**

A student may be referred to a nontraditional FCPS program that provides intensive supports to students with behavioral and academic difficulties, or a history of absenteeism. These programs help students set their own goals and provide a range of academic supports, counseling, behavior management, and related services. The student and [parents](#) have the opportunity to tour the programs and talk with staff members about the alternative learning choices available. If the student has significant mental health or substance abuse problems, the principal may also give parents information about appropriate programs offered in the community where school services are also available. A teacher, the counselor, or principal may recommend that the parent consider an alternative program and will help make the referral for voluntary placement if agreed upon.

### **Expulsion**

Students who bring certain [weapons](#) or illegal drugs to school must be expelled under Virginia law unless special circumstances are found. Principals may also refer students to the [Division Superintendent](#) for other serious violations. Before a student can be expelled, the [parents](#) and student have a right to participate in a hearing before the Division Superintendent and the [School Board](#), where it is determined whether there are special circumstances and whether a different consequence might be more appropriate. If expelled, a student is not permitted to attend any school in FCPS for 365 calendar days, unless the School Board permits the student to attend an alternative educational setting during the [expulsion](#). Expelled students may petition for readmission after one year.

### **Additional Consequences**

A student who has been suspended or referred to the Division Superintendent may have ongoing consequences when the student returns to school. Probationary conditions, community service, drug testing, and restitution are among the measures designed to provide an opportunity for the student to demonstrate that they are taking positive steps as a returning member of the school community.

## **Parents: Steps for Resolving Concerns**

If you wish to express concern or disagreement with a decision or action taken by school officials, it is important to first talk with school personnel who are closest to the issue. Parents most often find that problems can be resolved satisfactorily by discussing the matter with the teacher, counselor, or principal.

Any concerns about actions or decisions of a teacher or other school personnel should first be discussed with the school principal.

Procedures for how [parents](#) can address concerns when they are not satisfied with the principal's response vary with the type of concern:

- Discipline: Please refer to Appendix D, on page 47 for information on how to appeal a decision to suspend, and page 54 of regulation 2601.37P for information on how to petition the [School Board](#) to alter a decision to reassign a student to an alternative program. See regulation 2611 for additional information.
- Complaints regarding actions of teachers or other school personnel; student records; or decisions regarding right of expression, right to display or distribute literature: These complaints should be directed to the appropriate regional assistant superintendent. Phone numbers can be found on page 4.

- Complaints about procedures, programs, or services for students with disabilities should be directed to the coordinator of the Office of Due Process and Eligibility at 571-423-4470. Concerns about access to facilities and compliance with the Americans with Disabilities Act can be addressed to Design and Construction Services at 571-423-2280.
- The [Office of the Ombuds](#) is available to talk with parents and students as a confidential, informal, independent, and impartial resource. If you need additional help navigating the school system, contact the [Office of the Ombuds](#) at 571-423-4014 or [ombudsman@fcps.edu](mailto:ombudsman@fcps.edu).
- Title IX and discrimination complaints: Please contact the Title IX coordinator at 571-423-3070.

## Separate processes for resolving different types of complaints related to sex and gender: SR&R vs Title IX

SR&R Process (Regulation 2601.37P)	Title IX (Regulation 2118.1)
<ul style="list-style-type: none"> <li>• Allegations of <b>Sexual Misconduct</b> or <b>Discriminatory Harassment</b> are investigated by school administrators under SR&amp;R</li> <li>• <b>Does not require</b> submission of a formal complaint</li> <li>• Definition and procedures comply with <b>state/local guidelines</b></li> <li>• Is a <b>less formal</b> process both investigated and decided by school administrators</li> <li>• If the school determines that an informal complaint meets the definition of Sexual Harassment, it can only be investigated under the Title IX process</li> </ul>	<ul style="list-style-type: none"> <li>• Allegations of <b>Sexual Harassment</b> are investigated by a centralized Title IX office and decided by the Hearings Office</li> <li>• <b>Requires</b> a formal complaint submitted to Title IX coordinator (accessible at <a href="https://www.fcps.edu/title-ix">https://www.fcps.edu/title-ix</a>)</li> <li>• Definition and procedures comply with <b>federal guidelines</b></li> <li>• Is a more formal process involving an investigation conducted by specialized investigators, an investigative report, a hearing with opportunities for cross examination, a decision by a Hearings Officer, and an opportunity to appeal the outcome</li> <li>• If the Title IX office determines that an informal complaint meets the definition of Sexual Harassment, the allegation can only be investigated by the Title IX office</li> </ul>

**Contact:**

Title IX coordinator, FCPS

E-mail: [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu)

Website: <https://www.fcps.edu/titleix>



# General Disciplinary Procedures

Behavior Incident Occurs

The [principal](#) or closest staff member will take appropriate action to stop the incident and the principal will begin the investigation to determine next steps

The student is given the opportunity to explain what happened; *if* the infraction may lead to a referral to the [Division Superintendent](#), the administrator will make reasonable and timely efforts to notify the parent/guardians before continuing the investigation

Written statements are voluntary

The principal will decide appropriate interventions and sanctions based upon the investigation outcomes, notify parents/guardians of the decision, and document outcomes in the student information system

Examples of School Based Interventions/Sanctions	<a href="#">Short-Term Suspension</a>	Referral to the <a href="#">Division Superintendent</a>	Special Education Considerations
<p><b>SCHOOL-BASED INTERVENTIONS</b></p> <ul style="list-style-type: none"> <li>*Re-teach expected behavior with required practice</li> <li>*Student/teacher conference and reflection on behavior</li> <li>*Admin/parent conference</li> <li>*Parent attends one day of school with student</li> <li>*Behavior contract</li> <li>*Conflict resolution with school counselor</li> <li>*Referral to school psychologist or school social worker</li> <li>*Substance Abuse Program specialist referral</li> <li>*Restorative justice intervention</li> <li>*Referral to community resources</li> </ul> <p><b>SCHOOL-BASED SANCTIONS</b></p> <ul style="list-style-type: none"> <li>*Admonition and counseling</li> <li>*After-school detention</li> <li>*Loss of privileges for a fixed period of time</li> <li>*Probationary conditions</li> <li>*Removal from class</li> <li>*Alternative Instructional Arrangement (AIA)</li> <li>*In-School Suspension (ISS)</li> </ul> <p>Complaints regarding an in-school intervention/consequence can be addressed to the assistant principal, or principal and then <a href="#">region</a> assistant superintendent. The ombuds can also be contacted if needed.</p>	<ul style="list-style-type: none"> <li>*Up to ten days depending on the behavior.</li> <li>*Parents are notified of the suspension in writing, which includes the infraction, start and end date of the suspension, and the right to appeal.</li> <li>*Students will have the opportunity to receive full credit for work performed when removed from the classroom.</li> <li>*Written appeals are directed first to the principal, then to the <a href="#">Division Superintendent/Hearings Office</a>.</li> </ul>	<ul style="list-style-type: none"> <li>*Based upon the infraction, a student may be suspended out-of-school pending the hearing before the Division Superintendent.</li> <li>*When suspended out of school, a student is not allowed on any <a href="#">school property</a> or function without specific permission.</li> <li>*A case manager from the Office of Out-of-School Support will be assigned to ensure the student has academic support during the suspension.</li> <li>*Written appeals are directed to the full <a href="#">School Board</a>.</li> </ul>	<ul style="list-style-type: none"> <li>*Students with disabilities are ensured necessary accommodations when providing a written statement.</li> <li>*Students with an intellectual or developmental disability who may be suspended will not be asked for a verbal or written statement before a parent has been notified.</li> <li>*Prior to making a decision to suspend a student out-of-school, the principal will consult with the student's IEP team to review the IEP and take into consideration any special circumstances regarding the student.</li> <li>*10 or more cumulative days of out-of-school suspension requires a Manifestation Determination Review and an IEP meeting to propose day 11 services or complete an FBA/BIP.</li> </ul>

# Guidance for [Parents](#) of Students with Disabilities

## *Regarding Virginia Regulations Related to Student Discipline*

### Prevention and Early Intervention

School officials understand that some students who have an [individualized education program \(IEP\)](#) and receive special education support can sometimes face special challenges understanding and observing rules of acceptable behavior. If you see your child is struggling with behavior in school, or you are getting reports of problems from the teacher, ask for a parent-teacher conference and talk about what resources might be available to address your concerns. Also, consider:

- Meeting with the school counselor, school psychologist, or school social worker.
- Meeting with the school team that monitors student behavior and success.
- Contacting the FCPS Parent Resource Center for books, videos, and presentations that might be helpful.
- Contacting the FCPS Office of Intervention and Prevention Services.

### Functional Behavior Assessment (FBA) and Behavior Intervention Plan (BIP)

When the behavior is interfering with your child's learning or that of others, or your child has been suspended repeatedly, you or the teacher may ask to schedule an IEP meeting. A school psychologist or behavior intervention teacher may also be asked to participate. The IEP team will discuss the behavior and, working with you, may decide:

- To add goals and services specifically to address the behavior, or
- To do a special evaluation called a functional behavior assessment (FBA) and develop a behavior intervention plan (BIP)
  - FBA: Observations are used to determine when the behavior happens, what else is going on in the room or with other children or adults when it happens, and what seems to increase the chance that it will happen again.
  - BIP: Using this information, the team develops the plan to reduce the problem behavior and replace it with a positive behavior.

### Discipline of Students With an IEP

Students with disabilities may be disciplined in the same ways as students without disabilities in most situations. However, some special considerations do apply:

- Any accommodations that might be needed for the student to write a statement will be provided if the student wishes to write down what happened.
- When a disciplinary incident involving a student with an intellectual or developmental disability may result in a suspension of any kind, school staff shall not request a statement from the student until a parent has been provided notice.
- Before deciding to suspend a student or make a referral to the [Division Superintendent](#), the principal shall consult with the student's case manager or another member of the IEP team, review the student's IEP—including any BIP—and take into consideration any special circumstances.

A student with a disability may be suspended for up to 10 days in a school year under the same rules that apply to all students.

## Manifestation Determination Review

If a student who receives special education services is suspended for 10 or more days in a school year, FCPS must provide services that enable the student to continue to work in the general education curriculum and progress toward meeting their IEP goals. This may be done through home-based services or another arrangement agreed to by the IEP team. In addition, a manifestation determination review ([MDR](#)) must be held as soon as possible, but no later than the 10th day of suspension.

In the event a student with an IEP is referred to the [Division Superintendent](#), the findings of the MDR are sent to the Division Superintendent for consideration before the hearing is held. The MDR team includes the [parent](#) and other relevant members of the IEP team, as determined by the parent and the school. The team meets to review the behavior, information about the student's disability, current IEP, any recent assessments, observations, and other information shared by parents or the school. The team must determine the answers to two questions:

- Whether the conduct was caused by, or had a direct and substantial relationship to, the student's disability, or
- Whether the conduct was a direct result of the failure to implement the IEP.

If the MDR team answers "yes" to either of the two questions above, the finding is a "manifestation." If the answer to both questions is "no" then the finding is "not a manifestation." The findings are sent to the [Division Superintendent](#). If the MDR team determines that the behavior was a manifestation, and did not involve serious harm to a victim or create a [threat](#) of serious harm to a future victim, the principal will withdraw the referral to the Division Superintendent and there will be no hearing. If there is a victim or potential victim, a hearing will be held so that suitable safety measures and protective measures may be considered.

- **Manifestation:** If the MDR team finds that the behavior was caused by, or had a direct relationship to, the disability or that the conduct was a result of a failure to implement the IEP, then the student will be returned to the same school they had been attending, or may be placed in another school where the same services are available unless:
  - The [parents](#) and school officials agree to a change in placement. In rare circumstances, and only in cases involving drugs, [weapons](#), or serious bodily injury, the [Division Superintendent](#) may assign the student to an interim alternative setting for 45 days without the consent of the parent, pending the outcome of the disciplinary process, in accordance with 8VAC20-81-160 C.5.
  - The school division institutes an expedited special education due process proceeding to change the student's placement.
  - The student's IEP team must conduct an FBA as soon as possible if one has not already been conducted or update the existing FBA. Based on the information in the FBA, the IEP team will develop or update a BIP.
- **Not a Manifestation:** If the MDR team determines the misconduct is *not* a manifestation of the student's disability, school officials may consider further discipline in the same manner and for the same duration as for non-disabled students. *However*, special education services must be provided during the period of suspension and/or [expulsion](#) to enable the student to continue participating in the general education curriculum and progress toward meeting the IEP goals.

## Special Education Due Process

[Parents](#) who disagree with a change in special education placement or the [MDR](#) team's conclusions may request a local administrative review within FCPS. The parents may also request an expedited due process hearing through the Virginia Department of Education according to the [VDOE Special Education Procedural Safeguards Requirements](#).

## Protections for Students Not Currently Eligible for Special Education

At times, a student may not be receiving special education services at the time of the incident but may be eligible for protections given to students with disabilities *if* the school knew the student might be eligible for special education before the incident occurred. The school is considered to have known the student might be eligible if:

- The parents expressed concern in writing to the teacher or a supervisor that the student might need special education services, or
- The parents requested the student be evaluated for eligibility for special education and related services, or
- The student's teacher or other school personnel expressed directly to the special education department chair or lead teacher, or that person's FCPS supervisor, specific concerns about a pattern of behavior demonstrated by the student.

There are two important exceptions to the above. A student will not receive protections for students with disabilities if:

- The parents refused consent to have the student evaluated or refused services, or
- The student was evaluated and determined not to have a disability.

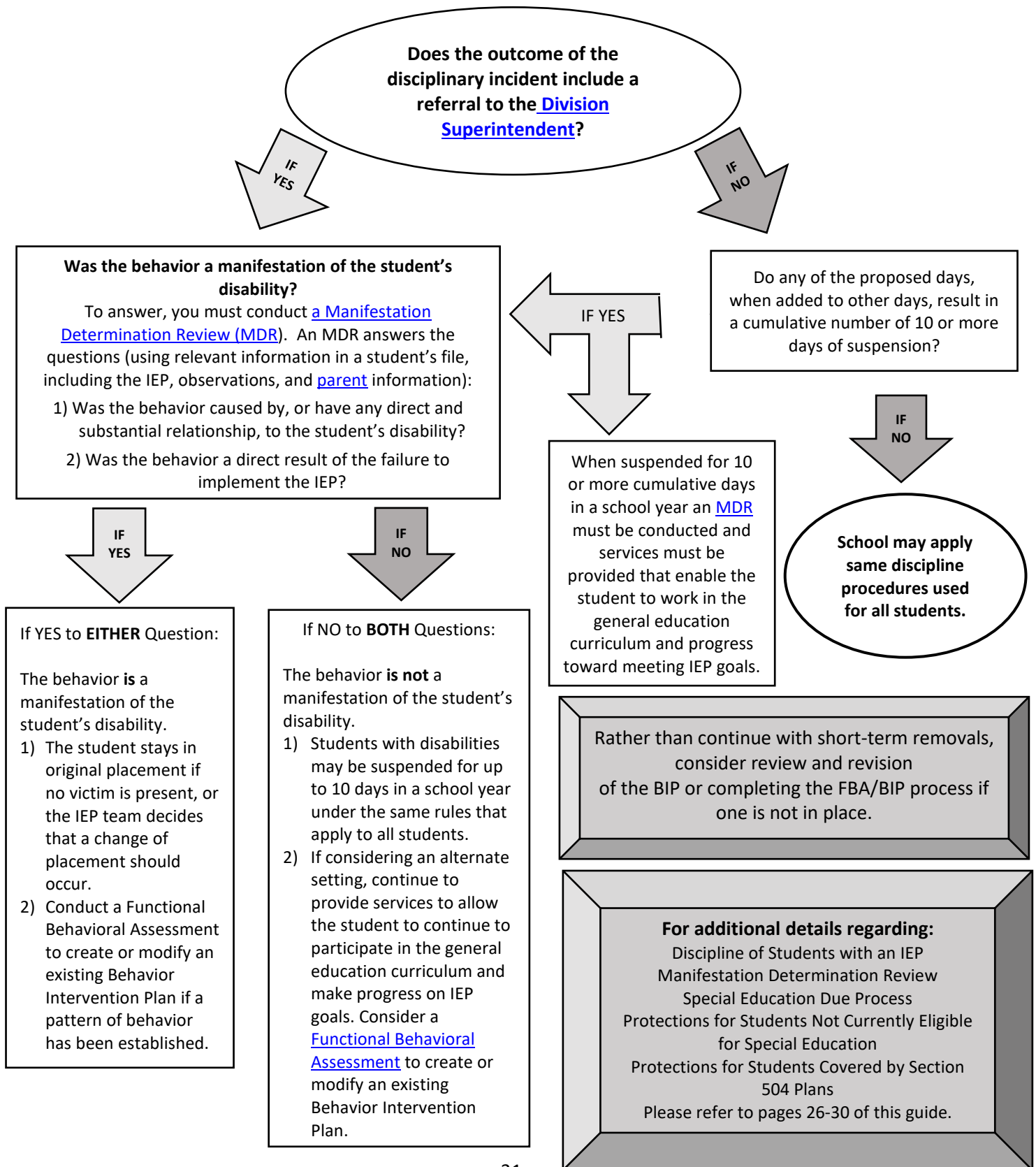
## Protections for Students Covered by Section 504 Plans

- a. When a [principal](#) recommends a suspension of more than ten school days, initiates a suspension that would accumulate to more than ten school days in a school year, or refers to the [Division Superintendent](#) a student with a disability who has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, the school shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend reassignment or [expulsion](#). The [parent](#) may request additional staff or persons attend the meeting other than those identified by school staff.
- b. The knowledgeable committee shall convene a Causality Hearing to determine whether or not the misconduct has a causal relationship to the student's disability.  
  
A committee is not required to convene in those situations pertaining to the use or possession of illegal drugs, alcohol, or [marijuana](#) where the student currently is engaging in the use of illegal drugs, alcohol, or marijuana.
- c. If it is determined that the misconduct was caused directly by the disability, the student may not be expelled or suspended for more than ten days.
- d. If it is determined that the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as nondisabled peers.

- e. If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene the knowledgeable committee to review the 504 Plan to determine whether additional accommodations or other supports are needed to address the student's behavior and where necessary conduct a functional behavior assessment or develop a behavior plan.
- f. The student shall not be entitled to receive continuing educational services during any period of suspension or [expulsion](#).
- g. The knowledgeable committee's determination shall be forwarded to the [Division Superintendent](#), who reviews this information in consideration of further disciplinary action.

For full information about the procedures listed above, please refer to Regulation 2601.37P, located in the Appendix.

# Special Education Disciplinary Procedures



## Glossary

**Ableism** Discrimination in favor of an able-bodied person.

**Abstain** To choose not to do or have something, especially something you like or enjoy, because it is bad for your health or morally wrong.

**Administrative Review** A FCPS informal, voluntary process to resolve special education and Section 504 disputes, convened at the request of the parent or the school principal.

**Aggravating Circumstances** Special circumstances that allow FCPS to suspend for longer periods of time than are provided in guidelines. These include serious harm, credible threat of serious harm or the safety of students or staff, or persistent serious behavior that continues even after targeted interventions.

**Alcohol and Other Drug (AOD) Intervention Seminar** An intervention seminar that provides up-to-date facts about the potential impact of drug and alcohol use, as well as open discussions about the choices that lead to drug use, the impact these choices can have on the student, friends, and other members of the family, and strategies for responding to peer pressure.

**Assault** An act, criminal or tortious, that threatens physical harm to a person, whether or not actual harm is done.

**Bona Fide** Genuine. Real. In good faith.

**Bullying** Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim (examples of a power imbalance include but not limited to, greater physical strength or size, access to embarrassing information, or greater popularity or social connectedness; and is repeated over time (i.e., behaviors happen more than once or have the potential to happen more than once) or causes severe emotional trauma. “Bullying” includes cyberbullying. “Bullying” does not include ordinary teasing, horseplay, argument, or peer conflict.

**Change of Placement** “Change of placement” means when the local educational agency places the child in a setting that is distinguishable from the educational environment to which the child was previously assigned.

**Controlled Substances** Drugs or substances found in the Drug Control Act (Section 54.1-3400 of the Code of Virginia), including all prescription drugs, regardless of whether the drug is considered to be a controlled substance under federal law. For student disciplinary purposes, controlled substances include, but are not limited to, cocaine, hallucinogens such as MDMA (ecstasy), and the actual and any generic formulations of: Adderall, Codeine, Oxycontin, Percocet, Ritalin, Valium, Vicodin, Zoloft, and any other prescription drugs for pain, depression, hyperactivity, or attention deficit disorders.

**Cyberbullying** Any threats by one student toward another through electronic means, typically through e-mail or on websites (e.g., blogs, social networking sites). Electronic communication that supports deliberate, hostile, hurtful messages, intended to harm others is a form of bullying. Cyberbullying includes such things as sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person without consent; pretending to be someone else in order to make that person look bad; and defamatory online personal polling websites.

**Day** Means a school day unless the context requires otherwise.

**Deadnaming** When someone, intentionally or not, refers to a person who is transgender or gender-expansive by a name other than their own chosen name.

**Discrimination** Denying a person the benefit of any education program activity on the basis of race, sex, color, age, religion, sexual orientation, gender identity, national origin, genetic information, pregnancy status, childbirth or related medical condition, marital status, veteran status, and disability violation of applicable law.

**Discriminatory Harassment** Discriminatory harassment is unwanted conduct toward an

individual base on their actual or perceived age, race, color, sex, gender identity, religion, national origin, marital status, disability, or any other legally protected class. The conduct must be sufficiently severe such that it creates a hostile educational environment, meaning it denies or limits a student's ability to participate in or benefit from education programs and activities. Discriminatory harassment may be expressed in various ways, including through physical actions or through verbal, nonverbal, electronic, or written communications. Discriminatory harassment may include conduct such as epithets, various slurs such as racial, deadnaming, and misgendering, negative stereotyping, jokes, written, printed, or graphic material that contains offensive, demeaning, or degrading images or comments.

**Disruption** Disruption of the educational process means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student group or group of students.

**Distracting** Distracting means any behavior that results in unwanted noise, conversation, or acts.

**Distributing or Distribution** Includes, without limitation, giving, sharing, or selling, or intending or attempting to do so, as well as facilitating any of the above.

**Division Superintendent** The Division Superintendent or designee (that is, regional assistant superintendent, hearing officer, assistant superintendent, or any other administrative staff member authorized to act in that capacity).

**Drug Paraphernalia** All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. ([Code of Virginia, Section 18.2-265.1](#))

**Exigent** Requiring immediate attention or action

**Expulsion** Any disciplinary action imposed by the [School Board](#) or a committee thereof, as provided in school 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.

**Faith-based Discrimination** Treating individuals differently because of their religious beliefs and practices, and/or their request for accommodations of their religious beliefs and

practices. It also includes treating individuals differently because of their lack of religious beliefs or practices.

**Frequency** The rate at which something occurs or is repeated over a particular period of time or in a given sample.

**Functional Behavioral Assessment (FBA)** Conducted by a team in order to develop a hypothesis about the function of the problem behavior when a student behaves in a way that significantly interferes with the student's learning and/or the learning of others. This leads to the development of a Behavioral Intervention Plan (BIP).

**Gang** A group of two or more persons, whether formal or informal, and however identified, which individually or collectively engage in activities that are illegal, destructive, disruptive, or intimidating. Such does include, but is not limited to, a criminal street gang. The group may, but need not necessarily, have an identifiable name, sign, symbol, or colors.

**Hate Speech** Any form of expression intended to humiliate or incite hatred against a group or class of persons based upon their actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability.

**Hazing** Recklessly or intentionally endangering the



health or safety of a student or inflicting bodily injury on a student in connection with, or for the purpose of, initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student so endangered or injured participated voluntarily in the relevant activity. The Code of Virginia prohibits hazing and imposes criminal penalties. ([Code of Virginia Section 18.2-56](#))

**Hearings Office** The Hearings Office conducts discipline hearings and determines outcomes on behalf of the Division Superintendent; makes discipline recommendations to the School Board and represents the Division Superintendent at School Board hearings; maintains records and statistics related to expulsion, exclusion, and reassignment recommendations and outcomes; decides suspension appeals; provides resource assistance and training to school-based and central office administrators; and conducts employee grievance hearings on behalf of the Division Superintendent.

**Imitation Controlled Substance** A drug or substance in which the substance or container bears the name, markings, or likeness to, or is represented to be, a controlled substance including a prescription drug.

**Imitation Marijuana** A substance that bears a likeness to or is represented to be marijuana.

**Individualized Education Program (IEP)** A written plan for every student receiving special education services that contains information such as the student's special learning needs and the specific special education services required by the student.

**Inhalant** Any substance that gives off vapors or fumes and that is inhaled for a high.

**Letter of Agreement** A written agreement which may be offered by the Division Superintendent's hearing officer to a student whom the hearing officer is recommending for expulsion. If the agreement is signed by the student's [parent](#) and accepted by a School Board committee, the student is assigned to an alternative education program during the term of the expulsion, and the student's case is concluded without a further hearing.

**Lewd** Showing or intended to incite in an offensive way.

**Libel** Any false and harmful written or printed statement designed to expose a person to public ridicule or hatred and would injure a person's reputation in any way; anything that gives an unflattering or damaging picture of someone.

**Libelous** Writing or publishing libel.

**Long-Term Suspension** Disciplinary action that denies school attendance 11-45 school days, unless misconduct involves: (i) possession or use of a statutory weapon or illegal drugs; (ii) serious bodily injury, or (iii) aggravating circumstances. Where a determination of (i), (ii), or (iii) is made, the long-term suspension may extend beyond 45 school days, but shall not exceed 364 calendar days.

**Manifestation Determination Review (MDR)** A process for determining whether a behavior was caused by, had a substantial relationship to a student's disability, or was the direct result of the failure to implement the IEP.

**Marijuana** Any part of the cannabis plant, whether growing or not, its seeds, resin or residue, or any extract and any of its various form, other than THC-A or cannabidiol oil, provided that a written certification for use was issued by a licensed practitioner in accordance with the Code of Virginia.

**Marijuana, Synthetic** A substance which is a controlled substance. On occasion, this substance is referred to as "Spice, K-2, or JWH-018." For the purposes of the SR&R, the term synthetic marijuana also includes any substances that bears a likeness to, or is

represented to be, synthetic cannabinoids or synthetic marijuana.

**Malicious** Characterized by malice; intending or intended to do harm.

**Meditate** To think deeply and continuously; reflect.

**Misgendering** The act of labelling others with a gender that does not match their gender identity-deliberately or accidentally.

**Nonprescription** (over-the-counter drug) Any drug that can be obtained legally over the counter without a doctor's prescription.

**Obscene** Words or pictures that are offensive, rude, shocking.

**Outing** The act of disclosing an LGBTQIA+ person's sexual orientation or gender identity without the person's consent.

**Paraphernalia** All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana or a controlled substance.

**Parent/guardian** Any parent, guardian, legal custodian, or other person having control or charge of a child.

**Plagiarize** To steal and pass off the ideas or words of another as one's own; use without crediting the source.

**Possession** The actual or constructive possession of a specific object or substance. Such possession may be sole, joint, or collective.

**Prescription Drug** Any medication that requires a doctor's prescription.

**Principal** The school principal, any assistant principal, or in their absence, the designated teacher in charge.

**Privacy** Keeping information about a person that can be used to identify the person because it is unique (e.g., full name, address, etc.) out of the public domain.

**Profanity** The use of swear words.

**Reassignment** The disciplinary decision that requires a student to attend another school or an alternative education program, or both.

**Recitation** The act or an instance of reading or repeating aloud.

**Records review** A meeting conducted by the regional assistant superintendent at the request of the principal to which

the parent and student are invited to participate, for the purpose of reviewing the student's disciplinary record and interventions to date in order to further address the student's conduct issues.

#### **Redaction**

The act of selecting or adapting (as by obscuring or removing sensitive information) for publication or release

#### **Referral to the Division Superintendent**

Referral to the Division Superintendent means a decision which is made by the principal in order for there to be consideration of student disciplinary action greater than a [short-term suspension](#). Where the principal makes such a referral, the Division Superintendent will conduct a hearing to determine based on the facts whether additional disciplinary consequences (to include one or more of the following: a [long-term suspension](#), a reassignment, or a recommendation to the School Board for expulsion) are appropriate in accordance with this SR&R. In conducting this hearing, the Division Superintendent also will determine whether the [short-term suspension](#) imposed by the principal is warranted. When making a referral to the Division Superintendent, the principal may choose to recommend a specific disciplinary action, provided, however, that whether or not the principal

recommends a specific disciplinary action, the Division Superintendent has authority to take one or more of the following actions in accordance with the SR&R: determine that no disciplinary action is warranted, confirm a [short-term suspension](#), impose a [long-term suspension](#), effect a reassignment, and forward a recommendation to the School Board for expulsion

**Region(s)** A collection of schools within FCPS, located within a specific geographic area, with an assigned assistant superintendent and executive principal. Concerns that have not been resolved with the school principal may be referred to the regional office.

**Restorative Justice Conference** A conference which brings together the people most affected by wrongdoing to discuss the incident, understand who has been harmed, and to decide how the harm should be repaired. The harmed persons and school community are given a voice in the discipline process and resolution of the incident. The offending student is responsible for repairing the harm to the extent possible.

**School Board** The Fairfax County School Board or a designated committee thereof.

**School Day** Any day school is in session.

**School Property** Any property owned, leased, or used by the School Board, including any vehicle operated by, or on behalf of, the School Board, such as school buses, cars, and vans.

**School Resource Officer (SRO)** A certified law enforcement officer hired by the Fairfax County Police Department or other local police department to provide law-enforcement and security services to FCPS schools.

**Sexual Assault**

- a. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- b. Rape; carnal knowledge of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- c. Sodomy; oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- d. [Sexual Assault](#); With An Object; use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the

victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;

- e. Fondling; the intentional touch of private body parts (groin, breast, buttocks) under the clothing of another person for the purpose of sexual gratification, forcibly and/or against the person's will in instances where the victim is incapable of giving consent because of age, or due to temporary or permanent mental or physical incapacity;
- f. Incest; non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law;
- g. Statutory rape; non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Sexual Misconduct** Misconduct that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature but that is not within the scope of "sexual harassment" as defined by [Regulation 2118.1](#)

**Short-Term Suspension** Disciplinary action that denies school attendance for a period not to exceed ten days (Up to 3 school days for grades K-3 unless specified misconduct has occurred. Up to 5 school days for grades 4-12, unless

accompanied by a referral to the Division Superintendent).

**Slander** The utterance of false charges or misrepresentation in the presence of another person which defame and damage another’s reputation.

**Slanderous** To utter slander against.

**Stalking** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to  
A. fear for their safety or the safety of others; or  
B. suffer substantial emotional distress.

**Statutory** Fixed by law.

**Stigmatization** The act of being stigmatized.

**Student Activities**  
These include extracurricular activities, co-curricular requirements, and athletics. Students participating in athletics, performing arts, clubs, competitions, practices, and any other activity that provides opportunities for participation outside of normal school hours, in addition to any student who is a spectator or audience members at a school sponsored activity are included in this definition.

**Substantial Disruption**  
Includes an incident that generates a considerable negative impact on normal school operations, or results in a significant impact to

students, the parent, and/or staff, such as using prohibited substances in a large group setting at school; requiring a response that disrupts school operations such as the need for emergency medical services; or creating a situation where the parent is compelled to keep their children out of school, or where groups of students are unable to focus on learning due to a specific incident.

**Threat** An expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware of the threat existing in any fashion, whether orally, visually, in writing, or electronically.

**Threat Assessment** A structured process to evaluate the seriousness of a student’s threat, support any victims or potential victims, and take preventive or corrective measures to maintain safety.

#### **Title IX Definitions**

**Sexual Harassment:** conduct on the basis of sex that satisfies one or more of the following:

1. Unwelcome conduct determined by a reasonable person to be severe, pervasive, and objectively offensive that it effectively denies a student equal access

to an FCPS education program or activity: or

2. Dating violence, domestic violence, [sexual assault](#), or [stalking](#) (see below)

Dating violence

Violence committed by a student—

A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

B. where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.  
2. The type of relationship.  
3. The frequency of interaction between the students involved in the relationship.

Domestic violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

**Vaping** The act of inhaling and exhaling an aerosol, often referred to as vapor, which is

produced by an e-cigarette or similar device such as e-hookahs, mods, Juul pens, or vape pens.

**Vulgar** Lack of culture, refinement, taste. Coarse or crude.

**Weapon** Any item so defined in the text in the current version of regulation 2601. For the purpose of the Gun-Free Schools Act, nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.

**Appendices:**

- **Appendix A: Acceptable Use Policy for Student Network Access**
- **Appendix B: Standards of Conduct for Students Riding Buses**
- **Appendix C: Code of Virginia**
- **Appendix D: Regulation 2601.37P**

# Appendix A:

## Acceptable Use Policy for Student Network Access

*The information systems and internet access available through FCPS are provided in order to support learning, enhance instruction, and support school system business and educational practices.*

FCPS information technology systems are operated for the benefit of all users in connection with the core mission of FCPS - the education of its students. The use of the FCPS network is necessary to provide all students with access, support, and opportunities to use provided tools and resources; and for students to interact with other students, teachers, and class content to support and enrich their learning experience. Users are prohibited from taking, or attempting to take, any action that might reasonably be expected to disrupt the operation of the network or equipment and/or interfere with the learning of students or the work of FCPS employees.

All-access to the FCPS network shall be preapproved by the principal or program manager. The school or office may restrict, suspend, or terminate any user's access, without prior notice, if such action is deemed necessary to comply with laws or regulations, protect the safety of others, or maintain computing availability and security. Disabling student access to FCPS instructional technology tools is a serious action that will be taken only when warranted.

Students are advised that the inappropriate use of FCPS technology resources is a violation of student disciplinary rules, regardless of where or when the inappropriate use occurs. As such, schools will respond to instances of inappropriate use by following normal disciplinary procedures, just as they would if the incident occurred in the physical classroom. Disciplinary action for inappropriate use of the FCPS network, systems, or devices may be imposed as stated in the FCPS Student Rights and Responsibilities (SR&R) document.

FCPS implements internet filtering on all FCPS sites in accordance with the federal Children's Internet Protection Act. Schools will continue to educate students on digital citizenship, personal safety practices, and effective techniques for identifying and evaluating information and its sources.

### **FCPS Instructional Environment**

Students have the right to physical and virtual educational environments that are consistent with the characteristics outlined in the FCPS SR&R document. These rights include:

- The right to be treated with respect in online learning environments. Students who do not feel they are being treated with respect should talk to their teacher or the principal.
- The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. Students may talk to their teacher or principal if they feel that a school decision is not fair.
- The right of a student to give his or her version of events when accused of violating this Acceptable Use Policy.
- The right to access, support, and opportunities to use the provided technology tools and resources that support learning.
- The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments.

Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.

### **Respect for Others**

Users shall respect the rights of others using the FCPS network by:

- Using or not using devices as directed by the teacher.
- Being considerate when using school resources.
- Always logging off devices or apps after finishing work.
- Not deliberately attempting to disrupt system performance or interfere with the work of other users.
- Leaving equipment and rooms in good condition for the next user or class.
- Not accessing, changing, or deleting files belonging to others that are not explicitly shared with you.

### **Ethical Conduct for Users**

It is the responsibility of the user to:

- Use only his or her account or password. It is a violation to share passwords or to otherwise give access to an account to any other user. User account access is limited to currently enrolled students. Account access is not available to former students.
- Recognize and honor the intellectual property of others; comply with legal restrictions regarding plagiarism and the use and citation of information resources.
- Cite and credit all material used, including internet material.
- Only use software or apps on FCPS devices or networks that have been approved and that the school may legally use. Duplicating or modifying copyrighted software in violation of a license agreement is a serious offense that may result in student discipline.
- Use the FCPS technology resources in a manner that is consistent with the educational mission of the school system.
- Help maintain the integrity of the school information systems. Tampering or experimentation is not allowed; this includes the use of the FCPS network and resources to illicitly access, tamper with, or experiment with systems inside and outside FCPS.
- Help maintain a safe, positive, and trusting learning environment by not using offensive, obscene, or harassing language when on the FCPS network and/or FCPS devices.



## **Digital Citizenship and Security**

- Students are responsible for complying with all cybersecurity policies set-forth by the Office of Cybersecurity (OCS).
- Students are prohibited from tampering with FCPS technologies and attempting to circumvent security policies and controls enforced by the Office of Cybersecurity (OCS), such as, but not limited to, accessing the internet via proxy or unauthorized VPN services.
- Students are prohibited from posting information if it violates the privacy of others, jeopardizes the health and/or safety of students, is obscene or libelous, intended to be threatening, bullying or hateful in nature, or causes disruption of school activities.
- Students may not access social media sites during school hours except where allowed by school administration. If allowed, social media activity must be limited to academic activities.
- Students are prohibited from accessing any portion of the internet that is inconsistent with the educational mission of FCPS.
- Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency.
- Students may utilize real-time messaging and online chat only within approved instructional apps or with the permission of the teacher or principal.
- Students are not to record electronically instructional programs, the classroom environment generally, or any conversation involving a school official, without the official's advance permission to do so.
- Students may not take photographs or videos of others without consent during school hours while on school property, unless for academic use. School administration may allow limited non-academic use of photography on a case-by-case basis.
- Students, under five years of age, are required to have adult-supervision while using FCPS technologies.
- Parents and/or guardians should ensure that use of student assigned devices is limited to supporting the educational outcomes of the student at home and the device not be used by anyone else for non-educational purposes.
- Students are not to reveal personal information (last name, home address, phone number) in correspondence with unknown parties.
- Students shall accept the responsibility for all material they access.
- Students are responsible for reporting any inappropriate material they receive.
- All student-produced web pages are subject to approval and ongoing review by responsible teachers and/or principals. All publicly-accessible web pages shall reflect the mission and character of the school.
- Students are prohibited from viewing, sending, and accessing illegal material.
- Students are prohibited from downloading inappropriate or illegal material on FCPS computers or networks.
- Students may not modify or rearrange keyboards, monitors, printers, or any other peripheral equipment.
- Students should report equipment problems immediately to a teacher, technical support staff, or principal.

- Students should leave desktop workstations and peripherals in their designated places.
- To ensure student safety and compliance with this Acceptable Use Policy, FCPS reserves the right to monitor and investigate students' online activities as needed. This includes accessing, reviewing, copying, storing, or deleting any communications or files so they can be shared with adults as necessary and as permitted or required by law. Students should have no expectation of privacy regarding their use of FCPS equipment, network, internet access, files, or email access.

### **Personally-Owned Computing and/or Network Devices (BYOD)**

Students using personally-owned electronic devices must follow the policy stated in this document while on school property, attending school-sponsored activities, or using the FCPS network.

- Students using a personally-owned device with a wireless connection are only permitted to connect to the FCPS Wi-Fi network (not private cellular services) while on FCPS premises.
- When applicable, appropriate virus-checking software must be installed, updated, and made active prior to any personally owned device being placed on the FCPS network.
- No device placed on the FCPS network can have software that monitors, analyzes, or may cause disruption to the FCPS network.
- FCPS is not responsible for any device or data loss, theft, damage, or other associated costs of replacement or repair of a personal device as a result of a student participating in the BYOD initiative.
- FCPS staff will not be responsible for storing, supporting, or troubleshooting personal devices.
- Students will take full responsibility for any personally-owned device and will appropriately secure all devices when not in use.
- FCPS reserves the right to monitor and investigate all devices and activities on the FCPS network. The device may also be confiscated by school officials in accordance with the SR&R.

See also the current versions of:

Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources  
 Regulation 2601, Student's Rights and Responsibilities Book

# Appendix B:

## Standards of Conduct for Students Riding Buses

Please read Standards of Conduct for Students Riding School Buses with your child. It is important that you and your child understand the standards covering appropriate conduct while riding a bus **whether for regular home-to-school service or for other activities**.

**SIGN THE [PARENT](#) AND/OR GUARDIAN SIGNATURE SHEET LOCATED IN THE FRONT OF THIS BOOKLET AND RETURN TO THE [PRINCIPAL](#)**, who will retain it on file. If a student is unable to read these instructions, the parent's or guardian's signature will indicate that this regulation has been explained to the student.

### GENERAL

The current version of FCPS Regulation 8617 provides that daily bus service shall be provided for all elementary students living in excess of one mile from school and for middle and high school pupils living in excess of one and one-half miles from school. Consult the following regulations for further information and requirements:

1. The current version of Regulation 2601 regarding *Student Rights and Responsibilities*.
2. The current version of Regulation 8617 regarding the provision of transportation for students enrolled in designated special education programs.

### STANDARDS

Acceptable classroom standards of conduct shall be expected of bus passengers and drivers shall ensure that pupils observe regulations at all times. Among other things, students shall not smoke, yell, scream, swear, push, fight, bully, or take advantage of any other student; extend hands, arms, or heads or objects from bus windows; carry on the bus any drugs, [weapons](#), water pistols, live reptiles, animals, insects, or oversized items (including school instruments) that would block an aisle, cause loss of passenger seat space, obstruct the driver's view, or create a safety hazard.

### DISCIPLINE

A driver may temporarily issue an assigned seat for disciplinary purposes in response to student safety. A driver may recommend suspension of bus transportation for a pupil who will not heed the driver's warning as to behavior. The [principal](#) shall take final action in such cases. During a period of suspension, the [School Board](#) shall not be responsible for transporting the pupil to school. A driver may not remove a child from the bus or refuse transportation to a child on a bus without proper authorization by the principal, except in cases in which the safety of pupils is jeopardized. The principal shall be notified of such extreme cases immediately. Drivers shall report all disciplinary cases to school principals on form TR-12. Vandalism of the bus may be cause for disciplinary action. Video camera and audio recorder may be in use.

### MEETING THE BUS

#### Students Must:

- Be at their bus stops at least five minutes before the regular pickup time, but no earlier than ten minutes before the pickup time. Remain at the stop until buses arrive. Be picked up and released at their designated (assigned) bus stops.

- Demonstrate appropriate conduct at the bus stops including proper care for private property at that location.
- Not stand on the traveled portion of the roadway or parking lot while waiting for the bus or engage in play or other activities that will endanger themselves or their companions or possessions while waiting beside the road.
- Not approach a bus arriving at the bus stop until it has come to a complete stop with the entrance door open.
- Not run alongside a moving bus. Wait to cross a traveled portion of the roadway, or to board a bus, until the bus is stopped and other vehicles approaching or following the bus have stopped. **The bus driver will signal students to cross a roadway when it is safe to do so.**
- Report any illness or injury sustained on or around the bus immediately to the driver.
- Follow the directions of safety patrols who are assigned to a bus stop or a bus. Safety patrols help bus drivers and work under the direction of the school sponsor and the bus driver.

## CONDUCT ON THE BUS

### Students Must:

- Recognize that the bus driver is the authority on the bus and obey and be courteous to them and fellow students.
- Go directly to a seat and remain seated unless otherwise directed by the driver.
- Not tamper with the emergency door.
- Not slap others or wave or shout at pedestrians or other vehicles.
- Not throw objects about the bus or from a window (or throw objects at the bus from outside).
- Carry onto bus only **unbreakable** objects that can be safely held in pupil's lap.
- Not share, sell, or consume food or beverages.
- **Not talk on the cell phone, except in the case of an emergency situation.**
- Present written request from parents or guardians, subject to approval of school [principal](#), to go home on an alternate route.

## LEAVING THE BUS

### Students Must:

- Remain seated until bus comes to a full stop.
- Exit bus in an orderly manner.
- Leave bus stop area only when safety permits; that is, when crossing a roadway, cross at a distance of approximately ten feet from the **front** of the bus **after** the driver signals it is safe to do so.

[Parents](#) or guardians are encouraged to walk with students to and from bus stops or school. Special education students and students in designated programs, (such as FECEP and Preschool/PAC) must be met at the bus by responsible adults. Kindergarten students riding the afternoon school buses will be returned to school unless they are met at the bus door by a parent, a guardian and/or caregiver, or sibling, middle school or higher and asked for by name.

# Appendix C:

## Code of Virginia

Current version of the [Code of Virginia § 22.1-279.3](#), Parental Responsibility and Involvement requirements:

- A. Each [parent](#) of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and [threat](#) to persons or property, and supportive of individual rights.
- B. A [school board](#) shall provide opportunities for parental and community involvement in every school in the school division.
- C. Within one calendar month of the opening of school, each [school board](#) shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

- D. The school [principal](#) may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or their designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.
- E. In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school [principal](#) may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.
- F. No suspended student shall be admitted to the regular school program until such student and their parent have met with school officials to discuss improvement of the student's behavior, unless the school [principal](#) or their designee determines that readmission, without parent conference, is appropriate for the student.

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

#### **Current version of the [Code of Virginia § 22.1-254](#) Compulsory School Attendance**

Every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the [division superintendent](#), or provide for home instruction of such child as described in § 22.1-254.1. For additional details on the Virginia Compulsory School Attendance Law, refer to section 22.1-254 of the Code of Virginia.

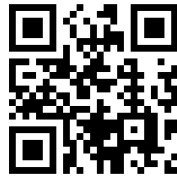
#### **Current version of the [Code of Virginia § 22.1-279.4](#) Information Regarding Prosecution of Juveniles as Adults**

As required by section § 22.1-279.4 of the Code of Virginia, FCPS provides its students with information developed by the Virginia Attorney General regarding the laws governing the prosecution of juveniles as adults for the commission of certain crimes and that information can be found at [http://www.doe.virginia.gov/administrators/superintendents\\_memos/2012/057-12a.pdf/](http://www.doe.virginia.gov/administrators/superintendents_memos/2012/057-12a.pdf/)

# Appendix D:

## Regulation 2601.37P

This copy of regulation 2601 has been specially formatted for this publication. The official and current version of this regulation is available through the FCPS website, which includes changes that may be made between printings.



[www.fcps.edu/srr](http://www.fcps.edu/srr)

## **SPECIAL SERVICES**

### **Student Rights and Responsibilities**

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

This regulation supersedes Regulation 2601.36P

### **I. INTRODUCTION**

The Fairfax County [School Board](#) is committed to ensuring that every school in Fairfax County Public Schools (FCPS) promotes a responsive, caring, and inclusive culture where all feel valued, supported, and hopeful, and where every child is reached, challenged, and prepared for success in school and in life. Collaboration with the [parents/guardians](#) is essential to reaching this vision.

Disciplinary practices in FCPS focus on promoting positive, prosocial behavior. A leveled system of response is used to address behavioral challenges, through age-appropriate instruction and restorative practices. FCPS considers the unique needs of each child and works collaboratively with families to support these needs. No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, or denied the benefits of, FCPS services, programs, and activities, or be subjected to [discrimination](#) under any education program or activity. Students should expect an environment offering them a physically and emotionally safe space to learn. FCPS seeks to affirm student identities and uplift student voices by, promoting of positive expression and denouncing the use of slurs, [hate speech](#), and all forms of discrimination (e.g., [ableism](#), racism, sexism, faith-based discrimination).

This regulation explains expectations for student behavior, [parent/guardian](#) engagement, and adult responses to enhance school safety and to create an equitable, supportive school environment.

### **II. PURPOSE**

To establish, for use by students and the [parent/guardian](#), a booklet describing the rights and responsibilities of students as prescribed in the Code of Virginia and Fairfax County School Board policy and regulations.

### **III. NOTABLE CHANGES FOR STUDENTS AND PARENT/GUARDIANS**

- Added Belief Statement
- Added statement regarding Chronic Absence
- Added information regarding student dress code
- Updated definition for Discriminatory Harassment

### **IV. SUMMARY OF CHANGES SINCE LAST PUBLICATION**

- A. Section I.Introduction., replaces “prevention of behavioral incidences” with “promoting positive, prosocial behavior;” replaces “occurrences” with “behavioral challenges;”



emotionally;" replaces "supports" with "seeks to affirm;" adds "uplift student;" adds "by;" deletes "the use of;" changes "denounces" to "denouncing."

- B. Section III., updated Notable Changes for Students and Parents/guardians.
- C. Section V., add Belief Statement.
- D. Chapter I.Chart., replaced "complain" with "voice concerns, and added bullet for safe school communities."
- E. Chapter I.A.1., adds statement about equitable treatment for all students.
- F. Chapter I.A.2.b., deleted "complaints about sexual" and replaced with sex-based;" replaced "gender-based" with "sex-based."
- G. Chapter I.H., replaced "complain" with "voice concerns;" and replaced "the" with "this" and deleted "to complain."
- H. Chapter I.H.1., replaced "complaint" with "concern."
- I. Chapter I.H.2., replaced "complaint" with "concern."
- J. Chapter I.H.3., added information regarding the Discrimination & Harassment Reporting Tool.
- K. Chapter I.I.2., added information concerning chronic absences from school.
- L. Chapter I.I.4., added parents should contact school if student is out sick.
- M. Chapter I.K., was rewritten for clarity.
- N. Chapter I.N., added text regarding cell phone use expectations.
- O. Chapter I.N.1.2. and 3., added language regarding cell phone accessories.
- P. Chapter I.P., added language regarding bystanders responsibilities.
- Q. Chapter II.Category B.SBAR Code BSO4., has been retired by VDOE.
- R. Chapter II.Category B.SBAR Codes BSO15 and BSO16 were added.
- S. Chapter II.Category C.footnote 6., replaces "could constitute" with "rises to the level of."
- T. Chapter II.Category D.SBAR Code BSC8a-d., replaced definition of discriminatory harassment.
- U. Chapter II.Category D.SBAR Code BSC8f and g replaced text regarding when to consult Title IX office.

- V. Chapter II.Category D.SBAR Code BSC27., added “This does not include water guns and toy guns.”
- W. Chapter II.Category E.SBAR Code BESO2., changed the leveled responses.
- X. Chapter II.Category E.SBAR Code BESO5a., add footnote 7 to Level 3.
- Y. Chapter II.Category E.SBAR Code BESO5d., deleted Level 2, added X to Level 3.
- Z. Chapter II.Category E.SBAR Code BESO6., deleted Level 2.
- AA. Chapter II.Category E.SBAR Code BESO7a., added ® to Level 4.
- BB. Chapter II.Category E.SBAR Code BESO7c., deleted Level 2, replaced X with X<sup>7</sup>.
- CC. Chapter II.Category E.SBAR Code BESO7d., deleted Level 2, added X<sup>8</sup> to Level 3.
- DD. Chapter II.Category E.SBAR Code BESO11, deleted Levels 2-4, added Level 5.
- EE. Chapter II.Category E.SBAR Code BESO12, added “not including written threats.”
- FF. Chapter II.Category E.SBAR Code BESO14 was added.
- GG. Chapter II.Category E.SBAR Code BESO14a was added.
- HH. Chapter II.Category E.SBAR Code BESO18 was added.
- II. Chapter II.Category F.SBAR Code PD15 was revised.
- JJ. Chapter II.Category F.SBAR Code PD16c., added “THC oil.”
- KK. Chapter II.A., added information on threat assessment requirement and procedures.
- LL. Chapter II.A.1.(5).footnote 12., added “or assistant principal through the SIS Discipline Referral System by the close of business the same day the staff member learns of the allegation.”
- MM. Chapter II.A.1.a.4., was moved to Chapter II.A.1.c., and was reworded for clarity.
- NN. Chapter II.A.2.a.(3)., added information regarding hate speech infraction and consequences.
- OO. Chapter II.A.2.b.(2)., footnote 14 added requirement for principals or designee to notify parents/guardians of bullying or alleged bullying incident within 24 hours of learning of the allegation.
- PP. Chapter II.A.3.a.(1)., deleted the phrase regarding failure to attend an intervention program and added that students will receive substance misuse education and with parental consent participate in an assessment and receive differentiated support.

- QQ. Chapter II.A.3.b.(1)., added language allowing principal to impose consequences for violations.
- RR. Chapter II.A.3.b.(1).(a)., added “Alcohol and Other Drug” and consequences for use or possession of marijuana or inhalants and parent requirement for consent for participation in program and added “additional.” Added that students will receive substance misuse education and with parental consent an assessment to inform differentiated support.
- SS. Chapter II.A.3.b.(1).(b)., deleted “related to use of” and added “or use.”
- TT. Chapter II.A.3.b.(2).(a)., added “middle school” for first violation.
- UU. Chapter II.A.3.b.(2).(b)., added “middle school,” “calendar,” and “this is in addition to the activity suspension from the previous offense.”
- VV. Chapter II.A.3.b.(3)., added “in conjunction with a one day in-school suspension.”
- WW. Chapter II.A.3.b.(4)., clarified consequences for selling and distributing alcohol, marijuana, inhalants, and non-alcoholic beer.
- XX. Chapter II.A.3.d.(3)., added language regarding the consequences of possessing and using unauthorized prescription medication.
- YY. Chapter II.A.3.e.(1).(a).i., clarified consequences for students arriving to school or school-sponsored activities under the influence of controlled substances.
- ZZ. Chapter II.A.3.e.(1).(a).ii., added “middle and.”
- AAA. Chapter II.A.3.e.(1).(a).iii., added “middle and” and “calendar days” and added “this is in addition to the activity suspension from the previous offense.”
- BBB. Chapter II.A.3.e.(3)., added “in conjunction with a one day in-school suspension.”
- CCC. Chapter II.D.4., was rewritten for clarity.
- DDD. Chapter II.D.6.g., clarifies administrative review and dispute resolution options
- EEE. Glossary., added the definition of administrative review, Functional Behavioral Assessment, Hearings Office, Manifestation Determination Review, threat assessment, vaping.
- FFF. Glossary., updated the definitions of bullying, discriminatory harassment, and short-term suspension.

## **V. BELIEF STATEMENT**

The Student Rights and Responsibilities (SR&R) is informed by the belief that all students are capable of achieving their personal best in the context of positive and inclusive school environments that promote safety, belonging, and supportive relationships between and

among staff and students. Students are more likely to exhibit positive behavior when they feel that staff members care about them and will help them learn and grow.

The root of the word discipline is “to teach.” Effective discipline helps students learn the skills needed to develop healthy identities, manage emotions and achieve personal and collective goals, feel and show empathy for others, establish and maintain supportive relationships, and make caring and responsible decisions. When behavior improvements are needed, restorative practices provide strategies and interventions to enable students to self-correct, problem-solve, make amends and repair harm, and learn more adaptive and prosocial behaviors.

### Values

The SR&R is anchored in the following values:

- A. FCPS commits to fostering an environment where all students feel safe and secure, free of harassment, hostility, hate speech, marginalization, drugs, weapons, and all forms of violence.
- B. Staff, administrators, and parents/guardians have an obligation to help students learn to be caring citizens by modeling desired behaviors.
- C. Student discipline must be implemented in ways that are respectful and restorative. Interactions among staff, students, and parents/guardians are expected to protect the dignity of each individual and ensure a spirit of collaboration.
- D. Student discipline must be implemented in ways that are equitable and consider the unique circumstances in each situation.
- E. Student discipline must be implemented in ways that are enforceable, viable, and effective.
- F. Every reasonable effort should be made to correct student misbehavior through interventions that are restorative and reduce the likelihood that the misbehavior will reoccur.

## **VI. PROCEDURES AND DISTRIBUTION**

The Department of Special Services shall develop, for the [Division Superintendent's](#) review, a booklet for teachers, students, and [parents/guardians](#) stating the legal rights and responsibilities of students in Fairfax County Public Schools (FCPS). The booklet shall also define the rules of conduct and disciplinary procedures applicable to students.

This booklet shall be reviewed annually by the Department of Special Services, and revisions shall be published as necessary. [Parents/guardians](#) are notified of the Student Rights and Responsibilities: A Family Guide annually by letter/video presentation. Schools monitor receipt of online access through responses from parent/guardians electronically or hard copy signature noting review of the Family Guide which includes full text of regulation. A parent/guardian who has a student enrolled in Fairfax County Public Schools (FCPS) may request a printed copy at any time from their child's school's main office. Each new student and family who enters FCPS after the start of the school year shall be notified regarding

access to the document online at the time of registration [Regulation 2602.P, Rules of Conduct and Disciplinary Procedures](#), will be used only for due process.

## VII. STAKEHOLDER ORIENTATION

A. All [principals](#) receive annual professional development regarding changes to the Student Rights & Responsibilities (SR&R) regulation to include scenarios and discussions regarding behavioral incidences and responses to be considered proactively and reactively.

1. School-based administrators: Minimum of semi-annual training for principals, assistant principals, and Directors of Student Services by Department of Special Services (DSS) to review changes to the SR&R, work through discipline scenarios to foster division-wide, consistent implementation, and review areas of need based on discipline data review and analysis.
2. School-based staff: Minimum of semi-annual training for school-based staff by principals/designees to review changes to the SR&R and to support response to a root cause(s) associated with school discipline. All principals<sup>1</sup> must review the Student Rights and Responsibilities booklet with their faculties prior to the opening of school and to pay special attention to any changes.
3. Students: Minimum of semi-annual lessons (beginning of the year and mid-year for students by school-based staff) to review the SR&R and to provide additional related student lessons based on the review and analysis of discipline data. Principals shall develop procedures to ensure that each student has an opportunity to become familiar with the regulation. This includes appropriate adaptations for students with disabilities and students with unique learning needs. The completion of the SR&R lessons is to be reported to the Office of Equity and Student Conduct.
4. Transportation staff and coaches: Minimum of semi-annual training for transportation and coaching staff by DSS to review changes to the SR&R and to support positive responses to concerns.
5. Families: Provide an asynchronous SR&R workshop for families to review the SR&R in support of the written policy and associated Family Guide to ensure families have access to information outlined in the SR&R in multiple modalities (visual and auditory). Additional opportunities to receive two-way education from DSS will be provided at minimum twice yearly.

Families may find resources regarding [digital citizenship](#) and other [Student Safety and Wellness](#) topics by clicking on the supplied links.

## VIII. SUMMER PROGRAM

The SR&R booklet does not apply in its entirety to summer school attendance. The following notice shall be provided to all summer school students as part of their orientations:

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<sup>1</sup> The titles of school system personnel used in this regulation shall in all events be deemed to include the designees of such personnel and any successors in the event of reorganization.

Each student in summer programming, to include students in extended school year programs, is expected to comply with the rules of student conduct outlined in the current version of [Regulation 2601.P](#).

A school principal may impose a [short-term suspension](#) and/or make a [referral to the Division Superintendent](#) in any situation involving prohibited conduct.

With respect to any violation for which the disciplinary sanction includes a [referral to the Division Superintendent](#), the provisions and procedures set forth in the current version of [Regulation 2601](#) shall govern and be controlling. A student who is expelled, reassigned, or suspended for a violation that occurred during a summer program session may also be expelled, reassigned, or suspended during the regular school term.

All other violations of the SR&R occurring during summer programming shall be dealt with at the discretion of the summer program administration, following a conference with the student at school. The decision to suspend a student from summer programming is reviewable by the principal, provided the [parent/guardian](#) appeals within two days after the suspension decision. The principal shall review such matters on an expedited basis and shall issue a decision within one [school day](#) following receipt of such request, if practicable. In conducting such review, the principal has the discretion to elect to schedule a hearing or may issue a decision based on an examination of the written record. If not satisfied with the principal's decision, the parent/guardian may submit a written appeal to the Division Superintendent within four business days after the date of the principal's decision. The hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the written record. The decision by the hearing officer shall in all events be final. In the event that a summer programming session ends before disciplinary action shall have been taken or otherwise carried out, such action may be taken or imposed by school officials, as the case may be, during the next regular school session.

Legal Reference: [Code of Virginia, Section 22.1-279.3](#)

**CHAPTER I**

**RIGHTS AND RESPONSIBILITIES OF STUDENTS**

FCPS students have the following rights and responsibilities which are further delineated in the sections below:	
<b>Rights to:</b>	<b>Responsibility for:</b>
• Equal Opportunity	• Attendance
• Notice in Age-appropriate Manner	• Pledge of Allegiance and One Minute of Silence
• Expression and Limitations	• Dress Code
• Safe Digital Environment	• Digital Citizenship and Cybersecurity
• Distribute Literature	• Sharing of Literature
• Adult Students and Their Parent/guardian	• Search and Seizure
• School Records	• Personally Owned Devices
• Voice concerns	• Cell Phones
	• Supporting Safe School Communities

**A. Right to Equal Opportunity**

1. FCPS values equitable treatment of all students from all backgrounds and experiences. FCPS unequivocally condemns all forms of hate, and commits to ensure that all students feel secure and free of harassment, hostility, and/or marginalization. No student in FCPS shall, on the basis of age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, or disability, be excluded from participation in, be denied the benefits of, or be subjected to [discrimination](#) under any education program or activity.

Furthermore, in accordance with [federal](#) and [Virginia](#) law and [Title IX](#), and FCPS policies, all students have the following rights:

1. The right to a school and classroom environment that affirms the identity of all students and is responsive, caring, and inclusive.
2. The right to access restroom and locker room facilities and other non-stigmatizing accommodations that are consistent with the student’s gender identity, faith, and for any other reasons as identified in Regulation 2603;
3. The right to non-disclosure of gender identity and/or sexual orientation;
4. The right to be called by chosen names and pronouns
5. The right to internally generated and shared school lists of students (e.g., honor roll, graduation programs, yearbooks, school newspapers) that identify students by their chosen names and genders.
6. The right to receive support to ensure the safe and equitable access to all school and school division facilities and activities.

7. The right to have their personally identifiable information and citizenship or immigration status protected from unauthorized sharing.
  8. The right to equitable access to the learning environment, educational materials, and extracurricular activities.
2. Students or a parent/guardian may present concerns, complaints, or inquiries about FCPS' compliance with its obligation to provide equal opportunity to the responsible office listed below if the concern, complaint, or inquiry has not been addressed by the school-based administrator or if the parent/guardian has continued concerns after sharing the concern, complaint, or inquiry with the school-based administrator. Correspondence may be addressed to these offices in care of Fairfax County Public Schools.
- a. Issues concerning physical accessibility to facilities may be presented to the director, Office of Design and Construction Services (571-423-2280), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.
  - b. Issues concerning sex-based harassment or sex-based discrimination ([Title IX titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu), (571-423-3070), located at 8115 Gatehouse Road, Falls Church, Virginia 22042.
  - c. Issues concerning programs and activities for students with disabilities may be presented to the coordinator, Due Process and Eligibility (571-423-4470), located at 8270 Willow Oaks Corporate Drive, Fairfax, Virginia 22031.
  - d. Issues concerning supports for gender-expansive and transgender students may be presented to the regional assistant superintendent by the student or [parent/guardian](#). Contact information may be found on the FCPS website.
  - e. Issues regarding other concerns may be presented to the regional assistant superintendent. Contact information may be found on the FCPS website.

**B. Right to Notice in Age-Appropriate Manner**

All students may expect communication from staff that meets their needs, per applicable regulations, both with regard to age and developmental levels. The regulatory language in this document is shared with students through lessons developed both with age and needs taken into consideration. The staff who address student discipline will also provide opportunities for conversation and interaction with the student with a focus on caring culture goal and through an instructional, equitable lens.

**C. Right of Expression and Limitations**

Students may exercise the right to freedom of expression through speech, assembly, petition, and other lawful means and have the right to advocate change of any law, policy, or regulation. The exercise of this right may not interfere with the rights of others, nor may oral or written student opinions or visual expression be used to present material that falls into any of the following categories:



1. Material that reasonably leads the principal to forecast [substantial disruption](#) of, or material interference with, school activities or that endangers the health or safety of students. A full definition of such material and the procedures to be used by the principal in making a forecast of disruption are contained in the current version of [Regulation 2612, Regulations and Procedures Governing Freedom of Expression by Students](#).
2. Material that is [libelous](#) or [slanderous](#)-statements that are inaccurate or false statements that injure the person by damaging their reputation; cause personal humiliation, mental anguish, and suffering; or cause other injuries. A more detailed definition of libelous and [slanderous](#) material and additional guidelines governing such material are contained in the current version of [Regulation 2612](#).
3. Material that advocates the commission of a criminal act or is a criminal act as defined by the criminal code of the United States, the Commonwealth of Virginia, or Fairfax County.
4. Material that is [obscene](#) as defined in [Section 18.2-372 of the Code of Virginia \(1950\)](#), as amended, or material that is "harmful to juveniles" as defined in [Section 18.2-390](#) or that violates [Section 18.2-391 of the Code of Virginia \(1950\)](#), as amended. Current copies of these sections of the Code of Virginia are provided upon request from the Equity and Student Conduct Office.

D. Right to Safe Digital Environments

Students have the right to safe, trusting, accessible, and positive physical and virtual learning environments. In accordance with Appendix A of the SR&R, these rights include: The right to be treated with respect in online learning environments. The right to express beliefs and opinions respectfully in online environments without being interrupted or punished. The right to access, support, and opportunities to use the provided technology tools and resources that support learning. The right to use technology to interact with other students, teachers, and class content to support their learning in both the physical and virtual environments. Students may exercise these rights and privileges as long as they do so in a manner that does not interfere with the rights of others or the schools' ability to provide a safe learning environment.

E. Right to Distribute Literature

In high schools and middle schools, the student government shall coordinate the procedures for receiving and reviewing literature that students enrolled in the school want to display or distribute. In all schools, the material is subject to approval by the principal. The principal, in consultation with the student government, if feasible, shall determine adherence or nonadherence to the provisions of this section and the current versions of [Regulation 2612](#), [Policy 1365, Distribution of Materials](#), and [Regulation 1367, Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions](#). If the literature satisfies these requirements, the principal and student government shall not deny distribution based on the viewpoint expressed in the literature. The principal shall make this determination within one day after copies are presented and shall designate a reasonable time, place, and manner for distribution or display of such literature if the provisions of this section and the current version of [Regulation 2612](#) have been met.

Any student who does not agree with the principal's decision may appeal in writing within four school days to the regional assistant superintendent, who shall make a decision within two school days after receipt of the appeal. A student who does not agree with the decision of the regional assistant superintendent may appeal in writing to the Division Superintendent. The Division Superintendent will render a decision within two school days, and that decision shall be final. The above time periods may be enlarged by school officials in extraordinary situations.

Elementary students may not make mass distributions of non-school materials in school buildings or on [school property](#) during school hours, including during bus arrival and departure times.

F. Rights of Adult Students and Their Parent/Guardian

With certain exceptions, 18-year-olds are considered adults under the law of Virginia. Those 18-year-olds who want to act in lieu of their parent/guardian regarding field trips, part-time employment, use of motor vehicles, and questioning by police, must sign a declaration. Students who want to exercise this right may do so by following the procedures outlined in the current version of [Regulation 2604, Rights of Adult Students](#). The parent/guardian of such a student shall be notified of student's decisions in this regard.

As provided by federal law, the parent/guardian of a student who is a dependent for tax purposes may have access to the student's record. Further, as required by the Code of Virginia<sup>2</sup>, the parent/guardian will be notified by letter of any instance of the student's suspension from school. School personnel will continue to contact the student's parent/guardian regarding the student's academic performance in school and any suspension from school even though a declaration is filed by the student. Unless otherwise noted, adult students are subject to all rules and regulations of the school.

The SR&R hearing and appeal process does not apply in its entirety to students who are older than persons of school age as such term is defined in the Code of Virginia unless such students are eligible for special education services pursuant to the Individuals With Disabilities Education Improvement Act (collectively, "adult students"). While adult students are expected to comply with the rules of conduct as stated in the SR&R, the hearing and appeal process applicable to them is more limited and is as follows: the determination of whether an adult student has violated one or more rules of conduct, whether the adult student should be disciplined (up to and including [expulsion](#)), and whether readmission should be allowed, shall be made by the school principal whose decision in that regard shall be final unless-as to a [long-term suspension](#) or expulsion-the adult student appeals in writing within four business days to the hearing officer. If an appeal is made by the adult student, the hearing officer may decide the appeal by reviewing only the written record or may elect to hold an additional hearing. The hearing officer's decision shall be in writing. If an appeal is made by the adult student to the School Board, the School Board may decide the appeal by reviewing the written record or may elect to hold an additional hearing.

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<sup>2</sup> According to the Code of Virginia, a "person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year. [Va. Code §22.1-1](#).

G. Right for School Records

Students have the right to accurate and complete school records, maintained in accordance with applicable [federal](#) and [Virginia](#) laws. Accurate and complete individual records shall be maintained for each student enrolled in FCPS. The current versions of [Policy 2701, Student Personal Data](#), [Regulation 2701, Student Personal Data](#), and the Management of Student Scholastic Records Manual (the "Records Manual"), govern the management of student records and provide:

1. That [parent/guardian](#) has the right to inspect any and all records relating to their dependent(s).
2. That students who have reached 18 years of age, or are attending an institution of postsecondary education, have the right to inspect their records.
3. That students under the age of 18, with written parent/guardianal permission, may inspect their records.
4. That information may be released to others only under carefully prescribed conditions in accordance with applicable [federal](#) and [Virginia](#) law, and outlined in the annual notice provided to all FCPS families regarding Surveys, Records, Curriculum, [Privacy](#), and Related Rights and Opt-Out Forms.
5. That nominal fees may be charged for duplication of records.
6. That a [parent/guardian](#) or adult students may challenge the contents of a student's scholastic record by following the procedures in the Records Manual, which provides for a complaint and a hearing.
7. That certain information, known as directory information, may be released without parental consent, in accordance with applicable [federal](#) and [Virginia](#) law, unless the [parent/guardian](#) has opted out of such disclosure in the annual notice provided to all FCPS families regarding Surveys, Records, Curriculum, [Privacy](#), and Related Rights and Opt-Out Forms.
8. That scholastic records may be forwarded on request to a school in which the student intends to enroll or to which the student has applied for admission.

The current versions of [Policy 2701](#), [Regulation 2701](#), and the Records Manual are available for review in the principal's office at each school.

H. Right to Voice Concerns<sup>3</sup>

Students or the [parent/guardian](#) who believe that actions or inactions of the school officials are not in their best interests may present complaints via written (preferred method) or

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<sup>3</sup> This section does not apply to situations involving violations of conduct that result in suspensions from school, reassignments, or expulsion recommendations. For information on the right to appeal a short-term suspension from school to the Division Superintendent, see Chapter II.C.4.d. of this regulation. For information on the right to appeal to the School Board a long-term suspension from school, a school reassignment decision, or an expulsion recommendation, see the current version of [Policy 2611](#), Procedures for Hearings and Appeals to School Board. This section does not apply to situations involving reports of allegations of sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#).

verbal notice to teachers, counselors, or school administrators who shall make themselves available or schedule appointments to hear these complaints.

If you have any questions or concerns about this right contact the Office of the Ombuds at [ombudsman@fcps.edu](mailto:ombudsman@fcps.edu). If you have any questions or concerns about the right to report sexual harassment, contact the [Title IX](#) coordinator at [titleixcoordinator@fcps.edu](mailto:titleixcoordinator@fcps.edu).

1. Meeting with the Principal

If a student or [parent/guardian](#) is not satisfied that a concern previously presented to a member of the school staff has been resolved satisfactorily, the student or parent/guardian may request a meeting of the student, the parent/guardian, and the principal. The principal may require the parent/guardian to attend and shall, following the meeting, promptly inform the parent/guardian in writing of the decision on the complaint. All staff shall report any observed or reported allegations of prohibited [discrimination](#). The principal shall notify, the [Title IX](#) coordinator, of complaints alleging prohibited [discrimination](#).

2. Concerns to the Regional Assistant Superintendent

The principal's decision on a concern may be submitted for review by the student or [parent/guardian](#) to the regional assistant superintendent within two [school days](#) following receipt of the principal's decision. The written concern shall state precisely the reasons for the dissatisfaction with the principal's decision and shall be limited to the matter under review. Upon receipt of a written concern, the regional assistant superintendent shall promptly review the concern and inform the student or parent/guardian in writing of the decision. The regional assistant superintendent has the discretion to include a meeting with the principal and the student or parent/guardian as part of the review of the concern.

3. A [Discrimination & Harassment Reporting Tool](#) has been developed to allow students and families to report incidents in which they feel they have experienced bias and/or discrimination. The tool is housed within the Let's Talk Platform and can be accessed by (a) launching application from Student desktops; (b) link on FCPS Website; (c) QR code that is available on posters displayed in schools and offices throughout the division.

I. Responsibility for Attendance

1. General

School attendance is required by law, as outlined in the Code of Virginia, for all enrolled students, ages five to eighteen. Students are expected to attend all classes and to arrive for each class on time. Students shall follow their assigned daily schedules unless properly excused by the principal or authorized representative. Students shall provide a satisfactory written explanation from their [parent/guardian](#) for any absence from class and any student who seeks to leave school during the [school day](#) shall submit in advance a written parent/guardian request directed to the principal. Principals may, at their discretion, accept a personal or telephone contact with the parent/guardian in lieu of a written request. The current version of [Regulation 2234](#),

[Student Absences and Attendance Regulations](#), provides additional details, including how school absences and tardies are treated.

## 2. Chronic Absence

School attendance is a critical component in a child's academic success.

Chronic absence is missing ten percent or more of the school year for any reason (missing 18 or more school days per year), including illness or family emergency, suspensions, and unexcused absences. Missing school for any reason can impact learning, and chronic absence has been associated with below grade level reading skills, course failure, and dropping out of school. If a student is chronically absent, the school principal will contact the [parent/guardian](#) to develop a plan for improved attendance. The Virginia Department of Education now uses each school's chronic absence rate as one of the measures to determine school accreditation and school quality.

- Regular attendance in elementary school improves the chances that a child will read on grade level.
- Students who attend 90 percent or more of the school year are more likely to graduate from high school on time.
- Absences can be a sign that a student is losing interest in school, struggling with schoolwork, dealing with peer conflicts, or facing some other potentially serious difficulty.
- The Virginia Department of Education's Standards of Accreditation include chronic absenteeism as one of the school quality indicators.

## 3. Unexcused Absences

An unexcused absence is an absence where (i) the student misses the scheduled instructional [school day](#) in its entirety and (ii) no indication has been received by school personnel within three days of the absence that the student's [parent/guardian](#) is aware and supports the absence, or (iii) the parent/guardian provides a reason for the absence that is unacceptable to the school administration. The school administration may change an unexcused absence to an excused absence when it determines that the parent/guardian has provided an acceptable reason meeting criteria for the student's absence or there are extenuating circumstances. School attendance is required by law, as outlined in the Code of Virginia. Absences and tardies will be addressed by individual interventions with students and the parent/guardian. Students are fully responsible for completing any missed assignments.

## 4. Five or More Unexcused Days of Absences

Whenever any student accumulates a total of five unexcused days of absence in a school year, the school will contact the [parent/guardian](#) and a plan will be developed. If the student continues to have unexcused absences in the same school year, and accrues a total of ten unexcused absences, a conference will be scheduled and the attendance officer or attendance intervention specialist will be notified. If further

incidences occur in the school year the attendance officer may file a complaint with the Juvenile and Domestic Relations Court as described in [Section 22.1-258 of the Code of Virginia](#). The current version of [Regulation 2234](#) provides additional details.

Parents and/or guardians are encouraged to contact their child's school if they are concerned that their child is not regularly attending school. For health related absences, be sure to keep an open line of communication with your school public health nurse, school staff and teacher. We want to partner with parents to develop solutions before absences begin to accumulate. For additional information on school attendance, please visit [www.fcps.edu/attendance](http://www.fcps.edu/attendance).

J. Responsibility for Pledge of Allegiance and One Minute of Silence

The Pledge of Allegiance will be recited and a moment of silence will be observed daily at the direction of the principal unless the student or [parent/guardian](#) objects to participation in such exercises. Students shall not be subjected to unfavorable comment or [stigmatization](#) for their decision to participate in or to [abstain](#) from the [recitation](#) of the Pledge of Allegiance or the observance of one minute of silence. Nonparticipating students are expected to sit quietly, or to stand silently, during the Pledge of Allegiance or the observance of the minute of silence and to refrain from engaging in any disruptive or distracting activity. No disciplinary sanctions may be imposed for refusal to participate in reciting the Pledge of Allegiance or in observing the minute of silence; however, interference with the exercise of pledging allegiance by others or interference with other students' exercise of their choice to [meditate](#), pray, or engage in any other silent activity may result in the same disciplinary measures accorded to other instances of classroom disruption in school. Student prayer rights are described in more detail at <https://www.fcps.edu/current-employees/employee-resources/equity-and-employee-relations-eer/guidelines-religious>.

K. Responsibility for Dress Code

FCPS's student dress code supports equitable educational access and is written in a manner that does not reinforce stereotypes or increase marginalization or oppression of any group based on race, color, national origin, caste, religion, sex, pregnancy, childbirth, medical condition, household income, sexual orientation, gender identity, gender expression, marital status, disability, age, or genetic information.

All students are expected to dress in accordance with the FCPS dress code, which is outlined in Regulation 2613. Students must wear a shirt and bottom or a one piece garment (e.g., romper, dress), regardless of gender identity, that serves the same function as a shirt and bottom, and shoes. When appropriate, students must also wear clothing required by specialized courses or activities.

Examples (illustrative, not exhaustive) of prohibited clothing and accessories, in violation of the FCPS dress code, are those that, regardless of the student's age or gender: a) expose genitalia, breast, or buttocks, b) expose underwear or undergarments, whether due to the transparency, length, or lack of coverage c) depict or promote illegal, violent, or lewd conduct, or d) depict or promote the unlawful possession or use of weapons, alcohol, tobacco, drugs, drug paraphernalia, or other controlled substances (regardless of the student's age);

Refer to Regulation 2613.12 for comprehensive details regarding the FCPS dress code, which includes information in the following categories:

- Required attire
- Optional attire
- Prohibited attire and accessories
- Dress code enforcement and stakeholder responsibilities

Students who are not compliant with the foregoing may be subject to counseling, loss of privileges, removal from class or activities, or disciplinary action.

The current version of [Regulation 2613, Student Dress Code](#) provides additional details.

#### L. Responsibility for Digital Citizenship and Security

Digital citizenship education is provided to all students for the purpose of maintaining a safe environment.

FCPS expects students to be responsible members of society and to display digital citizenship in accordance with the Acceptable Use Policy for Student Network Access at all times. When using devices, student shall respect others, conduct themselves ethically, follow digital citizenship and security guidelines on school distributed items and personally owned computing and network devices. Students are to respect the rights of others and to refrain from the use of profanity or hateful messaging and cyber bullying in accordance with FCPS non-discrimination policy. Students may not post information if violates the privacy of others, jeopardizes the health and/or safety of students, is obscene (including the portrayal or description of sexual matters) or libelous, causes substantial disruption of school activities, plagiarizes the work of others, or is a commercial advertisement. It is the responsibility of the students to use only their account or password. It is a violation to share passwords or to otherwise give access to an account to any other user. Depending upon the specific circumstances, failing to adhere to these standards can lead to consequences under the SR&R.

The FCPS' network access is intended for educational purposes only. Any attempt to use any technology inappropriately, the operation of the network or equipment, or interfere with the learning environment is prohibited and will be subject to the sanctions under the SR&R. Students may be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the school environment, and/or results in a criminal charge or conviction

A more detailed outline of specific rights and responsibilities for students using FCPS Electronic devices and the FCPS network can be found in the current version of [Regulation 6410, Appropriate Use of Fairfax County Public Schools' Network and Internet Resources](#).

#### M. Responsibility Related to Distribution of Literature

Students have a responsibility to see that expressions do not interfere with the educational program. Students have a responsibility to refrain from (i). using visual imagery or

statements that are profane, obscene, slanderous, libelous, or violent; (ii). Using disruptive tactics; and (iii). Advocating violation of the law or school regulations, to include, but not limited to, any distribution of literature promoting the use of illegal substances, inaccurate or false statements that injure the person by damaging his or her reputation; cause personal humiliation, mental anguish, and suffering; or cause other injuries.

**N. Cell Phones**

Students have a responsibility to adhere to the differentiated expectations for cell phone use to foster a positive learning environment.

1. Students in grades K-6 (including 6th grade students at Poe MS, Holmes MS, and Glasgow MS): Phones must be silenced and in backpacks for the duration of the school day. Phone accessories (e.g., airpods, earbuds, headsets, other items connected to the phone) are also to be silenced and away when phone use is prohibited. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting Internet, calls, etc.) are to be off when phone use is prohibited. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phones for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus only before and after school.
2. Students in grades 7-8: Phones must be silenced and kept put away for the duration of the school day. Phone accessories (e.g., airpods, earbuds, headsets, other items connected to the phone) are also to be silenced and away when phone use is prohibited. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Storage may be in a locker, backpack, pencil bag, etc., during the day. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting, Internet, calls, etc.) are to be off when phone use is prohibited. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus only before the first bell and after the last bell. **Note:** Secondary schools (i.e., Robinson Secondary, Lake Braddock Secondary, and Hayfield Secondary) have ability to permit cell phone usage during passing periods as the three schools support students in grades 7-12 who frequently use the same halls for class change to ensure cell phone expectations can be operationalized within the three schools' unique structures.
3. Students in grades 9-12: Phones must be silenced and put away during all instructional periods. Phone accessories (e.g., airpods, earbuds, headsets, other items connected to the phone) are also to be silenced and away when phone use is prohibited. Watches that serve a dual purpose (e.g., smart watch) may be worn; however, phone features (e.g., texting Internet, calls, etc.) are to be off when phone use is prohibited. Storage may be in a locker, backpack, pencil bag, etc., during classes. Students are prohibited from using phones, tablets, and other mobile devices in restrooms and locker rooms, unless there is a medical necessity or emergency. Teachers may allow usage of cell phone for instructional activities where they are the most appropriate tool, however one-to-one FCPS devices should meet most needs. Cell phones may be used on campus before the first bell, after the last bell, during passing periods, and lunches.



4. Parent/guardians, multi-disciplinary team members, or other persons with knowledge of students who require access to personally owned devices as an accommodation shall make requests for such accommodations through their respective multi-disciplinary team [i.e., 504 Committee, IEP Team, English Language Committee, Multi-Tiered Systems of Support (MTSS) Team].

O. Responsibility Regarding Search and Seizure

1. General

Desks, lockers, and storage spaces, which are the property of the school are provided to students for their use. The principal may conduct general inspections on a periodic or random basis and may open desks, lockers, or storage spaces and examine the contents, including personal belongings of students. The [parent/guardian](#) shall be notified of instances of general search or individual search of belongings.

2. Individual Belongings

Any desk, locker, storage space, item of personal belonging, electronic device, and/or vehicle parked on [school property](#) or at a school-sponsored activity may be inspected on an individual basis when reasonable grounds exist to suspect that it contains evidence of a violation of a school regulation or of unlawful activity (such as illegal drugs, [weapons](#), stolen property, and other contraband), provided that the search is conducted primarily for the purpose of enforcing order and discipline in the school or at the school-sponsored activity and not for criminal prosecution. Reasonable efforts to locate the student should be made prior to the search, if practicable. If the student is present, the school official shall advise the student of the circumstances justifying the search and seizure of the objects that the official believes the search may disclose. If the student is not present, the student shall be subsequently informed of the search. Stolen items, items that are prohibited by law, and items that are possessed or used in violation of School Board policy or school system regulations may be impounded. The student shall be given a receipt for any items impounded (other than contraband) by school authorities, and the [parent/guardian](#) shall be notified of any items impounded.

3. Individual Search

Students believed to have any such contraband on their person may be searched, and metal detectors may be used. Such personal searches may extend to pockets; to the removal and search of outer garments such as jackets, coats, sweaters, or shoes; and to items such as pocketbooks or backpacks. Students suspected of having consumed alcohol are subject to breath sample tests (as provided in the current version of 2601), as appropriate. Students who, without the permission of school officials, leave their school campus or otherwise access unauthorized areas (including their own vehicles) during the school day and thereafter return to any portion of [school property](#) during that same school day, are subject to search, as determined by school administration.

4. Video and Audio Surveillance

Public areas of [school property](#) are subject to video and audio surveillance and recording.

P. Supporting Safe School Communities

All students are expected to contribute to the development and maintenance of healthy, safe school communities. Student bystanders witnessing harmful or unsafe behaviors are expected to seek out a staff member as soon as possible, alerting them to their concerns. They may also serve as a support to other students by offering encouragement to engage in healthy coping strategies and to seek out a trusted adult. Students should not participate in behavior that may serve to escalate harmful or unsafe situations. Examples of such behaviors include instigation of bullying behaviors and videotaping altercations.

## CHAPTER II

### ACTS FOR WHICH STUDENTS MAY BE DISCIPLINED, DISCIPLINARY PROCEDURES, AND INTERVENTIONS

Positive approaches to student discipline and collaboration among [parents/guardians](#), teachers, and school administrators have proven to be the best way to teach expected conduct and responsible citizenship. Fairfax County Public Schools (FCPS) is committed to working with parents/guardians and utilizes schoolwide systems to teach, model, and reinforce positive conduct. The partnership between schools and families promotes school safety, effective learning environments, and the social and emotional development of students. When students do not demonstrate expected conduct or engage in misconduct that creates a disturbance in the learning environment or unsafe conditions for others in the school, a range of interventions and consequences are utilized. Under law, certain misconduct is expressly prohibited on [school property](#), buses, and during school-sponsored activities and may result in prescribed consequences. Other misconduct may result in interventions and/or disciplinary consequences determined by the principal, taking into consideration all relevant factors.

Administrators consider many factors when determining appropriate responses to student behavior, including, but not limited to, the student's age, developmental factors, and past response to interventions. Administrators may consider other factors independently or in consultation with staff members to discern what the behavior may be communicating. Administrative responses and interventions are designed to assist staff in understanding and addressing student behavior, re-teach and reinforce school and classroom expectations and prevent further issues that may impede academic progress, interfere with school operations, create negative relationships, or endanger the health, safety, and welfare of students or others. Fairfax County Public Schools use a [multi-tiered system of support \(MTSS\)](#) to support the individual needs of each student using a whole-child approach. MTSS is a framework through which teams make decisions based on data to provide differentiated classroom instruction and the necessary academic, behavior, and social-emotional wellness supports for all students across all schools.

FCPS is committed to the consistent, unbiased, and equitable implementation of discipline policy, regulations, and practices across all schools, educational programs, and varying demographic categories. The discipline response chart below is utilized to increase consistency and guide principal decisions regarding discretionary consequences. Possible disciplinary sanctions for each level are defined and, when used, should be paired with an intervention from the same level or an earlier level as appropriate.

The following administrative responses to student behavior are provided as a guide for administrators but will in no event limit administrators' ability to exercise discretion required to construct a response and intervention that, in their judgement, is appropriate under the totality of the circumstances presented. While reliance upon suggested levels may be appropriate when responding to many student behavior issues, FCPS recognizes that circumstances will arise which warrant an administrative response that varies from the table set forth below. Those circumstances include, but are not limited to, incidents in which the principal determines that the misconduct has substantially impeded the learning of the students or others, interfered with school operations, endangered the well-being of others, or the conduct was repetitious following attempts to intervene.

In the event of a conflict between a provision of the chart and the narrative of the SR&R, the narrative shall govern.

**Leveled Responses to Student Behaviors**

X = aligns with state and local guidance for where leveled sanctions should begin

\* = allows this level of sanction to be imposed at the principal’s discretion as part of a progressive response

® = allows for a suspension up to 5 days if frequency and/or intensity are present. Also allows for a [referral to the Division Superintendent](#); however, if a referral is made, the misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations

SBAR Code <sup>4</sup>	Category A: Behaviors that impede the Academic Progress (BAP) of the student or of other students	Level 1	Level 2	Level 3	Level 4	Level 5
BAP1	Interfering with learning in the classroom (talking, excessive noise, off task, out of seat, possessing items that distract)	X	X	*	®	
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	X	X	*	®	
BAP3	Scholastic dishonesty (such as cheating, plagiarism)	X	X	*	®	
BAP4 <sup>5</sup>	Unexcused tardiness to class	X	X			
BAP5 <sup>5</sup>	Unexcused tardiness to school	X	X			

SBAR Code	Category B: Behaviors related to School Operations (BSO) that interfere with the daily operation of school procedures	Level 1	Level 2	Level 3	Level 4	Level 5
BSO1	Altering an official document or record	X	X	*	®	
BSO2	Giving false information to staff; misrepresentation	X	X	X	®	
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	X	X	X	®	
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)	X	X	X	®	
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	X	X	X	®	
BSO7	Dress Code violation	X	X	*		
BSO8	Gambling (games of chance for money or profit)	X	X	*	®	
BSO9	Possessing items that are inappropriate for school, but do not endanger others (examples include toys, literature, electronics)	X	X	*	®	
BSO10	<a href="#">Possession</a> of stolen items, other than prescription medication	X	X	X	®	
BSO11	Unauthorized use of school electronic or other equipment	X	X	*	®	
BSO12	Violation of the Acceptable Use of Technology/Internet policy	X	X	X	®	

<sup>4</sup> SBAR Codes are the student disciplinary reporting codes established by the Virginia Department of Education.

<sup>5</sup> Exclusionary dispositions shall not be given for tardiness, attendance infractions, or cell phone infractions.

SBAR Code	Category B: Behaviors related to School Operations (BSO) that interfere with the daily operation of school procedures	Level 1	Level 2	Level 3	Level 4	Level 5
BSO13	Violation of School Board policy regarding the <a href="#">possession</a> or use of portable communication devices	X	X	*	*	
BSO13a <sup>5</sup>	Violation of above with regards to cell phone possession or use	X	X			
BSO14	Vandalism, graffiti, or other damage to school or personal property	X	X	X	*	
BSO15	Student is not going to class as assigned	X	X			
BSO16	Student is in an unauthorized area of the campus (NOT related to school or class attendance/nonattendance)	X	X			

SBAR Code	Category C: Relationship Behaviors (RB) which create a negative relationship between two or more members of the school community (No physical harm is done) <sup>6</sup>	Level 1	Level 2	Level 3	Level 4	Level 5
RB1	<a href="#">Bullying</a> with no physical injury	K-6	X	X	®	
RB2	<a href="#">Cyberbullying</a>	K-6	X	X	®	
RB3	Posting, <a href="#">distributing</a> , displaying, or sharing inappropriate or <a href="#">obscene</a> material or literature, including using electronic means	X	X	X	*	
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	X	X	X	*	
RB5	Stealing money or property without physical force	X	X	X	®	
RB6	Speaking to another in an uncivil, discourteous manner	X	X	X	®	
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	X	X	X	®	
RB8	Using profane or <a href="#">vulgar</a> language or gestures (swearing, cursing, <a href="#">hate speech</a> , <a href="#">gang</a> signs or gestures)					
RB8a	Swearing/cursing	X	X	X	®	
RB8b	<a href="#">Hate speech</a>	X	X	X	®	
RB8c	<a href="#">Gang</a> signs	X	X	X	®	
RB8d	Gestures	X	X	X	®	
RB9	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					
RB9a	Using slurs based upon the actual or perceived race	K-6	X	X	®	
RB9b	Using slurs based upon the actual or perceived ethnicity	K-6	X	X	®	
RB9c	Using slurs based upon the actual or perceived color	K-6	X	X	®	
RB9d	Using slurs based upon the actual or perceived national origin	K-6	X	X	®	
RB9e	Using slurs based upon the actual or perceived citizenship/immigration status	K-6	X	X	®	
RB9f	Using slurs based upon the actual or perceived weight	K-6	X	X	®	
RB9g	Using slurs based upon the actual or perceived gender	K-6	X	X	®	

<sup>6</sup> These behaviors do not include conduct that rises to the level of sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#).

SBAR Code	Category C: Relationship Behaviors (RB) which create a negative relationship between two or more members of the school community (No physical harm is done) <sup>6</sup>	Level 1	Level 2	Level 3	Level 4	Level 5
RB9h	Using slurs based upon the actual or perceived gender identity (which includes, but is not limited to, malicious <a href="#">deadnaming or malicious misgendering</a> )	K-6	X	X	®	
RB9i	Using slurs based upon the actual or perceived gender expression	K-6	X	X	®	
RB9j	Using slurs based upon the actual or perceived sexual orientation	K-6	X	X	®	
RB9k	Using slurs based upon the actual or perceived religion	K-6	X	X	®	
RB9l	Using slurs based upon the actual or perceived disability	K-6	X	X	®	
RB10	Failure to respond to questions or requests by staff	X	X	X	®	
RB11	Unwanted or improper physical contact	X	X	X	*	

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC1	Alcohol: Possessing or using alcohol		X <sup>7</sup>	X	®	
BSC1a	Alcohol: Under the influence of		X <sup>7</sup>	X	®	
BSC2	Alcohol: <a href="#">Distributing</a> alcohol to other students				X	
BSC3	Drugs: Possessing <a href="#">drug paraphernalia</a>		X	X	®	
BSC4	Drugs: Violating School Board non-prescription (Over-the-Counter) medication policy (see narrative)	X	X	X	®/ *	
BSC4a	Drugs: Violating School Board imitation drug policy		X <sup>8</sup>		X	
BSC5	Tobacco: Possessing tobacco products		X	X	®	
BSC5a	Tobacco: Using tobacco products		X	X	®	
BSC5b	Tobacco: <a href="#">Distributing</a> tobacco/electronic cigarette products		X	X	®	
BSC5c	Tobacco: Possessing tobacco paraphernalia		X	X	®	
BSC5d	Tobacco: Possessing electronic cigarettes		X	X	®	
BSC5e	Tobacco: Using electronic cigarettes		X	X	®	
BSC6	<a href="#">Bullying</a> behavior without physical injury that continues after intervention. Bullying that leads to physical injury should be classified as Assault and Battery		X	X	X	
BSC7	<a href="#">Cyberbullying</a> that continues after intervention. <a href="#">Cyberbullying</a> that relates a <a href="#">threat</a> to the safety of students and staff should be treated with a higher level of intervention and consequences		X	X	X	

<sup>7</sup> Required response for first time possession, use of alcohol, inhalants, marijuana, or non-alcoholic beer: up to a 2 day in-school suspension; voluntary completion of Alcohol and Other Drug intervention; parent/guardian information session; 7-14 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the well-being of others. Selling or distribution of alcohol, or drugs (with the exception of tobacco products) shall be a mandatory referral to the Division Superintendent.

<sup>8</sup> While exceptions may apply, the typical required response for first time possession or use of prescription drugs (that are not prescribed to the student) or imitation drugs: 2 days in-school suspension; completion of Alcohol and Other Drug intervention; parent/guardian information session; 21 days temporary removal from student activities. The student may be referred to Division Superintendent if the incident substantially disrupted the instructional program or endangered the well-being of others.

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC8	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment (includes age, marital, and military status)		X	X	X	
BSC8 a-d <sup>6</sup>	<p>Discriminatory Harassment: Harassment based on a person's (a) race, color, national origin (including malicious outing related to citizenship or national origin), (b) religion (including malicious removal of religious garb), (c) disability, (d) any other legally protected category (including malicious outing related to gender identity or sexual orientation).</p> <p>Discriminatory harassment is unwanted conduct toward an individual based on their actual or perceived age, race, color, sex, gender identity, sexual orientation, religion, national origin, marital status, disability, or any other legally protected class. The conduct must be sufficiently severe such that it creates a hostile educational environment, meaning it denies or limits a student's ability to participate in or benefit from education programs and activities. Discriminatory harassment may be expressed in various ways, including through physical actions or through verbal, nonverbal, electronic, or written communications. Discriminatory harassment may include conduct such as epithets, various slurs such as racial, deadnaming, and misgendering, negative stereotyping, jokes, written, printed, or graphic material that contains offensive, demeaning, or degrading images or comments.</p>		X	X	X	
BSC8f	Discriminatory Harassment (includes harassing conduct): Gender Identity. <i>(Before disciplining, consult with the Title IX office.)</i>		X	X	X	
BSC8g	Discriminatory Harassment (includes harassing conduct): Sexual Orientation <i>(Before disciplining, consult with the Title IX office.)</i>		X	X	X	
BSC9	Bus: Distracting the bus driver	K-6	X	X	®	
BSC10	Bus: Endangering the safety of others on the bus	K-6	X	X	®	
BSC11	Fire Alarm: Falsely activating a fire or other disaster alarm	K-6	X	X	®	
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	X	X	X	®	
BSC13	Engaging in reckless behavior that creates a risk of injury to self or others	X	X	X	®	
BSC14	Fighting that results in no injury as determined by the school administration	X	X	X	®	
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	K-6	X	X	*	
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	X	X	X	®	
BSC17	Minor shoving, pushing, striking, or biting a student with no visible injury	X	X	X	®	
BSC18 <sup>6</sup>	Exposing body parts, <a href="#">lewd</a> , or indecent public behavior	K-6	X	X	®	

SBAR Code	Category D: Behaviors of a Safety Concern (BSC) which create unsafe conditions for students, staff, and/or visitors to the school	Level 1	Level 2	Level 3	Level 4	Level 5
BSC19 <sup>6</sup>	Physical contact of a sexual nature-patting body parts, pinching, tugging clothing	K-6	X	X	*	
BSC22	Stealing money or property using physical force (no <a href="#">weapon</a> involved)		K-6	X	X	
BSC24	Leaving school grounds without permission	X	X			
BSC25	Trespassing	X	X	X	®	
BSC26	Possessing dangerous instruments/substances that could be used to inflict harm upon another		X	X	®	
BSC27	<a href="#">Weapons</a> : Possessing any weapon (other than a firearm) as defined by <a href="#">§18.2-308.1</a> (This does not include water guns and toy guns. Consider using BSO9 for toys).		K-6	X	*	
BSC27a	Possessing a machete, switchblade knife, or any other knife with a blade length of three inches or more					X

SBAR Code	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.	Level 1	Level 2	Level 3	Level 4	Level 5
BESO1	Assault: Intending to cause physical injury to another person	K-6	X	X	X	
BESO1a	Group Assault: Intending to cause physical injury to another person	K-6	X	X	X	
BESO2	Assault and Battery: Causing physical injury to another person other than a staff member		K-6	K-6	4-6	7-12
BESO2a	Assault and Battery: Causing physical injury to a staff member		K-6	K-6	4-6	7-12
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	X	X	X	®	
BESO4	Striking Staff: The use of force against a staff member when no injury is caused	K-6	X	X	X	
BESO5	Drugs: Possessing <a href="#">marijuana</a> or THC oil		X	X <sup>7</sup>	®	
BESO5a	Drugs: Possessing schedule I & II drugs					X
BESO5b	Drugs: Possessing <a href="#">inhalants</a>		X <sup>8</sup>	*	®	X <sup>7</sup>
BESO5c	Drugs: Possessing unauthorized prescription medications			X	®	X
BESO5d	Drugs: Possessing your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO5e	Drugs: Possessing other drugs					X
BESO6	Drugs: Being under the influence of <a href="#">controlled substances</a> , illegal drugs, <a href="#">inhalants</a> , or synthetic hallucinogens or unauthorized prescription medications			X	®	



SBAR Code	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.	Level 1	Level 2	Level 3	Level 4	Level 5
BESO7	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications.					
BESO7a	Drugs: Using marijuana or THC oil			X	®	
BESO7b	Drugs: Using cocaine or Schedule I <a href="#">controlled substances</a> (including ecstasy, LSD, and <a href="#">synthetic marijuana</a> )					X
BESO7c	Drugs: Using <a href="#">inhalants</a>			X <sup>7</sup>	®	
BESO7d	Drugs: Using unauthorized prescription medications			X <sup>8</sup>	®	X <sup>9</sup>
BESO7e	Drugs: Using your own prescription medication (not including an inhaler or epi-pen)	X	X			
BESO7f	Drugs: Using other drugs					X
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire		X	X	X	
BESO10	<a href="#">Gang-Related Behavior</a> : Engaging in threatening or dangerous behavior that is gang-related as defined in <a href="#">§18.2-46<sup>10</sup></a>		X	X	X	
BESO11	<a href="#">Hazing</a> as defined in <a href="#">§18.2-56</a> and noted in <a href="#">§ 22.1-279.6</a>					X
BESO12	Threatening, intimidating or instigating violence, injury, or harm to a staff member or members (not including written threats)		K-6	X	X	
BESO13	Threatening, intimidating or instigating violence, injury or harm to another student(s) or other(s) (not including written threats)	K-6	X	X	X	
BESO14	Threatening, intimidation, or instigating violence, injury, or harm to to a staff member in writing (reports to law enforcement when victim is staff): exception for mandatory report to law enforcement is if the student is a student with a disability)		K-6	X	X	
BESO14 a	Threatening, intimidation, or instigating violence, injury or harm to another student(s) in writing	K-6	X	X	X	
BESO15	Using an object not generally considered to be a weapon to threaten, intimidate, or attempt to injure school personnel					X
BESO16	Using an object not generally considered to be a weapon to threaten, intimidate, or attempt to injure student(s) or other(s)					X
BESO17	Bomb threat-Making a bomb <a href="#">threat</a>		*	X	X	
BESO18	A crime in the community where the student was charged with an offense relating to the Commonwealth’s laws, but required to be disclosed to the Superintendent of the school division pursuant to §16.1-260(G)					

<sup>9</sup> Second or subsequent possession or use of a prescription drug not prescribed to the student, or imitation drugs, shall result in a referral to the Division Superintendent.

<sup>10</sup> Students engaging in gang-related activities should be referred to the Office of Student Safety and Wellness for additional resources

SBAR Code	Category F: Persistently Dangerous (PD). Behaviors described in the Virginia’s Unsafe School Choice Option Policy required by the federal Every Student Succeeds Act of 2015.	Level 1	Level 2	Level 3	Level 4	Level 5
PD1	Homicide-Firearm					X
PD2	Homicide-Other Weapon					X
PD5	Use of a Bomb					X
PD6	Assault with Firearm or Weapon					X
PD7	Actual or Attempted Robbery					X
PD8	Kidnapping/Abduction					X
PD9	Malicious Wounding without a Weapon					X
PD11	Illegal <a href="#">Possession</a> of a Handgun					X
PD12	Illegal <a href="#">Possession</a> of Rifle or Shotgun					X
PD13	Illegal <a href="#">Possession</a> of Any Other Projectile Weapon					X
PD14	Illegal <a href="#">Possession</a> of a Bomb					X
PD15	Illegal Possession of Other Firearms; firebombs, explosive materials or devices, hoax explosive devices per §18.2-85, or explosive incendiary devices, as defined in §18.2-433.3, or chemical bombs per §18.2-87.1					X
PD16	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell ( <a href="#">Marijuana</a> )					X
PD16a	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell (Schedule I/II)					X
PD16b	Illegal <a href="#">Possession</a> of Controlled Drugs and Substances with Intent to Distribute or Sell (Schedule III-VI)					X
PD16c	<a href="#">Distributing controlled substances</a> , prescription medications, illegal drugs, or synthetic hallucinogens to another student(s) ( <a href="#">Marijuana</a> , THC oil)					X
PD16d	<a href="#">Distributing controlled substances</a> , prescription medications, illegal drugs, or synthetic hallucinogens to another student(s) (Schedule I/II)					X
PD16e	<a href="#">Distributing controlled substances</a> , prescription medications, illegal drugs, or synthetic hallucinogens to another student(s) (Schedule III-VI)					X

SBAR Code	Title IX Sexual Harassment  Title IX prohibits sex discrimination in public schools. Federal law dictates how schools specifically address certain types of offenses under Title IX-specifically Sexual Harassment. Title IX Sexual Harassment offenses must be immediately referred to the TIX Office to be addressed under Regulation 2118 and school-based administrators cannot investigate or discipline Title IX Sexual Harassment. Other sex-based discriminatory conduct, is addressed under Regulation 2601, the SR&R.  Regulation 2118 governs Title IX: Sexual Harassment by Students, including discipline. Potential disciplinary consequences for Title IX Sexual Harassment include but are not limited to: suspension, reassignment, expulsion, and exclusion from school and all school-sponsored activities. Discipline under Title IX Sexual Harassment is imposed exclusively by the Superintendent’s Hearing Officer.	Level 1	Level 2	Level 3	Level 4	Level 5	
BSC8e	Sexual Harassment: includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature could be determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity.						TIX
BSC8h	Sexual Harassment: Dating Violence						TIX
BSC8i	Sexual Harassment: Domestic Violence						TIX
BSC8j	Retaliation (related to filing a sex-based discrimination complaint)						TIX
BSC21	Sexual Harassment: <a href="#">Stalking</a> (See Glossary)						TIX
PD3	Sexual Assault (Rape, Sodomy, Fondling, Incest, Statutory Rape)						TIX
PD4	Attempted Rape and/or Sodomy						TIX
PD10	Aggravated Sexual Battery on a Student						TIX

The following levels of administrative response are comprised of tiered social-emotional, behavioral, and academic supports provided by other school personnel and in collaboration with the student’s family and can be paired with potential sanctions. The following administrative responses to student behavior are provided as a guide for administrators and intended to provide a progressive leveled response that is as minimally exclusionary to the fullest extent possible. Intervention and supports listed area illustrative, not exhaustive.

Level	Responses:
1	<p><b>Level 1 Responses</b> are intended to prevent further behavioral issues while keeping the student in school.</p> <p><b>Interventions and Supports:</b></p> <ul style="list-style-type: none"> <li>• Seat change</li> <li>• Written reflection as an opportunity for intervention</li> <li>• Counselor/Student conference (includes re-teaching of expected behavior)</li> <li>• Behavior progress chart: recognize and reward positive alternative behavior</li> <li>• Administrator/Student conference</li> <li>• Administrator/Teacher/<a href="#">parent/guardian</a> conference</li> <li>• Written reflection</li> <li>• Restorative circle or conflict resolution</li> <li>• School-based community service (to repair the relationship)</li> <li>• Restitution</li> </ul> <p><b>Sanctions:</b></p> <ul style="list-style-type: none"> <li>• Confiscation of student articles by the administration (to be returned a parent/guardian)</li> <li>• Temporary loss of classroom or parking privileges</li> <li>• Detention (before school, at lunch, after school)</li> </ul>
2	<p><b>Level 2 Responses</b> are designed to prevent further behavior issues and keep the student in school. Interventions expand and depending upon the severity of the behavior, may include short-term removal of the student from the classroom.</p> <p><b>Interventions and Supports (in addition to Level 1 options):</b></p> <ul style="list-style-type: none"> <li>• Behavior contract (developed with and signed by the student, <a href="#">parent/guardian</a>, and school officials)</li> <li>• Check-In/Check-Out</li> <li>• Schedule change</li> <li>• Referral to school multi-tiered system of support (MTSS) team</li> <li>• Consultation with support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Office of Special Education Instruction, Substance Abuse Prevention specialist, or Mentor Program)</li> <li>• Referral to local screening committee to determine need for assessment for special education or 504 eligibility</li> <li>• Referral to individualized education program (IEP) team</li> </ul> <p><b>Sanctions (in addition to Level 1 options):</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for up to seven calendar days</li> <li>• Saturday detention</li> <li>• Removal from classroom for less than half the day (AIA)</li> <li>• In-school suspension (up to two school days) with behavioral instruction and academic support</li> </ul>

Level	Responses:
3	<p><b>Level 3 Responses</b> include more intensive interventions. Dependent upon the severity, repeated nature of the behavior and/or safety concerns, Level 3 responses may include the student’s short-term removal from school.</p> <p><b>Interventions and Supports (in addition to Levels 1 and 2 options):</b></p> <ul style="list-style-type: none"> <li>• <a href="#">Restorative justice conference</a></li> <li>• Referral to support services (for example, school counselor, school psychologist, school social worker, Behavior Intervention teacher, ABA coach, Substance Abuse Prevention specialist, or Mentor Program)</li> <li>• Functional Behavioral Assessment (FBA) and Behavior Intervention Plan (BIP)</li> <li>• Referral to behavioral support group</li> <li>• Referral for community-based services</li> <li>• <a href="#">Threat</a> assessment as indicated by the behavior</li> <li>• Invitation for <a href="#">parent/guardian</a> to visit/consider alternative education programs</li> <li>• Referral to local screening committee to determine need for assessment for special education or 504 eligibility</li> <li>• Referral to individualized education program (IEP) team</li> </ul> <p><b>Sanctions (in addition to Levels 1 and 2 options):</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for 7-14 calendar days</li> <li>• In-school suspension (up to five school days) with behavioral instruction and academic support</li> <li>• Short-term out-of-school suspension (up to two school days) with restorative circle or administrator conference upon return</li> <li>• Referral to law enforcement where required</li> </ul>
4	<p><b>Level 4 Responses</b> include targeted individualized interventions and customarily result in school-based disciplinary action. However, the principal may make a <a href="#">referral to the Division Superintendent</a> for these violations. A <a href="#">referral to the Division Superintendent</a> may result in a number of different responses based on circumstances and rarely results in an <a href="#">expulsion</a>.</p> <p><b>Interventions and Supports (in addition to Levels 1–3 options):</b></p> <ul style="list-style-type: none"> <li>• Restitution via written contract</li> <li>• <a href="#">Threat</a> assessment as indicated by the behavior</li> <li>• If review of the student’s suspension record indicates that the student has had multiple suspensions for the same or related behaviors, suggesting a pattern of behavior concerns or when there is a <a href="#">referral to the Division Superintendent</a>, IEP team should conduct an FBA and/or BIP</li> </ul> <p>Students with disabilities</p> <ul style="list-style-type: none"> <li>• Referral to IEP team if the student has or will have had more than ten days of suspension cumulatively over the school year to determine how services will be delivered on day 11</li> <li>• Request an IEP meeting to consider whether supports and/or services are needed.</li> <li>• If any action may result in a change of special education placement, including a series of short-term removals that accumulate to more than ten school days in a school year or a referral to the Division Superintendent, then a Manifestation Determination Review must be conducted.</li> </ul>

Level	Responses:
	<p><b>Sanctions:</b></p> <ul style="list-style-type: none"> <li>• Temporary removal from <a href="#">student activities</a> for 14-21 calendar days</li> <li>• Short-term out-of-school suspension (up to three school days for grade K-3 students per incident, unless specified misconduct has occurred; up to five school days for grade 4-12 students, unless accompanied by <a href="#">referral to the Division Superintendent</a>, in which case the principal may suspend for up to ten school days) with restorative circle or administrator conference upon return</li> <li>• <a href="#">Referral to the Division Superintendent</a></li> <li>• Referral to law enforcement as required</li> </ul>
<b>5</b>	<p><b>Level 5 responses</b> target behaviors for which the code of Virginia or School Board policy mandate a <a href="#">referral to the Division Superintendent</a>. Interventions are intended to support the student during any related short-term removal from school, and to implement required protections for students with disabilities. A <a href="#">referral to the Division Superintendent</a> may result in a number of different responses based on circumstances and rarely results in an <a href="#">expulsion</a>.</p> <p><b>Required Interventions and Supports:</b></p> <ul style="list-style-type: none"> <li>• Referral to Out-of-School Support Office to arrange academic support during suspension</li> <li>• Referral to school counselor, school social worker, and school psychologist to identify who will contact family and student to determine emotional status and offer support</li> </ul> <p>Students with disabilities</p> <ul style="list-style-type: none"> <li>• MDR, even if the student has not had ten days of suspension, because the consequence assigned may result in a change in placement.</li> <li>• FBA or BIP</li> <li>• Referral to IEP team to determine how services will be delivered on day 11 (when a student with a disability has been suspended for 10 or more days cumulatively over school year)             <ul style="list-style-type: none"> <li>• IEP team may also consider possible need for change to goals, accommodations, services, or placement on IEP</li> </ul> </li> </ul> <p><b>Required School-based Administrative Responses to Level 5 Behaviors:</b></p> <ul style="list-style-type: none"> <li>• Referral to Division Superintendent</li> <li>• <a href="#">Threat</a> assessment when indicated by the behavior</li> <li>• Referral to law enforcement as required</li> </ul>

A. Acts for Which Students May Be Disciplined

Introduction: Administrators consider many factors when determining responses to student behavior and follow the leveled responses to student behavior charts. The least exclusionary sanctions paired with targeted interventions are to be used prior to removal from the classroom. When the intensity and/or frequency of the behavior is not positively impacted by less restrictive consequences, sanctions may include suspension, reassignment, [expulsion](#), and exclusion from school and all school-sponsored activities, for prohibited conduct as outlined in this regulation occurring on [school property](#), while engaged in or attending a school-sponsored activity (i.e.,

sports, clubs), or which affects students going to or returning from school including on a school bus or at a school bus stop. Students may also be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the school environment, and/or results in a criminal charge or conviction.

If a student has been suspended from school, make-up work will be provided by the school during the period of suspension and graded upon return. A [parent/guardian](#) is expected to provide adequate supervision for the student during periods of suspension and to work collaboratively with the school to arrange for assignments to be picked up and to ensure that the student completes assignments while on suspension.

A student may be subject to disciplinary action for violation of any: (i) federal, state, or local law, rule, or regulation and/or (ii) policy or regulation of the School Board, the school system, or the school. Principals customarily will respond to many instances of prohibited conduct with school-based consequences, including, where necessary, suspension not to exceed five days<sup>11</sup> as outlined in this regulation. For more serious violations, the principal has the discretion to choose to make a [referral to the Division Superintendent](#) to conduct a hearing in order to consider more serious disciplinary action (to include a [long-term suspension](#), a reassignment, and/or a recommendation to the School Board for [expulsion](#)). Where a [referral to the Division Superintendent](#) is made, the principal also may impose a suspension of up to ten days and may recommend a specific disciplinary action to the Division Superintendent. No inference is to be drawn from the absence of a principal's recommendation. For the most serious violations (including those involving certain [weapons](#), illegal drugs, and assault on a school employee causing injury), the principal is obligated by School Board policy to make a referral to the Division Superintendent.

A school principal may impose a [short-term suspension](#) and make a [referral to the Division Superintendent](#) in any situation involving prohibited conduct as outlined in this regulation. The misconduct must meet one or more of the following criteria: 1) substantially disrupted the instructional program, 2) endangered the well-being of others, 3) follow school-based interventions initiated in response to prior violations.

Any student who commits multiple offenses (regardless of their nature) at the same time or on different occasions may, at the discretion of school officials, face more stringent disciplinary action as a result, notwithstanding the sanction identified below for any particular act of prohibited conduct. Nothing contained herein shall require the use of progressive disciplinary measures or shall establish the order in which such disciplinary measures shall be imposed.

Before a student is removed from their base school and reassigned to another educational setting, other disciplinary options will be considered such as loss of privileges, community service, after school detention, or Saturday school. When a student is subject to out-of-school suspension, the school system shall, if feasible, provide academic support and other services necessary for the student to maintain academic progress.

When a student makes an explicit or implicit threat or demonstrates concerning behaviors that may pose a danger to the safety of school staff or students through acts of violence or other behavior that would cause harm to self or others, the FCPS risk assessment procedures shall be followed pursuant to Regulation 2111 regardless of disciplinary action. These procedures are

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<sup>11</sup> Students who are in kindergarten through third grade ordinarily are not subject to suspensions from school of more than three consecutive days. Virginia law provides for exceptions where such students engage in dangerous misconduct (see Chapter II.C.3. of this regulation).

aligned with and informed by the Code of Virginia, section 22.1-79.4, which outlines the specific steps that must be taken by educators when a student poses a risk to the safety of others. A risk assessment is not a disciplinary action and is not a prerequisite to disciplinary action. However, students violating the SR&R may be subject to disciplinary action regardless of whether a risk assessment has been conducted and regardless of the outcome of that assessment.

When a student makes a [threat](#) of violence toward others, or when a student's behavior indicates that a threat is reasonably likely, a threat assessment will be conducted by school officials, pursuant to [Regulation 2111](#), Procedures for Conducting a Threat Assessment. The purpose of a threat assessment is to assess the seriousness of the student's threat, to provide assistance to the student being assessed, to support victims or potential victims, and to take preventive or corrective measures to maintain a safe and secure school environment. The [parent/guardian](#) is notified of the threat assessment and their input is part of the assessment process. Principals shall report to the police any occurrence of specific types of threats, and shall notify the parent/guardian of any minor child who is the object of such a threat, pursuant to [Regulation 2111](#). A threat assessment is not a disciplinary action and is not a prerequisite to disciplinary action. Students violating the SR&R are subject to discipline regardless of whether a [threat](#) assessment has been conducted and regardless of the outcome of that assessment.

Students may be disciplined for offenses defined and classified as Title IX offenses in [Regulation 2118](#), Title IX: Sexual Harassment by Students, at the conclusion of the Title IX grievance process enumerated in [Reg 2118](#). Potential disciplinary consequences for each of the behaviors specified with TIX in the Leveled Responses to Student Behavior charts include but are not limited to: suspension, reassignment, [expulsion](#), and exclusion from school and all school-sponsored activities. Only Title IX decision-makers (designated as the Superintendent's hearing officer(s)) may impose discipline related to those offenses, and such discipline will not be implemented until the conclusion of the Title IX grievance process, including any appeals, as well as the discipline appeal afforded in [Reg 2118](#), Section V.

Retaliation against individuals who report or participate as witnesses in the investigation of a [discrimination](#), harassment, and/or [sexual misconduct](#) complaint is strictly prohibited. Retaliation means any adverse action taken against a person for making a report of [discrimination](#), harassment, and/or sexual misconduct; or participating in any activity related to the complaint. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage someone from reporting or participating in a discriminatory harassment or sexual misconduct investigation.

In accordance with [VA Code 22.1-277.06](#), recommendations of the Division Superintendent for [expulsion](#) by the School Board for prohibited conduct other than those involving illegal drugs or [statutory weapons](#) shall be based on consideration of the following factors: (i) the nature and seriousness of the violation; (ii) the danger to the school community; (iii) the student's disciplinary history, including the seriousness and number of previous infractions; (iv) the appropriateness and availability of an alternative educational placement or program; (v) the student's age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student's attendance and academic records; and (viii) such other matters as deemed appropriate. No decision to discipline a student shall be reversed solely on the grounds that such factors were not considered.

Prohibited conduct encompasses any behavior incompatible with a K-12 educational environment and good citizenship and includes, but is not limited to, the following: assault; disruptive behavior;



alcohol, tobacco, [marijuana](#), and other drug violations; property violations; and [weapons](#) violations. The violations listed herein are examples of prohibited conduct.

Acts for which students may be disciplined include, but are not limited to:

1. Assault

- a. The following violations may result in a suspension from school for up to five days unless the principal makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.

(1) Threatening to assault or physically assaulting a school staff member without injury.

(2) Any involvement in a group assault. Any collection or group of students assembled with the intention of committing an assault constitutes a group. Each and every student who is part of a group shall be held directly responsible for any assault committed by one or more members of the group.

(3) Threatening to assault or physically assaulting another student or any other person (other than a staff member), whether or not causing injury.

(4) Improper touching of another person (whether or not consensual).<sup>12</sup>

- b. For students in grades 7-12, physically assaulting a staff member causing injury shall result in a [referral to the Division Superintendent](#) and the principal may suspend for up to ten days. For students in grades K-6, physically assaulting a staff member causing injury may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

- c. [Hazing](#) or otherwise mistreating another student by recklessly or intentionally endangering the health or safety of, or inflicting bodily injury on, the student in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. For violations involving hazing, the principal shall make a [referral to the Division Superintendent](#) and may suspend for up to ten days. A report of hazing with bodily injury shall be made to the Commonwealth's Attorney in accordance with [Section 18.2-56 of the Code of Virginia](#).

2. Disruptive Behavior

Disruptive behavior often interferes with student learning and school operations. For violations involving disruptive behavior, a [restorative justice conference](#) and/or referral to the

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<sup>12</sup> These behaviors do not include conduct that could constitute sexual harassment within the scope of Title IX's prohibition against sex discrimination. For information on reporting sexual harassment, see [Regulation 2118](#). All staff members shall report all allegations of bullying and harassment to the principal or assistant principal through the SIS Discipline Referral System by the close of business the same day the staff member learns of the allegation. The principal is responsible for notifying the Title IX coordinator of any sexual harassment allegation within 24 hours of receiving notice. All allegations (whether founded or not) of such, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS).

FCPS restorative justice practitioner may be used in lieu of, or in addition to, disciplinary action, at the discretion of the principal.

a. The following violations customarily result in school-based disciplinary action at the discretion of the principal, up to and including a five-day suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

(1) Misconduct, including fighting<sup>13</sup>, mistreating, cursing, hateful, [vulgar](#), or offensive gesturing, or verbally abusing any person

(2) Use or [possession](#) of fireworks

(3) Using profane or [vulgar](#) language or gestures (swearing, slurs, cursing, [hate speech](#), [gang](#) signs or gestures)

Hate speech levels 1-3 infractions will require students with a first time hate speech infraction to, at minimum, participate in required culturally responsive, learning intervention

(4) Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, religion, or disability

(5) Verbal or written use of [vulgar](#), profane, [obscene](#), or patently offensive language<sup>12</sup>

(6) Disruption of the educational process, or open defiance of the authority of any teacher or staff member

(7) [Possession](#) or use of a smoking or vaping device (for example, a vape, a JUUL, or a like device). To the extent the foregoing contains alcohol, [marijuana](#), nicotine, or an illegal drug, specific consequences are listed below in this regulation

(8) Willful disruption of any school-sponsored activity that impedes participation of others or presents a safety concern

(9) Violation regarding the Acceptable Use Policy

(10) Unauthorized use or [possession](#) of a laser pointer or other laser devices

(11) Forgery, cheating, plagiarism, or dishonesty, including the use of portable communication devices for such purpose

(12) Gambling in any form

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<sup>13</sup> School officials may, in their discretion, consider self-defense as a factor when determining disciplinary action for misconduct involving fighting. Self-defense will never justify or excuse any other violation of the SR&R, including but not limited to any possession or use of a weapon.

- (13) Use or [possession](#) of matches or lighters
- b. The following violations may result in a suspension from school for up to five days unless the principal makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.
- (1) [Vulgar](#), profane, [obscene](#), or patently offensive conduct including possessing or displaying visual imagery that is obscene as defined in the Code of Virginia or engaging in indecent or [lewd](#) exposure of body parts, including via the Internet or other electronic means.<sup>12</sup>
  - (2) [Bullying](#)<sup>14</sup> on any basis.
  - (3) Discriminatory harassment<sup>12</sup> (which is harassment based on a person's age, race, color, religion, national origin, marital status, disability, or any other legally protected category.) Sexual harassment is prohibited by Regulation 2118.
  - (4) [Sexual misconduct](#)<sup>12</sup> (which includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature) but that is not within the scope of "sexual harassment" as defined by [Regulation 2118](#).
  - (5) Conduct that endangers the well-being of others, including making threats or intimidating.
  - (6) Unauthorized or illegal use of, or access to, computers, software, telecommunications, or related technologies or any willful act that causes physical, financial, or other harm to, or otherwise disrupts, information technology or the academic environment or any violation of cybersecurity policies set forth by the Office of Cybersecurity (OCS).
  - (7) Taking part in, assisting, facilitating, or promoting gang-related activities that are disruptive to the school environment, which include, but are not limited to, the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a [gang](#) that advocates illegal, disruptive, or intimidating behavior. If a student is suspected of being in a gang or has violated the provisions of this section, the principal shall notify the [parent/guardian](#) and refer the student to the FCPS Student Safety and Wellness Office for additional resources and interventions to address gang involvement.
3. Alcohol, Tobacco, [Marijuana](#), and Other Drug Violations (including Vaping of Any Substance)

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<sup>14</sup> The principal is responsible for investigating and documenting all allegations of bullying. Per VA Code 22.1-279.6, principals or their designees are required to notify the parent/guardian of any student who is involved in an alleged bullying incident of the alleged incident within 24 hours of learning of such allegation. All allegations (whether founded or not) of bullying, including supporting information, shall be recorded in the Bullying and Harassment Management System (BHMS). In connection with any allegation of bullying, and within five school days of the initial report of such to a school official, barring significant extenuating circumstances, the principal shall furnish notice regarding the status of the investigation to the parent/guardian of each student allegedly involved.

School disciplinary action may be taken regardless of whether the student's age is such that the [possession](#) or use of alcohol, tobacco products, [marijuana](#), or over-the-counter drugs is permitted by law.

a. Tobacco and Smoking Device Violations

The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the [principal](#) may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

Possessing, using, or [distributing](#) tobacco products, vaping products, or smoking devices (to include, for example: JUUL devices, electronic cigarettes, vapor devices, and hookah pens), all of which are collectively referred to herein as "tobacco products."

- (1) For a first violation related to tobacco products, a student shall participate in an FCPS Alcohol and Other Drug intervention program to be conducted by the Student Safety and Wellness Office. The [parent/guardian](#) is expected to complete an information session on the prevention of substance misuse. All students will, at a minimum, receive universal substance misuse education. If parental consent to participate in a substance assessment is received, students will also receive a substance assessment to inform differentiated support that address the student's individual needs.
- (2) For a second or subsequent violation related to tobacco products, a student shall receive an in-school consequence or be suspended from school for no more than two days at the discretion of the [principal](#).

School officials may report any such violation to the police in accordance with the [Code of Virginia, Section 18.2-371.2](#).

b. Alcohol, [Marijuana](#) (including THC oil), and [Inhalants](#), Possession and Use

For violations involving alcohol, [marijuana](#), or inhalants, students shall be referred to an FCPS alcohol and other drug ([AOD](#)) intervention program in lieu of, or in addition to, disciplinary action at the discretion of the [principal](#).

- (1) The following violations related to use or possession of alcohol, marijuana, or inhalants customarily result in school-based disciplinary action-at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the principal may implement disciplinary action up to a referral to the Division Superintendent for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

- (a) For a first violation related to alcohol, marijuana, or inhalants a student shall participate in an FCPS Alcohol and Other Drug intervention program to be conducted by the Student Safety and Wellness Office and may receive up to a two (2) day in-school suspension. Failure to attend and successfully complete the intervention program will result in a school-based disciplinary action not to exceed one additional day of suspension. The parent/guardian is expected to complete an information session on the prevention of substance abuse. The principal may not impose an out-of-school suspension or make a referral to the Division Superintendent for a first offense unless the student engaged in other misconduct, in addition to the possession or use violation, that warrants such disciplinary response.

All students will, at minimum, receive universal substance misuse education. If parental consent to participate in a substance assessment is received, students will also receive a substance assessment to inform differentiated support that address the student's individual needs.

- (b) For a second or subsequent violation for possession or use of alcohol, marijuana, or inhalants, a student will receive an in-school consequence or be suspended from school for no more than two days at the discretion of the principal. The principal may impose a suspension up to five days warranted by the unique circumstances of the situation. (e.g., other acts that have concerns related to impeded learning and/or safety, third possession or use infraction without engaging in other acts). The principal may make a referral to the Division Superintendent and suspend up to ten days only if the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or followed school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.
- (2) For possession in an amount indicative of personal individual use for a single occasion or use; alcohol, marijuana, inhalants, or nonalcoholic beer, herein referred to as prohibited substances, and its impact on students ability to participate in student activities (so long as such student has not engaged in other prohibited conduct for which a referral to the Division Superintendent is required by this regulation, has not previously been referred to the Division Superintendent for an illegal drug violation, and is not currently subject to probationary conditions imposed by the Division Superintendent) in lieu of a five day out-of-school suspension.
    - (a) For middle and high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the

temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.

- (b) For middle and high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all [student activities](#) including teams, clubs, and all other school-sponsored activities for an additional 14-21 calendar days (this is in addition to the activity suspension from the previous offense).
  - (3) If the student is suspected of being under the influence of alcohol, [marijuana](#), or otherwise having violated the provisions of this section, the [principal](#) shall notify the [parent/guardian](#) of the suspicion. For suspicion of alcohol the principal shall immediately administer a breath sample test to determine any alcohol content. The principal shall recommend that the student do at least one of the following in conjunction with a one day in-school suspension:
    - (a) Voluntarily attend an FCPS [AOD](#) intervention program.
    - (b) Voluntarily participate in a substance abuse assessment, at [parent/guardian](#) expense, with the Fairfax-Falls Church Community Services Board or a private provider to determine the need for substance abuse treatment.
  - (4) Student selling and distributing alcohol, inhalants, or nonalcoholic beer shall be suspended for five (5) days. The principal may make a referral to the Division Superintendent and suspend up to 10 days only if the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or followed school-based interventions initiated in response to prior violations.
- c. [Nonprescription Drugs](#) (Over-the-Counter Drugs)

Nonprescription drugs are those not authorized under the current version of [Regulation 2102, First Aid, Emergency Treatment, and Administration of Medications for Students](#). Nonprescription drugs include products such as Advil, aspirin, Coricidin, Dramamine, Nyquil, Tylenol, or their generic equivalents, caffeine pills, cough syrup, and other over-the-counter drugs intended to be ingested or inhaled. The [parent/guardian](#) is expected to bring all medication, including nonprescription medication, to the school health room so the medication can be safely stored and administered.

- (1) The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a two-day in-school suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations.

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<sup>15</sup> These types of violations may include, but are not limited to, assault on staff or students with injury, possession of weapons or explosives, possession of drugs or controlled substances indicative of an intent to distribute, distribution of drugs and/or controlled substances, or any violation that would clearly interfere with graduation ceremonies. The decisions to exclude a student from graduation may be based on a decision from the Hearings Office or may be made by the principal in collaboration with the regional assistant superintendent.

Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.

Using, abusing, possessing, or [distributing](#) (where such distribution is other than for the purpose of abuse) any [nonprescription drug](#).

- (2) The following violation may result in a suspension from school for up to two days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may also impose a suspension for up to ten days.

[Distributing](#) any non-prescription drug for the purpose of abuse.

d. Prescription Drugs

- (1) The [parent/guardian](#) must bring all medications to the school health room, with a form signed by a doctor for the administration of any prescription drug during the school day, or during school activities, so the medication can be safely stored and administered.

- (2) The following violation may result in school-based disciplinary action.

[Possession](#) or use of the student's own: (i) prescription medication; or (ii) THC-A or cannabidiol oil, provided that written certification for use of such was issued by a licensed practitioner in accordance with the Code of Virginia.

- (3) Possessing and using unauthorized prescription medications:

- i. Student must participate in an FCPS Alcohol and Other Drug intervention program to be conducted by the Student Safety and Wellness Office and shall serve a two (2) day in-school suspension.
- ii. For middle and high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all student activities, to include participation as a spectator or audience member.
- iii. For middle and high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all student activities including teams, clubs, and all other school-sponsored activities for an additional 14-21 calendar days (this is in addition to the activity suspension from the previous offense).

- e. Any [Controlled Substance](#) (including but not limited to, ecstasy, cocaine, synthetic marijuana, non-prescribed opioids, illicit fentanyl), including Prescription Drugs not Prescribed to the Student, and [Synthetic Marijuana](#), and [Imitation Controlled Substances](#) (collectively, Illegal Drugs), or [Drug Paraphernalia](#).

For violations related to illegal drugs or [drug paraphernalia](#), a student shall be referred to an FCPS [AOD](#) intervention program and a [referral to the Division Superintendent](#) is made. Where a referral to the Division Superintendent is made, an assignment to an [AOD](#)

intervention program may be made in addition to the referral to the Division Superintendent.

- (1) The following violations customarily result in a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.
  - (a) Arriving on [school property](#) or to a school-sponsored activity under the influence of illegal or illegally used [controlled substance](#) (including ecstasy, cocaine, [synthetic marijuana](#), non-prescribed opioids, illicit fentanyl, or any prescription drug not prescribed to the student), or for possessing or [distributing drug paraphernalia](#).
    - i. The student must participate in an FCPS Alcohol and Other Drug intervention program to be conducted by the Student Safety and Wellness Office and shall serve a two-day in-school suspension. For a second or subsequent violation, the principal may impose a suspension up to five days.
    - ii. For middle and high school students, the first violation of this subsection shall also result in suspension for 7-14 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.
    - iii. For middle and high school students, a second and any subsequent violation of this subsection within 12 months of the prior offense shall also result in suspension from all [student activities](#) including teams, clubs, and all other school-sponsored activities for an additional 14-21 calendar days (this is in addition to the activity suspension from the previous offense).
  - (b) For first time [possession](#) in an amount indicative of personal individual use for a single occasion; or use of: any prescription drug not prescribed to the student, or imitation drugs; or possession or distribution of [drug paraphernalia](#) shall result in the following actions (so long as such student has not engaged in other prohibited conduct for which a [referral to the Division Superintendent](#) is required by this regulation, has not previously been referred to the Division Superintendent for an illegal drug violation, and is not currently subject to probationary conditions imposed by the Division Superintendent) in lieu of a five day out-of-school suspension:
    - i. The student shall serve a two-day in-school suspension.



- ii. The student shall participate in the FCPS Alcohol and Other Drug ([AOD](#)) intervention program. (Failure to successfully complete the AOD intervention program shall result in an out-of-school suspension for one day.)
  - iii. The violation of this subsection shall also result in temporary removal for 21 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations<sup>15</sup> will result in a student being ineligible to participate in graduation ceremonies.
  - iv. The [parent/guardian](#) is expected to complete an information session on the prevention of substance misuse.
- (2) The following violations shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.
- (a) Second or subsequent [possession](#) or use of a prescription drug not prescribed to the student, or imitation drugs.
  - (b) [Possession](#) or use of illegal substances (including ecstasy, LSD, cocaine, [synthetic marijuana](#), non-prescribed opioids, illicit fentanyl).
  - (c) [Distributing](#), facilitating the distribution of, or manufacturing a [controlled substance](#) (including anabolic steroids, or prescription drugs, non-prescribed opioids, illicit fentanyl, [synthetic marijuana](#)), or any [imitation controlled substance](#).
  - (d) Theft of a student's prescription drug. A report shall be made to the police in accordance with the Code of Virginia.

The [Division Superintendent](#) shall conduct a hearing to determine whether a disciplinary action other than [expulsion](#) is appropriate. The School Board or Division Superintendent may determine, based on the facts of the case, that special circumstances exist and that a disciplinary action other than expulsion is appropriate. A report shall be made to the police in accordance with the Code of Virginia.

- (3) If the student is suspected of being under the influence of illegal drugs or otherwise having violated the provisions of this subsection, the [principal](#) shall notify the [parent/guardian](#) of the suspicion and recommend that the parent/guardian pursue appropriate intervention. In addition, the principal may recommend that the student do at least one of the following in conjunction with a one-day in-school suspension:
- (a) Voluntarily participate in an FCPS [AOD](#) intervention program.

- (b) Voluntarily participate in a substance abuse assessment, at [parent/guardian](#) expense, with the Fairfax-Falls Church Community Services Board or private provider to determine the need for substance abuse treatment.

All illegal drug violations shall be reported to the police in accordance with the Code of Virginia.

#### 4. Property Violations

For violations involving property, a [restorative justice conference](#) may be used in lieu of, or in addition to, disciplinary action, at the discretion of the [principal](#).

The student or the student's [parent/guardian](#) shall be required to reimburse the School Board for any actual loss of, breakage of, destruction of, or failure to return property owned by or under the control of the School Board, caused or committed by such student in pursuit of their studies ([Code of Virginia, Section 22.1-280.4](#)). The student, or parent/guardian, will be financially responsible for any loss or damage to School Board property resulting from the misconduct.

- a. The following violations customarily result in school-based disciplinary action at the discretion of the [principal](#), up to and including a five-day suspension. However, the principal may make a [referral to the Division Superintendent](#) for these violations in the event that the principal determines such misconduct has substantially disrupted the instructional program, endangered the well-being of others, or follows school-based interventions initiated in response to prior violations. Whenever a referral to the Division Superintendent is made, the principal may suspend the student for up to ten days.
  - (1) Unauthorized presence on [school property](#) or failure to leave promptly after being told to do so by an FCPS staff member or a police officer.
  - (2) Theft or attempted theft of another person's property or money without the use of force or fear.
- b. The following violations may result in a suspension from school for up to five days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.
  - (1) Theft or attempted theft of another person's property or money by the use of force or fear.
  - (2) Willfully causing or attempting to cause damage to, or theft of, any [school property](#).
  - (3) Vandalism, arson, or any [threat](#) or false threat to bomb, burn, damage, or destroy in any manner a school building, [school property](#), or a school-sponsored activity.
  - (4) Attempted theft of another person's prescription medication. A report shall be made to the police in accordance with the Code of Virginia where the attempted theft is of student medication(s).

#### 5. [Weapons](#) Violations

Students are expected to report immediately to a school official whenever they observe or otherwise become aware of the presence of a weapon on [school property](#) or at a school-sponsored activity. Doing so serves to protect the well-being of other students as well as school officials and where the reporting student is the one who is in [possession](#) of the weapon, increases the likelihood of favorable consideration by the [principal](#), or a finding of special circumstances by the [Division Superintendent](#).

a. [Possession](#) or Use of [Statutory](#) Weapon

(1) [Possession](#) or use of a [statutory](#) weapon (as defined below) on [school property](#) or at a school-sponsored activity may result in a suspension for up to ten days and shall result in a [referral to the Division Superintendent](#) who will consider a recommendation for [expulsion](#) for a period of not less than one year. As employed herein, the term “statutory weapon” shall mean the following:

- (a) Any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material.
- (b) Any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon.
- (c) A pneumatic gun, as defined in [Section 15.2-915.4 of the Code of Virginia](#), including BB gun, paintball gun, or pellet gun.
- (d) Any destructive device, as defined in [Section 22.1-277.07 of the Code of Virginia](#), including any explosive, incendiary, or poison gas, bomb, grenade, and other devices and [weapons](#) enumerated therein.
- (e) A firearm muffler or firearm silencer.

(2) Special Circumstances

Notwithstanding the foregoing provisions, the [Division Superintendent](#) shall conduct a hearing to determine whether a disciplinary action other than [expulsion](#) is appropriate. The School Board or Division Superintendent may determine, based on the facts of the case, that special circumstances exist and that another disciplinary action is appropriate. All [statutory weapons](#) violations shall be reported to the police in accordance with the Code of Virginia.

b. [Possession](#) or Use of Switchblades, Machetes, and Certain Other Knives

The following violations shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.

[Possession](#) or use of any machete, any switchblade knife (regardless of blade length), or any other knife with a blade length of three inches or more on [school property](#) or at a school-sponsored activity. Provided, however, that where a student is found (without having engaged in other prohibited conduct) for the first time to be in possession of a

machete, switchblade knife, or other knife with a blade length of three or more inches with no indication that the student intended to use such weapon to threaten, intimidate, or harm another, there will be an expedited review of the written record.

- (1) In the event the [Division Superintendent](#) finds special circumstances on the written record, the student shall receive the following: a suspension of up to 10 days; probationary conditions; and a temporary removal for not more than 21 calendar days from all [student activities](#), to include participation as a spectator or audience member. Students may not participate in competition or practice with teams, clubs, and all other school-sponsored activities. Students may be allowed to participate in convocation and the graduation ceremony even though they fall within the timeline of the temporary removal from activities. Certain violations will result in a student being ineligible to participate in graduation ceremonies.
- (2) In the event the [Division Superintendent](#) does not find special circumstances on the written record, the Division Superintendent should hold a hearing to determine what disciplinary action, if any, should be imposed, subject to any right the student may have under this regulation to appeal to the School Board.

(3) Use of Other Weapon

The following violation shall result in a [referral to the Division Superintendent](#) and the [principal](#) may suspend for up to ten days.

Unauthorized use of another weapon (as defined below) or any item used as a weapon to threaten, intimidate, or harm another.

c. [Possession](#) of Other [Weapons](#)

The following violation may result in a suspension from school for up to five days unless the [principal](#) makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.

[Possession](#) of any other weapon. As employed herein, the term “other weapon” shall mean any object of any nature (other than a [statutory](#) weapon or those described in Chapter II.A.5.b.) that can be used to threaten and/or harm another person. Examples of other [weapons](#) include but shall not be limited to: any knife of less than three inches (other than a [switchblade knife](#)), nunchaku, brass knuckles, spring stick, throwing star, stun weapon, taser, mace, pepper spray, ammunition, spring loaded pellet gun, razor blade, any studded accessory, studded collar, chain collar, or similar article of clothing; and any object that is designed to look like (but not to function as) a statutory weapon, such as an imitation handgun.

d. Law and Policy

This section implements the Gun-Free Schools Act (see [Section 22.1-277.07 of the Code of Virginia](#)), as well as FCPS’ own policy<sup>16</sup> which independently prohibits student

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<sup>16</sup> FCPS’ own policy on weapons is authorized by the Code of Virginia, including [Section 22.1-277.07:1](#).

possession or use of all weapons, except where expressly authorized by school officials as part of the curriculum or of officially sanctioned activities.

B. Reporting to Police and the Parent/guardian of Victims of Certain Code Violations

1. Mandatory report. As required by [Section 22.1-279.3:1\(B\)\(1\)](#) of the Code of Virginia, the principal shall, in addition to taking appropriate disciplinary action, immediately report to the police department incidents involving alcohol, marijuana, a controlled substance, an imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications, that may constitute a felony. In the event a principal is unable to determine whether an incident may constitute a felony, the principal shall consult with Division Counsel, or outside counsel designated by Division Counsel, prior to reporting an offense to the police in order to determine whether the incident may constitute a felony.

Additionally, as required by [Section 22.1-279.3:1\(B\)\(2\)](#) of the Code of Virginia, the principal shall, in addition to taking appropriate disciplinary action, immediately report to the police department incidents involving (i) sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in [18.2-47](#) or [18.2-48](#) of the Code of Virginia, or stalking of any person as described in [18.2-60.3](#) of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; (ii) written threats against school personnel while on a school bus, on school property, or at a school-sponsored activity, unless the written threat is made by a student with a disability; (iii) illegal carrying of a firearm, as defined in [Section 22.1-277.07](#) of the Code of Virginia, onto school property; (iv) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in [Section 18.2-85](#) of the Code of Virginia, or explosive or incendiary devices, as defined in [Section 18.2-433.1](#) of the Code of Virginia, or chemical bombs, as described in [Section 18.2-87.1](#) of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; and (v) threats or false threats to bomb, as described in [Section 18.2-83](#) of the Code of Virginia, made against school personnel or involving school property or school buses.

Any student who commits a reportable violation shall be required to participate in such prevention and intervention activities as may be prescribed by school officials, in addition to any disciplinary action that may be taken.

Material that is suspected of being marijuana or a controlled substance shall be turned over to the police department.

2. School resource officers' (SROs)<sup>17</sup> primary role in schools is as a law enforcement officer. It is recognized that marginalized communities and those that have experienced trauma may have concerns with law enforcement members being present in school environments. The partnership between Fairfax County Public Schools and the Fairfax County Police Department as outlined in the School and Law Enforcement Partnership is intended to foster relations of mutual respect and understanding in order to build a positive and safe school environment. SROs shall not become involved in routine school matters such as administrative actions or actions not directly related to the safety of the students and staff. The SRO shall refrain from functioning as a school disciplinarian and shall not intervene

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<sup>17</sup> For information only, the full SRO MOU can be found at <https://www.fcps.edu/node/36886>.

in school discipline matters. The discipline of students will remain the responsibility of the school faculty and administrators. At any time, the SRO may become involved when a school administrator has an immediate safety concern that cannot be addressed by the school's safety and security staff which the school administrator reasonably believes could lead to substantial harm to self or others. Examples of such concerning behaviors could include, but are not limited to: assault, interference with school processes that impede the safety of others, the need to disarm a student who has a weapon or the removal of a unknown substance.

When students are questioned by FCPS administrators for the purpose of student discipline, neither the SRO nor any other police officer shall be present unless FCPS administrators have an immediate safety concern in which the administrator reasonably believes could lead to substantial harm for self or others. In responding to incidents of students engaging in possible prohibited conduct which also involves criminal offenses, FCPS administrators will defer conducting interviews with students where directed to do so by the police until police interviews with students have been completed and the [principal](#) has confirmed that FCPS administrators may conduct interviews (including situations involving: imminent risk of harm, such as [weapons](#); a felony or violent misdemeanor; or where Virginia law requires immediate reporting to law enforcement).

3. The questioning of students by police officers, other than SROs, in school or on [school property](#) about alleged illegal activities shall meet the conditions as defined in the current version of [Regulation 2616, Questioning of Students by Police](#).
4. The [principal](#) shall also immediately notify the [parent/guardian](#) of any minor student who is the victim or intended victim of a reportable incident as provided in subsection 1 of this section B.

C. Disciplinary Procedures and Interventions; [Parent/guardian](#) Notification

1. Procedures in Determining Facts and Imposing Sanctions

The [principal](#) shall determine the appropriate disciplinary actions to be taken in each case of prohibited conduct, except when a [referral to the Division Superintendent](#) is required and may request the assistance of other appropriate staff members. Students and families need to be aware school staff has the right to question students in the interest of maintaining safe and secure school environments, and while school staff are not held to the same threshold as law-enforcement officials when obtaining information, the decision to provide a student response, whether verbal or written, to any such questions is voluntary. In disciplinary cases, all students have the right to due process and to fair procedures in determining facts and imposing sanctions.

- a. Students, including witnesses, may be asked to verbally explain what happened and invited to write their own version of what happened so each can record the information in their own words. Students will be informed that the written statement is voluntary. However, no student aged eight or younger shall be asked to write a statement.
- b. In the event that a school administrator has reason to believe that the student has committed an offense that would result in a [referral to the Division Superintendent](#), or that the student has committed a drug violation, the school administrator shall make

reasonable efforts (e.g., phone, e-mail, text) to notify the student's [parent/guardian](#) as soon as possible, before questioning the student about the alleged offense, unless the school administrator believes that there is imminent danger to the student or others, or that there is a risk that evidence will be lost or destroyed. No school official shall ask the student to write or sign a statement about the offense until a [parent/guardian](#) has been notified. In the event that a school official errs and obtains a written or signed statement from the student before a parent/guardian has been notified, the written or signed statement shall not be provided to the Hearings Office or School Board. School administrators shall document parent/guardian notification efforts, including time, date, and method of notification via approved contact information located on record in the Student Information System (SIS). Nothing herein shall be interpreted as requiring a school administrator: (i) to obtain a parent/guardian's consent for questioning a student; (ii) to refrain from questioning a student until a parent/guardian acknowledges the notice which was provided, or (iii) to refrain from questioning a student without the parent/guardian being present, notwithstanding the parent/guardian's direction or preference regarding such.

- c. Except in [exigent](#) circumstances, school administrators shall make reasonable efforts to notify a student's [parent/guardian](#) prior to reporting a student's violation to the SRO, unless otherwise required by law. When [principals](#) are required by law to immediately report certain misconduct to police, school administrators shall comply with such [statutory](#) requirements and shall thereafter make reasonable efforts to immediately notify the student's parent/guardian. School administrators shall document reports to the SRO and parent/guardian notification efforts.
  - d. A [parent/guardian](#) seeking information about the hearings process should contact the [Division Superintendent](#).
  - e. The [principal](#) may impose a suspension of up to five days or make [a referral to the Division Superintendent](#) in any situation involving prohibited conduct when the principal believes such action is warranted. The principal shall monitor each case to ensure that an appropriate intervention and follow-up response have been made.
  - f. Notwithstanding other provisions of the SR&R, and subject to review and revocation at any time by the [principal](#), [Division Superintendent](#), or School Board, a principal has the discretion to permit a suspended student to attend school or any designated portion of the school program, subject to such restrictions and limitations as the principal directs, pending a final disciplinary decision by school division officials.
  - g. Notwithstanding the foregoing, nothing contained herein shall be construed to diminish the authority of the [principal](#): (i) to protect the health and safety of students and others in connection with the school, or any school-sponsored activity, or (ii) to ascertain the facts about any incident. The principal shall do so in a reasonable, good faith manner, and shall be accountable for respecting the rights and responsibilities of everyone in the school.
2. Interventions Without Suspension from School

With approval of the [principal](#) and concurrence of all involved students, students may be invited to participate in a [restorative justice conference](#) to resolve disputes or address

student behavior. This does not preclude the possibility of disciplinary action for prohibited conduct.

FCPS promotes the use of positive behavioral approaches and school officials work diligently to help each student understand school rules and the impact of their behavior on others.

a. The following are examples of authorized interventions:

- (1) Reviewing/reteaching expected behavior
- (2) Student-teacher conference and reflection on behavior
- (3) Conference with [parent/guardian](#)
- (4) [Parent/guardian](#) attends one day of school with student
- (5) Behavior contract
- (6) Conflict resolution with school counselor
- (7) Referral to school psychologist or school social worker
- (8) Referral to an FCPS AOD intervention program
- (9) Referral to a Behavior Intervention Services, Behavior Intervention teacher (BIT)
- (10) Referral to community resources

b. The following are examples of authorized disciplinary measures:

- (1) Admonition and counseling of the student in private concerning their responsibilities.
- (2) After-school detention. Except in extreme cases, a student must be given advance notice of this action. The [Parent/guardian](#) shall be notified when a student is assigned after-school detention.
- (3) Suspension from all student privileges (including parking, senior privileges, all other student privileges, and [student activities](#), including teams, clubs, and all other school-sponsored activities) for a fixed period of time.
- (4) Probation. Being placed on probation is notification that a student's behavior has been unacceptable and must be improved. A student may be placed on probation by the [principal](#) following a conference with the student's [parent/guardian](#) in which the terms and conditions of the probation are explained. The principal shall also notify the parent/guardian in writing when probation is imposed, including the reasons for the probation and its date of termination. Probationary conditions shall be of a duration of no more than one calendar year unless the student violates one or more of these conditions.



- (5) Removal from class. Teachers shall have the initial authority to remove a student from a class for disruptive behavior that interrupts or obstructs the learning environment, using the following criteria:
  - (a) The removal of the student is necessary to restore a learning environment free from interruptions or obstructions caused by the student's behavior.
  - (b) The removal of the student occurs only after teacher or administrative interventions have failed to end the disruptive behavior. However, nothing herein shall preclude the immediate removal of a student for behavior that might warrant suspension from school.
  - (c) The removal of a student is an appropriate response to student behavior that is a violation of the rules of conduct.
  - (d) Written notice of the student's behavior and removal from class is given to the [parent/guardian](#) by the teacher when the recommendation of the teacher is that the student should be removed for longer than one school day or from the same class on consecutive days.
- (6) Alternative instructional arrangement (AIA). The student may be removed from their regular schedule of classes and assigned to a program of study under supervision of a qualified staff member for a fixed period of time, less than one-half of the school day.
- (7) In-school suspension (ISS). The student may be removed from their regular schedule of classes and assigned to a program of study under the supervision of a qualified staff member for a fixed period of time, one-half or more school days.
- (8) The student assigned to AIA or ISS shall have the opportunity to receive full credit for work performed and the [principal](#) shall notify the [parent/guardian](#) in writing of the terms and duration of the arrangements.

Students who believe that decisions made by staff members are not in their best interest may present complaints to teachers, counselors, or school administrators.

### 3. Suspension of Students in Grades K-3

No student in kindergarten through third grade is to be suspended from school for more than three consecutive days or expelled for a violation, unless such student is determined to: (i) have possessed or used a [statutory](#) weapon [as defined in Chapter II.A.5.a]; (ii) have possessed or used illegal drugs [as defined in Chapter II.A.3.d]; (iii) be the subject of a Juvenile Court report to the school system for delinquency adjudication or a conviction of one or more criminal offenses as set forth in [Section 16.1-260\(G\) of the Code of Virginia](#); (iv) be involved in physical harm, or credible [threat](#) of physical harm, to another; or (v) have violated the SR&R with [aggravating circumstances](#), which are defined as: (i) 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) the 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) the student engaged in a serious offense that was persistent and unresponsive to targeted interventions as documented through an established intervention process. For a violation of subsection (i) or (ii), the [principal](#) shall make a [referral to the Division Superintendent](#) and may also impose a suspension from school for up to ten days. For a violation of subsection (iii) or (iv) where the principal chooses to make a referral to the Division Superintendent, the principal may also impose a suspension from school for up to ten days. For all other violations of the SR&R, the principal may impose a suspension from school for only up to three days, unless the Division Superintendent or [School Board](#) determines that there are [aggravating circumstances](#); the foregoing is applicable even where the principal chooses to make a referral to the Division Superintendent.

4. Suspension for Ten School Days or Less ([Short-Term Suspension](#))
  - a. While the Code of VA allows suspension of up to ten school days, FCPS allows principals the discretion to suspend up to five school days. A referral to the Division Superintendent is required when consideration of suspension for more than five school days.
  - b. The [principal](#) may suspend a student for five days or less after giving the student oral or written notice of the code of conduct violation, an explanation of the facts as known to school personnel if the student denies the violation, and an opportunity to present their version of what occurred.
  - c. After complying with the above procedures, the [principal](#) may suspend a student and may set conditions for the ending of a suspension so long as the period of such suspension does not exceed five days. A [parent/guardian](#) conference with school officials may be required in connection with a student's readmission to school. A parent/guardian conference shall be required subsequent to a third suspension within a 12-month period. The student shall also be suspended from all [student activities](#) including teams, clubs, and all other school-sponsored activities for the duration of the suspension, at a minimum.
  - d. When a student is suspended, the school shall:
    - (1) Notify the student of the suspension and the right to appeal.
    - (2) Make a reasonable effort to notify the student's [parent/guardian](#) of the suspension, inform the parent/guardian that a copy of the rules governing suspensions and the procedures for appeal is being sent home with the student, and make arrangements for the student's return home.
    - (3) Send written notification, to the [parent/guardian](#) by the end of the school day when possible, but not later than the end of the next school day, by U.S. mail and, if possible, also by e-mail, informing them of the suspension, the reasons for the action, the length of the suspension, the right to appeal, the student's right to return to school at the end of the suspension, and any conditions for that return

(such as a reentry conference or other requirement). The information provided shall include a copy of the rules governing suspensions and notice of the right to appeal (current version of [Regulation 2602](#)) and information regarding the availability of community-based education programs or other educational options

- e. The decision to suspend a student for five days or less (without either a [referral to the Division Superintendent](#) or a recommendation for reassignment) may be appealed to the [principal](#) by the student's [parent/guardian](#) or by the student if they are 18 years of age or older. Such an appeal must be made within two school days from the initial decision to suspend by submitting written notice of the appeal to the principal. This written notice must include the reasons the suspension should be reversed or otherwise modified.<sup>18</sup>
- (1) When notified of an appeal by the [parent/guardian](#) the [principal](#) shall reinstate the student in school until the appeal has been decided except under one of the following conditions:
    - (a) The [principal](#) determines that the reinstatement of the student would pose a danger to persons or property or an ongoing [threat](#) of disruption of the school's educational program.
    - (b) The suspension is pursuant to a [referral to the Division Superintendent](#), in which case, the student's suspension may be extended until the decision to long-term suspend, reassign, or to expel has been determined (subject to the [principal](#)'s discretion to permit a suspended student to attend school or any designated portion of the school program in accordance with Chapter II.C.1.f. "Disciplinary Procedures and Interventions").
  - (2) If the [principal](#) upholds the decision to suspend and the [parent/guardian](#) wants to continue the appeal process, the parent/guardian shall within two school days notify the principal and the [Division Superintendent](#) in writing of the appeal, stating specifically why the suspension should be reversed or modified.
  - (3) After receiving a written request for an appeal from the [parent/guardian](#), a hearing officer may elect to schedule a hearing on the appeal or may decide the appeal based on an examination of the record of the student's behavior. Should a hearing take place, a hearing will be promptly scheduled with the parent/guardian at a mutually agreeable time for a hearing on the appeal or, failing that, shall notify the parent/guardian in writing at least two business days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures of the hearing. The student may be represented at the hearing by a parent/guardian and additional adults who may be legal counsel, a member of the clergy, a social worker, etc. The hearing shall be conducted by a hearing officer. The hearing will be recorded by FCPS through stenographic, tape, or other means, and no other recordings are permitted. Upon request, students, a parent/guardian, and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent/guardian may request

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<sup>18</sup> As such, any appeal of short-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

that a discipline hearing be transcribed by a court reporter. The transcription must be requested at the time the hearing is scheduled, and arrangements will be made by the [Division Superintendent](#) for transcription as well as [redaction](#) of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the [parent/guardian](#) and a hearing may not be delayed on account of such a request.

- (4) Following an appeal, a hearing officer shall promptly notify the [parent/guardian](#) and the [principal](#) in writing of the decision and the basis for the decision. If the suspension is overturned, the cumulative record of the student and any other school-maintained records will reflect that conclusion. If a hearing officer upholds the suspension, the suspension shall be imposed, and such decision shall be final.
- (5) In cases of appeal when the student has not been reinstated in school during the period when the appeal is being reviewed by a hearing officer, the student shall be reinstated in school after ten days of suspension if the appeal has not been decided by a hearing officer.

f. Emergency Temporary Removal

Any student whose presence poses a continuing danger to persons or property or an ongoing [threat](#) of disruption may be removed from school immediately and the notice, explanation of facts, and opportunity to present their version required under "Suspension for Ten Days or Less ([Short-Term Suspension](#))" shall be given as soon as practicable thereafter.

5. [Records Review](#)

A student who fails to maintain a satisfactory disciplinary record and for whom prior disciplinary consequences and/or interventions have been initiated may be the subject of a records review to be conducted by the regional assistant superintendent (RAS). The [parent/guardian](#) and student will be afforded the opportunity to participate in a meeting to review the student's disciplinary record, school-based interventions to date, and other relevant information. As a result of the review, the RAS may propose additional interventions to include probationary conditions and voluntary enrollment in an appropriate, alternative educational setting. Students in grades K-6 will not be referred to the [Division Superintendent](#) unless they have first been the subject of a records review, except where the referral is required under this regulation or where the student's presence in their current school endangers the well-being of others.

6. Referrals to Alternative Educational Programs

A student who fails to maintain a satisfactory academic or disciplinary record in the regular school may be referred to an appropriate alternative educational program on a voluntary basis. The [principal](#) will submit a Nontraditional School Programs Elective Placement Referral Form (SS/SE-227) with all required attachments to the senior administrator of Nontraditional School Programs and a meeting will be scheduled to facilitate placement into the appropriate program. Referrals can be made at any time throughout the year. If a student is eligible for special education services, the procedural

support liaisons can request participation of alternative school representatives during an individualized educational program (IEP) meeting to determine the appropriate placement. Further details about the various program options can be found at <https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program>.

7. Suspension for 11 to 45 School Days Unless Certain Misconduct Has Occurred ([Long-Term Suspension](#))<sup>19</sup>

Where a [referral to the Division Superintendent](#) is made, the [principal](#) may recommend to the Division Superintendent that a student be suspended for more than ten days. The Division Superintendent may authorize such suspension after the student and the [parent/guardian](#) have been provided written notice of the proposed action and the reasons therefor and of the right to a hearing before the Division Superintendent, if requested in writing within two days of receipt of the notification. When a student, who has been suspended is also referred to the Division Superintendent, the student may not attend school or be on any [school property](#) while the student's appeal is pending, except as specifically permitted (i) by the Division Superintendent or the [School Board](#), or (ii) by the principal who has the discretion to authorize a student to be on school property to attend school, a designated portion of the school program, or an [AOD](#) intervention program.

- a. When the [Division Superintendent](#) receives a request for a hearing, the hearing shall be promptly scheduled with the [parent/guardian](#) at a mutually agreeable time or, failing that, the Division Superintendent shall notify the parent/guardian in writing at least two business days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures. The student may be represented at the hearing by a parent/guardian and additional adults who may be legal counsel, a member of the clergy, a social worker, etc. The hearing will be recorded by FCPS through stenographic, tape, or other means and no other recordings are permitted. Upon request, students, a parent/guardian, and their representatives will be offered the opportunity to review recordings of the hearing proceedings. A parent/guardian may request that a discipline hearing be transcribed by a court reporter. The transcription must be requested at the time the hearing is scheduled, and arrangements will be made by the Division Superintendent for transcription, as well as [redaction](#) of confidential information. The cost of the court reporter's appearance and any transcription will be borne by the parent/guardian, and a hearing may not be delayed on account of such a request.
- b. When a student is the subject of a [referral to the Division Superintendent](#), the Division Superintendent will consider all possible sanctions in the same hearing (to include [long-term suspension](#), reassignment, and/or [expulsion](#)).<sup>20</sup>
- c. At the conclusion of the [Division Superintendent's](#) hearing on the referral, and subject to the Division Superintendent's final written decision, the issue of the student's possible return to their current classes (beginning on the next school day) will be considered by the Division Superintendent in consultation with the school [principal](#). The student's return shall be allowed unless the Division Superintendent

<sup>19</sup> See Definition of Long-Term Suspension in Glossary of [Regulation 2601](#)

<sup>20</sup> As such, any appeal of long-term suspension in conjunction with a referral to the Division Superintendent or recommendation for reassignment shall be directed to the Division Superintendent.

concludes that doing so would endanger the well-being of others, or if there is a victim or victims at the school, such as in cases of assault or sexual harassment.

- d. Parent/guardian acknowledgement of any right to appeal shall be indicated through a signature on a separate page or electronic notification attached to the decision letter explicitly stating the acknowledgement of this right, and to be in the preferred language of the [parent/guardian](#). In the event the student's [parent/guardian](#) subsequently appeal the [Division Superintendent](#)'s final written decision to the [School Board](#), the appeal may include a request for the student to attend classes and the reasons the [parent/guardian](#) believe the student would not endanger the well-being of others, unless there is a victim or victims at the school, such as in cases of assault or sexual harassment. An ad hoc three-member committee of the School Board may, following a review of the record then on file, allow the student to return to classes pending the final decision of the School Board on the appeal.
  - e. Following the hearing, the [Division Superintendent](#) shall promptly notify the [parent/guardian](#) and the [principal](#) of the decision and the basis for the decision, noting the parent/guardian's right to appeal in writing to the full [School Board](#). Appeals to the full School Board shall be conducted in accordance with the procedures established in the current version of [Policy 2611, Procedures for Hearings and Appeals to School Board](#).
  - f. If the decision to extend the suspension is in conjunction with the Division Superintendent's decision for reassignment or [expulsion](#), an appeal on the extension will be considered by the [School Board](#) as part of the reassignment or expulsion proceeding.
8. [Expulsion](#)

Expulsion is any disciplinary action imposed by the [School Board](#) or a designated committee thereof, as provided in FCPS school policy, whereby a student is not permitted to attend school within FCPS or the regular instructional program of FCPS and is ineligible for readmission to such for 365 calendar days after the date of the expulsion. Expulsion may be imposed or rescinded only at the discretion of the School Board or a designated committee thereof. The [principal](#) shall promptly send written notice of the facts warranting a [referral to the Division Superintendent](#), the [parent/guardian](#), and the student. When the principal makes a referral to the Division Superintendent, the principal may choose to recommend specific disciplinary actions, including expulsion. No inference is to be drawn from the absence of a principal's recommendation. As a part of the referral, the Division Superintendent may consider forwarding a recommendation for expulsion to the School Board whether or not such has been expressly recommended by the principal. The principal shall offer to meet with the student and [parent/guardian](#) prior to a hearing to explain the hearings process and to discuss the facts leading to the referral. The [parent/guardian](#) also is entitled to receive a redacted copy of the discipline packet that the school submitted in support of the referral, upon notice to the Division Superintendent. The hearing procedure is as follows:

- a. The [Division Superintendent](#) shall promptly schedule a hearing on the referral at a mutually agreeable time or, failing that, shall notify the [parent/guardian](#) in writing at

least two business days, if practicable, before the hearing of the date, time, and place of the hearing and the procedures.

- b. When a student is the subject of a [referral to the Division Superintendent](#), the Division Superintendent will consider all possible sanctions in the same hearing (to include [short-term suspension](#), [long-term suspension](#), reassignment, and/or expulsion).
  - c. No [expulsion](#) recommendation is binding on the [Division Superintendent](#), who may implement alternative disciplinary sanctions or determine that no discipline is warranted.
  - d. If the [Division Superintendent](#) decides to recommend [expulsion](#), they shall notify the clerk of the [School Board](#) and shall inform the student and the [parent/guardian](#) of such and shall send them a copy of the current version of [Policy 2611](#). The Division Superintendent also may offer the parent/guardian a [letter of agreement](#) which, if agreed to and signed by the parent/guardian and thereafter accepted by a School Board committee, would conclude the case without a further hearing.
  - e. The [School Board](#) or a designated committee shall make a determination on the recommendation in accordance with the current version of [Policy 2611](#).
9. Educational Placements During Appeal

For those cases in which a decision by the [School Board](#) is pending, the student is expected to enroll in and attend the educational program designated by the [Division Superintendent](#) during the pendency of the proceeding. As an alternative, the student may continue to receive out-of-school support assigned by the Office of School Improvement and Supports to assist in completion of tests and assignments.

10. Students Suspended or Expelled from Attendance at School from Another District or a Private School

A student who has been expelled or suspended for more than 30 days from attendance at school by another [school board](#) or a private school, or for whom admission has been withdrawn by a private school, may be excluded from attendance for no more than one calendar year in the case of [expulsion](#) or withdrawal of admission, and in the case of suspension of more than 30 days, for no longer than the duration of such suspension. The school shall provide written notice to the student and their [parent/guardian](#) of the reasons for such possible exclusion and of the right to attend a hearing conducted by the [Division Superintendent](#). The student may not attend school until a review of the case is conducted by the Division Superintendent. Exclusion from some or all FCPS programs shall be imposed upon a finding that the student presents a danger to the other students or staff members of the school division. The decision to exclude shall be final unless altered by the School Board after timely written petition in accordance with the procedures established in the current version of [Policy 2611](#). Upon the expiration of the exclusion, the student may petition the Division Superintendent for admission.

11. Reassignment to an Alternative Program

The [Division Superintendent](#) may require any student who (i) has been charged with an offense relating to Virginia's laws on [weapons](#), alcohol, [marijuana](#), drugs, or intentional injury to another person or with an offense required by law to be reported to school officials, or (ii) has been found guilty or not innocent of any of the above offenses or of a crime that resulted in or could have resulted in injury to others or of a crime required by law to be reported to school officials, or (iii) has been found to have committed a serious offense or repeated offenses in violation of [School Board](#) policies, to attend an alternative program, including, but not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. The Division Superintendent may impose this requirement without regard to where the crime has occurred.

a. Student's Suspension for Intentional Injury of a Fellow Student in the Community

Following notice and a hearing, a school [principal](#) is authorized to impose a [short-term suspension](#) upon any student who has been charged with a criminal offense reportable to school officials and involving intentional injury to another student who attends the same FCPS school, regardless of where such offense occurred. In addition, the school principal may, concurrent with the imposition of the short-term suspension, recommend to the [Division Superintendent](#) that the charged student be reassigned to a school or program other than that which the victim attends. The Division Superintendent shall determine, in accordance with the procedures below, whether the charged student shall be reassigned to an alternative educational program or to another school.

b. Hearing Procedures for Reassignments

The student and [parent/guardian](#) shall be provided an opportunity to participate in a hearing to be conducted by the [Division Superintendent](#) regarding such reassignment. Written notice to the student and the parent/guardian shall be provided if the student will be required to attend an alternative program. The decision of the Division Superintendent shall be final unless altered by the [School Board](#) upon timely written petition by the student or the parent/guardian. Following the hearing, the Division Superintendent shall promptly notify the parent/guardian and the [principal](#) of the decision and the basis for the decision, noting the parent/guardian's right to appeal in writing to the full School Board. Appeals to the full School Board shall be conducted in accordance with the procedures established in the current version of [Policy 2611](#).

12. Reports from Court

Any student for whom the school division has received a report pursuant to [Section 16.1-305.1 of the Code of Virginia](#) of adjudication of delinquency or conviction of a specified crime may be suspended or expelled from school attendance in accordance with [Section 22.1-277 of the Code of Virginia](#).

Notification is sent to the [Division Superintendent](#) by the staff of the court when a student is charged with committing specified crimes including those involving criminal street [gang](#)



activity or found in violation of certain laws, when a student is found not guilty of specific charges, or when charges against a student are dismissed, withdrawn, or reduced as required by [Sections 16.1-260](#), [16.1-301](#), and [16.1-305.1 of the Code of Virginia](#).

13. Unauthorized Persons

All visitors to a school or its grounds shall report to the main office immediately. Persons who fail to do so may be considered trespassers and subject to legal action, and student visitors who fail to do so also may be subject to disciplinary action, as well as legal action. Any person whose presence or action interferes with or disrupts the operation of the school, its students, or school activities shall be prohibited from entering school or remaining on [school property](#) or remaining at a school-sponsored activity, wherever located.

14. Petition for Readmission

In accordance with the current version of [Policy 2611](#), students who are expelled and who are not permitted to return to regular school attendance or to attend, during the [expulsion](#), an alternative program, may petition for readmission to be effective one year after the date of expulsion. In order to be timely, a written petition for readmission, along with a copy of the [School Board's](#) expulsion decision, must be filed with the [Division Superintendent](#) no earlier than eight months, but not later than ten months, after the date of expulsion. The Division Superintendent may, at the discretion of the hearing officer, hold a hearing and shall issue a decision prior to the expiration of the one-year expulsion period. An untimely petition may result in a delayed decision on readmission. When a petition for readmission is denied by the hearing officer for the Division Superintendent, the student may petition the School Board for review of such denial. The School Board's review is based on the written record. An application may be made annually in accordance with the above schedule. Notice of the right to petition for readmission, as well as any conditions, will accompany the expulsion decision.

15. Other Disciplinary Consequences

A student who engages in prohibited conduct may be subject to ongoing consequences, even after the student returns to school attendance following suspension or [expulsion](#). Such consequences include, but are not limited to, reassignment to a different regular school or to an alternative educational program, probationary conditions, community or civic service, and restitution. School officials, at their discretion, may impose various conditions and restrictions for so long as the student attends any school or program operated by, or on behalf of, the School Board. Students, who have been found to be involved with illegal drugs, alcohol, [marijuana](#), and/or the illegal use of [controlled substances](#), and who thereafter have been assigned to a Fairfax County school or educational program where other students are in attendance, may be required to submit to school officials: (i) a then-current, negative drug screen report from a qualified independent laboratory and (ii) satisfactory evidence of participation in a substance abuse treatment or educational intervention program as recommended by Community Services Board or another qualified professional. In lieu of a negative drug screen, school officials may accept satisfactory evidence that the student has enrolled and is participating in the recommended substance abuse treatment or educational intervention program.

Where a student successfully completes an intervention seminar in lieu of a disciplinary sanction, the student's disciplinary record shall contain the violation as well as note the student's completion of the intervention seminar; and, in such an event, no suspension shall be recorded.

School officials, at their discretion, may impose various conditions and restrictions for so long as the student attends any school or program operated by, or on behalf of, the [School Board](#). As a probationary student, the student is required to maintain satisfactory academic, disciplinary, and attendance records. In addition, a probationary student is required to abide by all applicable laws in the community and to comply with the terms of any court order, including a probation order. Probationary conditions shall be of a duration of no more than one calendar year unless the student violates one or more of these conditions.

D. Guidance for the [Parent/Guardian](#) of Students with Disabilities Related to Discipline

FCPS looks at every student and their unique needs and is committed to working collaboratively with each family to support their child's needs. For students with special education services, the IEP team (to include the parent/guardian) requires that each child's unique needs are reviewed and considered during the IEP process. For a student with a disability under 504 of the Rehabilitation Act of 1973, refer to Chapter II,D.,8. Protections for Students Covered by Section 504 Plan.

1. Prevention of Disciplinary Incidents

When a student's behavior impedes their learning or that of others, or if there appears to be a pattern of misconduct leading to suspension, the IEP team, which includes the [parent/guardian](#), shall prioritize the use of positive behavioral interventions, strategies and supports, and take one or both of the following actions:

- a. Develop IEP goals and services specific to the child's behavioral needs.
- b. Conduct an FBA and develop a BIP to address the child's behavioral needs.

2. [Short-Term Suspensions](#) (Less than Ten School Days)

Students with disabilities may be disciplined in the same manner as non-disabled peers for up to ten consecutive or cumulative school days in the same school year.

3. [Long-Term Suspension](#) (More than Ten School Days)

If a student with disabilities is recommended for a suspension of more than ten consecutive or cumulative school days in a school year, the school shall conduct an MDR and provide services to enable the student to participate in the general education curriculum and progress toward meeting the goals of their IEP. The MDR team meeting shall convene as soon as reasonably possible, but no later than the tenth day of suspension. On the same date on which FCPS decides to long-term suspend a student with a disability because of a violation of the code of conduct, FCPS shall notify the [parent/guardian](#) and provide them a copy of the procedural safeguards.

4. [Parent/guardian](#) Notification

When a threat assessment is deemed necessary, pursuant to Regulation 2111, school staff will notify the parent of any student with an intellectual or development disability. Efforts to notify the parent must be documented in writing. To the greatest extent practicable, school staff will ensure the presence of an adult who is known to the student and familiar with how to support their communication needs (i.e., IEP team member familiar to and with the student) before questioning a student with an intellectual or developmental disability.

If a disciplinary incident involving a student with an intellectual or developmental disability (e.g., Autism) may result in a suspension of any kind, staff shall not request a verbal or written statement from the student until a parent/guardian is present or a parent/guardian has consented to the questioning of the student with the support from an adult who is known to the student and familiar with how to support their communication needs (i.e., IEP team member familiar to and with the student). Staff shall make reasonable efforts to obtain consent and/or the presence of a parent/guardian and such staff efforts to obtain parent/guardian presence and/or consent shall be documented in writing. Absent the presence or consent of the parent/guardian within two (2) school days of the notification by staff of the alleged incident and request to obtain a statement (written/verbal) from the student, school-based administrators will make a disciplinary decision based on all other existing information.

5. Consultation with the Student's IEP Team

Prior to making a decision to suspend or refer to the [Division Superintendent](#) a student with a disability, the [principal](#) of the school (or the principal's designee) shall consult with the student's case manager or another key member of the IEP team if the case manager is not available, review the student's IEP-including any BIP-and take into consideration any special circumstances regarding the student.

If any written or verbal statement concerning a disciplinary incident is requested of a student with a disability, school staff shall consult with the student's case manager or another key member of the IEP team or 504 committee if the case manager is not available, review the IEP or 504 plan, and ensure all accommodations documented in the student's IEP or 504 plan are provided to the student.

If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene an IEP meeting to determine whether additional goals or services are needed to address the student's behavioral needs and where necessary conduct a functional behavior assessment and develop a behavior intervention plan.

When FCPS reassigns a student with an IEP for disciplinary reasons, in which the [reassignment](#) would result in a change of placement, the IEP team will convene to discuss the student's IEP or implementation of the student's IEP at the new location. Because the least restrictive environment (LRE) of a student with a disability is not to be predetermined, it is the duty of the IEP team to discuss, propose, and decide upon the

LRE, consistent with the disciplinary decision. Accordingly, the IEP team will consider the views of all members of the meeting.

When FCPS allows a student, that has been removed from an educational setting for disciplinary reasons, to return to another location that has a comparable educational program, the IEP team shall convene to discuss the student's educational services.

6. Manifestation Determination Review (MDR)

In conducting an MDR, the school shall follow the procedures below:

- a. Relevant members of the student's IEP team-as determined by the [parent/guardian](#) and school-shall comprise the MDR team.
- b. The MDR team shall determine that the misconduct was a manifestation of the student's disability (causality) if either of the following two conditions is met:
  - (1) The conduct was caused by, or had a direct and substantial relationship to, the student's disability, or
  - (2) The conduct was a direct result of the failure of FCPS to implement the IEP.
- c. In making a determination of causality, the MDR team shall consider all relevant information in the student's file and other factors including the student's IEP, placement, school evaluations, observations, and information supplied by the [parent/guardian](#) or school officials.
- d. The MDR decision and written rationale shall be made available to the appropriate hearing officer prior to any Hearings Office proceedings.
- e. If the MDR team determines the misconduct was a manifestation of the student's disability:
  - (1) In the event that the misconduct did not involve serious harm to a victim or [threat](#) of serious harm to a prospective victim, the [principal](#) shall withdraw the [referral to the Division Superintendent](#);
  - (2) In the event that the misconduct involves serious harm to a victim or [threat](#) of serious harm to a prospective victim, the [referral to the Division Superintendent](#) will remain in effect so that suitable safety measures and protective measures may be considered. The student shall be returned to the same educational placement from which they were removed, which may be at the same or an equivalent location, unless:
    - (a) The [parent/guardian](#) and school officials agree to a change in placement; or
    - (b) Where applicable, the student is assigned by the [Division Superintendent](#) to an interim alternative educational setting for 45 school days for certain offenses relating to illegal drugs [controlled substances](#), [weapons](#), or

serious bodily injury, in accordance with [Virginia Administrative Code, 8VAC20-81-160, Section C.5.](#)

- (c) The school division institutes expedited special education due process proceedings to change the student's placement, in a situation where maintaining the current placement is substantially likely to result in injury to the student or others, in accordance with [Virginia Administrative Code 8 VAC 20-81-160, Section E.2.](#)
  - (3) The student's IEP team must conduct an FBA as soon as possible if one has not already been conducted or update the FBA if one already exists. Based on the information in the FBA, the IEP team shall develop or update a BIP.
  - f. If the MDR team determines the misconduct is not a manifestation of the student's disability, further discipline may be considered by school officials in the same manner and for the same duration as for non-disabled students. However, special education services must be provided during the period of suspension and/or [expulsion](#) so as to enable the student to continue to participate in the general education curriculum and to progress toward meeting their IEP goals.
  - g. If the [parent/guardian](#) does not agree to a change in special education placement or with the outcome of the MDR, they have the opportunity to request a local administrative review within FCPS. The parent/guardian may access dispute resolution options through the Virginia Department of Education according to the procedures outlined in the VDOE Special Education Procedural Safeguards Requirements (<https://www.fcps.edu/sites/default/files/media/forms/se4.pdf>).
7. Protections for Students Not Currently Eligible for Special Education

A student who has not been determined to be eligible for special education and related services, and who has engaged in behavior that violated the code of student conduct, may assert the protections for students eligible for special education prescribed by Virginia special education regulations if the school had knowledge the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. The school is deemed to have knowledge that a student is a student with a disability-unless the [parent/guardian](#) did not consent to an evaluation, has refused services, or the student has been evaluated and determined not to be a student with a disability-under the following circumstances:

- a. The [parent/guardian](#) expressed concern, in writing, to supervisory or administrative personnel or the student's teacher that the student is in need of special education and related services.
- b. The [parent/guardian](#) has requested an evaluation of the student to be determined eligible for special education and related services.
- c. The teacher of the student or other school personnel expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education department chair or their supervisor within FCPS.

8. Protections for Students with Disabilities Covered by Section 504 Plans

- a. When a [principal](#) recommends a suspension of more than ten school days, initiates a suspension that would accumulate to more than ten school days in a school year, or refers to the [Division Superintendent](#) a student with a disability who has been determined to be a student with a disability under Section 504 of the Rehabilitation Act of 1973, the school shall ensure that a knowledgeable committee convenes as soon as possible but not later than ten days after the decision to suspend or recommend reassignment or [expulsion](#). The [parent/guardian](#) may request additional staff or persons attend the meeting other than those identified by school staff.
- b. The knowledgeable committee shall convene a Causality Hearing to determine whether or not the misconduct has a causal relationship to the student's disability.

A committee is not required to convene in those situations pertaining to the use or [possession](#) of illegal drugs, alcohol, or [marijuana](#) where the student currently is engaging in the use of illegal drugs, alcohol, or marijuana.

- c. If it is determined that the misconduct was caused directly by the disability, the student may not be expelled or suspended for more than ten days.
- d. If it is determined that the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as nondisabled peers.
- e. If the student has been suspended repeatedly for similar violations demonstrating a pattern of behavior, the [principal](#) shall convene the knowledgeable committee to review the 504 Plan to determine whether additional accommodations or other supports are needed to address the student's behavior and where necessary conduct a functional behavior assessment or develop a behavior plan.
- f. The student shall not be entitled to receive continuing educational services during any period of suspension or [expulsion](#).
- g. The knowledgeable committee's determination shall be forwarded to the [Division Superintendent](#), who reviews this information in consideration of further disciplinary action.

**Glossary**

Ableism	Discrimination in favor of an able-bodied person.
Abstain	To choose not to do or have something, especially something you like or enjoy, because it is bad for your health or morally wrong.
Administrative Review	An administrative review (AR) is a Fairfax County Public Schools (FCPS) informal, voluntary process to resolve special education and Section 504 disputes, convened at the request of the parent or the school principal. Please note that voluntary participation in the FCPS administrative review is not a prerequisite for access to any of the dispute resolution options outlined in the VDOE Special Education Procedural Safeguards. For more information, please contact the FCPS Office of Due Process and Eligibility at 571-423-4470.
Aggravating Circumstances	As defined by the Virginia Department of Education, such includes; (i) 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) the 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) the student engaged in a serious offense that was persistent and unresponsive to targeted interventions as documented through an established intervention process. The Code of Virginia requires that the above also includes consideration of the student's disciplinary history.
Alcohol and Other Drug (AOD) Intervention	An intervention provided by a Substance Abuse Prevention specialist who provides a substance abuse screener and psycho-education. This education includes up to date facts about the potential impact of drug and alcohol use, as well as, open discussions about the choices that lead to substance use, the impact these choices can have on students, friends, and other members of the family, options for responding to peer pressure, and strategies to quit the use of substances. A handoff to community providers, who can provide additional supports and treatment options is made available for those with a moderate to high risk for substance abuse.
Assault	An act, criminal or tortious, that threatens physical harm to a person, whether or not actual harm is done
Bona fide	Genuine. Real. In good faith.

Bullying	Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim (examples of a power imbalance include but not limited to, greater physical strength or size, access to embarrassing information and is repeated over time (i.e., behaviors happen more than once or have the potential to happen more than once) or causes severe emotional trauma. “Bullying” includes <a href="#">cyberbullying</a> . “Bullying” does not include ordinary teasing, horseplay, argument, or peer conflict.
Change of Placement	“Change of Placement” means when the local educational agency places the child in a setting that is distinguishable from the educational environment to which the child was previously assigned and includes: (34 CFR 300.102(a)(3)(iii), 34 CFR 300.532(b)(2)(ii), and 34 CFR 300.536). 1. The child’s initial placement from general education to special education and related services; 2. The expulsion or long-term removal of a student with a disability; 3. The placement change that results from a change in the identification of a disability; 4. The change from a public school to a private day, residential, or state-operated program; from a private day, residential, or state-operated program to a public school; or to a placement in a separate facility for educational purposes; 5. Termination of all special education and related services; 6. Graduation with a standard or advanced studies high school diploma. A “change in placement” also means any change in the educational setting for a child with a disability that does not replicate the elements of the educational program of the child’s previous setting.
Controlled Substances	Drugs or substances found in the Drug Control Act ( <a href="#">54.1-3400 of the Code of Virginia</a> ), including all prescription drugs, regardless of whether the drug is considered to be a controlled substance under federal law. For student disciplinary purposes, controlled substances include but are not limited to cocaine, hallucinogens such as MDMA (ecstasy), and the actual and any generic formulations of: Adderall, Codeine, Oxycontin, Percocet, Ritalin, Valium, Vicodin, Zoloft, and any other prescription drugs for pain, depression, hyperactivity, or attention deficit disorders.
Cyberbullying	Any threats by one student toward another through electronic means, typically through e-mail or on websites (e.g., blogs, social networking sites). Electronic communication that supports deliberate, hostile, hurtful messages, intended to harm others is a form of bullying. Cyberbullying includes



such things as sending mean, vulgar, or threatening messages or images; posting sensitive, private information about another person without consent; pretending to be someone else in order to make that person look bad; and defamatory online personal polling websites.

Day	Means a school day unless the context requires otherwise.
Deadnaming	When someone refers to a person who is transgender or gender-expansive by a name other than their own chosen name.
Discrimination	Denying a person the benefit of any education program activity on the basis of race, sex, color, age, religion, sexual orientation, gender identity, national origin, genetic information, pregnancy status, childbirth or related medical condition, marital status, veteran status, and disability violation of applicable law.
Discriminatory Harassment	<p>Verbal, electronic, or physical action that denigrates or shows hostility toward an individual because of their age, race, color, religion, national origin, marital status, disability, or any other legally protected class. Such harassment may create an intimidating, hostile, or offensive student environment.</p> <p>Discriminatory harassment is unwanted conduct toward an individual based on their actual or perceived age, race, color, sex, gender identity, sexual orientation, religion, national origin, marital status, disability, or any other legally protected class. The conduct must be sufficiently severe such that it creates a hostile educational environment, meaning it denies or limits a student's ability to participate in or benefit from education programs and activities. Discriminatory harassment may be expressed in various ways, including through physical actions or through verbal, nonverbal, electronic, or written communications. Discriminatory harassment may include conduct such as epithets, various slurs such as racial, deadnaming and misgendering, negative stereotyping, jokes, written, printed, or graphic material that contains offensive, demeaning, or degrading images or comments.</p>
Disruption	Disruption of the educational process means the interruption of classwork, the creation of disorder, or the invasion of the rights of a student group or group of students.
Distracting	Distracting means any behavior that results in unwanted noise, conversation, or acts.

Distributing or Distribution	Includes, without limitation, giving, sharing, or selling, or intending or attempting to do so, as well as facilitating any of the above.
Division Superintendent	The Division Superintendent or assigned designee (that is, regional assistant superintendent, hearing officer, or assistant superintendent or any other administrative staff member authorized to act in that capacity).
Drug Paraphernalia	All equipment, products, and materials of any kind that are either designed for use or that are intended by the person charged for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. ( <a href="#">Code of Virginia, Section 18.2-265.1</a> )
Exigent	Requiring immediate attention or action.
Expulsion	Any disciplinary action imposed by a school board or a committee thereof, as provided in school 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.
Faith-based Discrimination (religious discrimination)	Treating individuals differently because of their religious beliefs and practices, and/or their request for accommodations of their religious beliefs and practices. It also includes treating individuals differently because of their lack of religious beliefs or practices.
Frequency	The rate at which something occurs or is repeated over a particular period of time or in a given sample
Functional Behavioral Assessment	Conducted by a team in order to develop a hypothesis about the function of the problem behavior when a student behaves in a way that significantly interferes with the student's learning and/or the learning of others. This leads to the development of a Behavioral Intervention Plan (BIP).
Gang	A group of two or more persons, whether formal or informal, and however identified, which individually or collectively engage in activities that are illegal, destructive, disruptive, or intimidating. Such does include, but is not limited to, a criminal street gang. The group may, but need not necessarily, have an identifiable name, sign, symbol, or colors.

Hate Speech	Any form of expression intended to humiliate or incite hatred against a group or class of persons based upon their actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability.
Hazing	Recklessly or intentionally endangering the health or safety of a student or inflicting bodily injury on a student in connection with or for the purpose of initiation, admission into, or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student so endangered or injured participated voluntarily in the relevant activity. The Code of Virginia prohibits hazing and imposes criminal penalties. ( <a href="#">Code of Virginia, Section 18.2-56</a> )
Hearings Office	The Hearings Office conducts discipline hearings and determines outcomes on behalf of the Division Superintendent; makes discipline recommendations to the School Board and represents the Division Superintendent at School Board hearings' maintains records and statistics related to expulsion, exclusion, and reassignment recommendations and outcomes; decides suspension appeals; provides resource assistance and training to school-based and central office administrators; and conducts employee grievance hearings on behalf of the Division Superintendent.
Imitation Controlled Substance	A drug or substance in which the substance or container bears the name, markings, or likeness to, or is represented to be, a controlled substance (including a prescription drug).
Imitation Marijuana	A substance which bears a likeness to or is represented to be marijuana.
Inhalant	Any substance that gives off vapors or fumes and that is inhaled for a high.
Intensity	The strength of the behavior, such as an impulse or emotion
Letter of Agreement	A written agreement which may be offered by the Division Superintendent's hearing officer to a student whom the hearing officer is recommending for expulsion. If the agreement is signed by the student's <a href="#">parent/guardian</a> and accepted by a School Board committee, the student is assigned to an alternative education program during the term of the expulsion, and the student's case is concluded without a further hearing.

Lewd	Showing or intended to incite in an offensive way.
Libel	Any false and harmful written or printed statement designed to expose a person to public ridicule or hatred and would injure a person's reputation in any way; anything that gives an unflattering or damaging picture of someone.
Libelous	Writing or publishing libel.
Long-Term Suspension	Disciplinary action that denies school attendance for 11-45 school days, unless misconduct involves: (i) possession or use of a statutory weapon [as defined in chapter II.A.5.a.] or illegal drugs [as defined in chapter II.A.3.d.]; (ii) serious bodily injury, or (iii) aggravating circumstances. Where a determination of (i), (ii), or (iii) is made, the long-term suspension may extend beyond 45 school days, but shall not exceed 364 calendar days.
Malicious	Characterized by malice; intending or intended to do harm.
Manifestation Determination Review (MDR)	A process for determining whether a behavior was caused by, had a substantial relationship to a student's disability, or was the direct result of the failure to implement the IEP.
Marijuana	Any part of the cannabis plant, whether growing or not, its seeds, resin or residue, or any extract and any of its various forms, other than THC-A oil or cannabidiol oil provided that a written certification for use was issued by a licensed practitioner in accordance with the Code of Virginia.
Marijuana, synthetic	A substance which is a controlled substance. On occasion, this substance is referred to as "Spice; K-2; or JWH-018." For the purposes of the SR&R, the term synthetic marijuana also includes any substances which bears a likeness to, or is represented to be, cannabimimetic agents or synthetic marijuana.
Meditate	To think deeply and continuously; reflect.
Misgendering	The act of labelling others with a gender that does not match their gender identity.
Nonprescription (Over-the-Counter Drug)	Any drug that can be obtained legally without a doctor's prescription.
Obscene	Words or pictures that are offensive, rude, shocking.

Outing	The act of disclosing an LGBTQIA+ person's sexual orientation or gender identity without the person's consent.
Parents/guardians	"Parent/guardian" means any parent, guardian, legal custodian, or other person having control or charge of a child.
Plagiarize	To steal and pass off the ideas or words of another as one's own; use without crediting the source.
Possession	The actual or constructive possession of a specific object or substance. Such possession may be sole, joint, or collective.
Prescription Drug	Any medication that requires a doctor's prescription.
Principal	The principal, any assistant principal, or, in their absence, the designated teacher in charge.
Privacy	Keeping information about a person that can be used to identify the person because it is unique (e.g., full name, address, etc.) out of the public domain.
Profanity	The use of swear words.
Reassignment	The disciplinary decision that requires a student to attend another school or an alternative education program, or both, pursuant to Virginia Code 22.1-277
Recitation	The act or an instance of reading or repeating aloud.
Records review	A meeting conducted by the regional assistant superintendent at the request of the principal, to which the parent/guardian and student are invited to participate, for the purpose of reviewing the student's disciplinary record and interventions to date in order to further address the student's conduct issues.
Redaction	The act of selecting or adapting (as by obscuring or removing sensitive information) for publication or release.
Referral to the Division Superintendent	Referral to the Division Superintendent means a decision which is made by the principal in order for there to be consideration of student disciplinary action greater than a <a href="#">short-term suspension</a> . Where the principal makes such a referral, the Division Superintendent will conduct a hearing to determine based on the facts whether additional disciplinary consequences (to include one or more of the following: a <a href="#">long-term suspension</a> , a reassignment, or a recommendation to the School Board for expulsion) are appropriate in accordance with this SR&R. In conducting this hearing, the Division Superintendent also will determine whether the

short-term suspension imposed by the principal is warranted. When making a referral to the Division Superintendent, the principal may choose to recommend a specific disciplinary action, provided, however, that whether or not the principal recommends a specific disciplinary action, the Division Superintendent has authority to take one or more of the following actions in accordance with the SR&R: determine that no disciplinary action is warranted, confirm a short-term suspension, impose a long-term suspension, effect a reassignment, and forward a recommendation to the School Board for expulsion.

Restorative Justice Conference

A restorative justice conference brings together the people most affected by wrongdoing to discuss the incident, understand who has been harmed, and to decide how the harm should be repaired. The harmed persons and school community are given a voice in the discipline process and resolution of the incident. The offending student is responsible for repairing the harm to the extent possible.

School Board

The Fairfax County School Board or a designated committee thereof.

School Day

Any day school is in session.

School Property

Any property owned, leased, or used by the School Board, including any vehicle operated by or on behalf of the School Board, such as school buses, cars, and vans.

School Resource Officer (SRO)

A certified law enforcement officer hired by the Fairfax County Police Department or other local police department to provide law-enforcement and security services to FCPS schools. Pursuant to the Code of Virginia, an SRO is to help (i) ensure safety and (ii) prevent truancy and violence in the schools.

Sexual Misconduct

Misconduct that includes unwelcome sexual advances, regardless of sexual orientation; requests for sexual favors; and other inappropriate verbal, electronic, or physical conduct of a sexual nature but that is not within the scope of "sexual harassment" as defined by [Regulation 2118](#).

Short-Term Suspension

Disciplinary action that denies school attendance for a period not to exceed ten days (up to 3 school days for grades K-3 unless specified misconduct has occurred. Up to 5 school days for grades 4-12, unless accompanied by a referral to the Division Superintendent.

Slander	The utterance of false charges or misrepresentation in the presence of another person which defame and damage another's reputation.
Slanderous	To utter slander against.
Statutory	Fixed by law.
Stigmatize	To characterize or mark as disgraceful.
Stigmatization	The act of being stigmatized.
Student Activities	These include extracurricular activities, co-curricular requirements, and athletics. Students participating in athletics, performing arts, clubs, competitions, practices, and any other activity that provides opportunities for participation outside of normal school hours, in addition to any student who is a spectator or audience members at a school sponsored activity are included in this definition.
Substantial Disruption	Includes any incident that generates a considerable negative impact on normal school operations, or results in a significant impact to students, the parent/guardian, and/or staff, such as using prohibited substances in a large group setting at school; requiring a response that disrupts school operations such as the need for emergency medical services; or creating a situation where the parent/guardian is compelled to keep their children out of school, or where groups of students are unable to focus on learning due to a specific incident.
Threat	An expression of intent to harm someone that may be spoken, written, or gestured. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to an actual or prospective victim and regardless of whether the actual or prospective victim is aware of the threat existing in any fashion, whether orally, visually, in writing, or electronically.
Threat Assessment	A structured process to evaluate the seriousness of a student's threat, support any victims or potential victims, and take preventive or corrective measures to maintain safety.
Title IX Definitions	Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:  <ol style="list-style-type: none"><li>1. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a student equal access to an FCPS education program or activity; or</li></ol>

2. Dating violence, domestic violence, [sexual assault](#) (including rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape) or [stalking](#) (see below)

Dating violence

Violence committed by a student-

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  1. The length of the relationship.
  2. The type of relationship.
  3. The frequency of interaction between the students involved in the relationship.

Domestic violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Sexual Assault

- A. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent;
- B. Rape; carnal knowledge of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- C. Sodomy; oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their



temporary or permanent mental or physical incapacity;

- D. [Sexual Assault](#) With An Object; use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental or physical incapacity;
- E. Fondling; the intentional touch of the private body parts (groin, breast, buttocks) under the clothing of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of age, or due to temporary or permanent mental or physical incapacity;
- F. Incest; non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- G. Statutory rape; non-forcible sexual intercourse with a person who is under the statutory age of consent.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

- 1. fear for their safety or the safety of others; or
- 2. suffer substantial emotional distress.

Vaping

The act of inhaling and exhaling an aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device such as e-hookahs, mods, Juul pens, or vape pens.

Vulgar

Lack of culture, refinement, taste. Coarse or crude.

Weapon

Any item so defined in the text of this regulation. For the purpose of the Gun-Free Schools Act, nothing herein shall be construed to prohibit possession of a weapon under circumstances that are expressly permitted by the Code of Virginia.

[18.2-371.2](#), [18.2-372](#), [18.2-390](#), [18.2-391](#), [18.2-433.1](#), [22.1-1](#), [22.1-78](#), [22.1-254](#), [22.1-254.1](#), [22.1-258](#), [22.1-276.2](#), [22.1-277](#), [22.1-277.06](#), [22.1-277.07](#), [22.1-277.07:1](#), [22.1-279.3](#), [22.1-279.3:1](#), [22.1-279.6](#), [22.1-280.4](#), [54.1-3400](#), [54.1-3408.3](#)

Virginia Administrative Code, [8VAC20-81-160](#)

See also the current versions of:

<a href="#">Policy 1352</a>	<a href="#">Pledge of Allegiance to the Flag</a>
<a href="#">Policy 1365</a>	<a href="#">Distribution of Materials</a>
<a href="#">Policy 1450</a>	<a href="#">Nondiscrimination</a>
<a href="#">Policy 2601</a>	<a href="#">Rights and Responsibilities of Students</a>
<a href="#">Policy 2611</a>	<a href="#">Procedures for Hearings and Appeals to School Board</a>
<a href="#">Policy 2613</a>	<a href="#">Student Dress Code</a>
<a href="#">Policy 2701</a>	<a href="#">Student Personal Data</a>
<a href="#">Regulation 1367</a>	<a href="#">Distribution of Fliers or Other Informational Materials, Nonprofit Organizations' Access, and Procedures for Contests and Competitions</a>
<a href="#">Regulation 2102</a>	<a href="#">First Aid, Emergency Treatment, and Administration of Medications for Students</a>
<a href="#">Regulation 2111</a>	<a href="#">Procedures for Conducting a Threat Assessment</a>
<a href="#">Regulation 2118</a>	<a href="#">Title IX: Sexual Harassment by Students</a>
<a href="#">Regulation 2150</a>	<a href="#">Prevention of Alcohol and Other Drug Use by Students</a>
<a href="#">Regulation 2152</a>	<a href="#">Tobacco and Smoking Device Violations by Students</a>
<a href="#">Regulation 2234</a>	<a href="#">Student Absences and Attendance Regulations</a>
<a href="#">Regulation 2602</a>	<a href="#">Rules of Conduct and Disciplinary Procedures</a>
<a href="#">Regulation 2603</a>	<a href="#">Gender-Expansive and Transgender Students</a>
<a href="#">Regulation 2604</a>	<a href="#">Rights of Adult Students</a>
<a href="#">Regulation 2606</a>	<a href="#">Teacher Removal of Students From Classes</a>
<a href="#">Regulation 2612</a>	<a href="#">Regulations and Procedures Governing Freedom of Expression by Students</a>
<a href="#">Regulation 2613</a>	<a href="#">Student Dress Code</a>

<a href="#"><u>Regulation 2616</u></a>	<a href="#"><u>Questioning of Students by Police</u></a>
<a href="#"><u>Regulation 2701</u></a>	<a href="#"><u>Student Personal Data</u></a>
<a href="#"><u>Regulation 4411</u></a>	<a href="#"><u>Procedures for Responding to Student Threat or Physical Assault Against a Fairfax County Public Schools (FCPS) Employee</u></a>
<a href="#"><u>Regulation 4952</u></a>	<a href="#"><u>Investigation of Complaints of Discrimination or Harassment Based on Race, Sex, Color, Religion, National Origin, Age, or Disability</u></a>
<a href="#"><u>Regulation 5810</u></a>	<a href="#"><u>School Activity Funds Management</u></a>
<a href="#"><u>Regulation 6410</u></a>	<a href="#"><u>Appropriate Use of Fairfax County Public Schools' Network and Internet Resources</u></a>
<a href="#"><u>Regulation 8617</u></a>	<a href="#"><u>Student Transportation—Eligibility, Routes, and Schedules</u></a>
Websites	<a href="https://www.fcps.edu/about-fcps/policies-regulations-and-notice"><u>https://www.fcps.edu/about-fcps/policies-regulations-and-notice</u></a>
	<a href="https://www.fcps.edu/node/36886"><u>https://www.fcps.edu/node/36886</u></a>
	<a href="https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program"><u>https://www.fcps.edu/academics/academic-overview/nontraditional-schools-program</u></a>
	<a href="https://www.fcps.edu/sites/default/files/media/forms/se4.pdf"><u>https://www.fcps.edu/sites/default/files/media/forms/se4.pdf</u></a>
Forms	SS/SE-227, Nontraditional School Programs Elective Placement Referral Form

**Attention Parents!**  
**View more information about Student Rights and  
Responsibilities online at [www.fcps.edu/srr](http://www.fcps.edu/srr)**

The Office of the Ombuds is available to talk with parents and students as a confidential, informal, independent, and impartial resource. If you need additional help navigating the school system, contact the Office of the Ombuds at 571-423-4014 or [ombudsman@fcps.edu](mailto:ombudsman@fcps.edu).

Title IX complaints may be presented to the Title IX coordinator

571-423-3070

8115 Gatehouse Road, Falls Church, Virginia 22042

For Deaf and Hard of Hearing - Dial 711 for access to Telecommunication Relay Services (TRS)

Please contact the following for information regarding matters relating to Section 504 of the Rehabilitation Act of 1973 and equal access to FCPS facilities:

Section 504:

571-423-1304

8270 Willow Oaks Corporate Drive, Fairfax, VA 22031

Dial 711 for access to Telecommunication Relay Services (TRS)

Due Process and Eligibility:

571-423-4470

8270 Willow Oaks Corporate Drive, Fairfax, VA 22031

Dial 711 for access to Telecommunication Relay Services (TRS)

Facilities:

Design and Construction Services

571-423-2280

8115 Gatehouse Road, Suite 3500, Falls Church, VA 22042

Dial 711 for access to Telecommunication Relay Services (TRS)

**Fairfax County Public Schools**  
Fairfax, Virginia

**Chief Equity Office**  
Equity and Student Conduct

**571-423-1160**  
**SRR@fcps.edu**

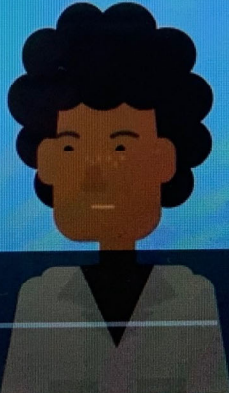
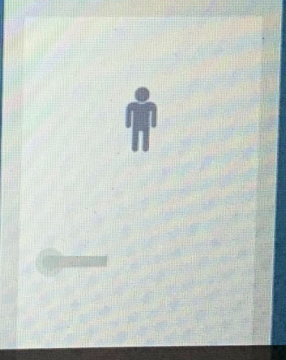
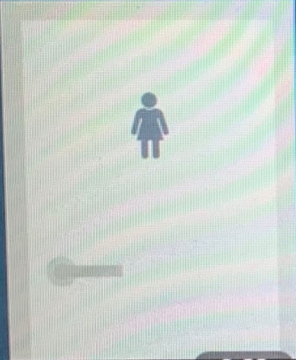
**[www.fcps.edu](http://www.fcps.edu)**



## Exhibit 6

# Student Rights Video - Secondary

The right to access restroom and locker room facilities and other non-stigmatizing accommodations that are consistent with your gender identity, faith, and for any other reasons.



0:30 0:57 -1:24 1x CC [Full Screen] [Volume]

## Exhibit 7



**Fairfax County Public Schools**

**Student Rights and Responsibilities Test:**

Grades 7-12 (2023-24)

1. Students who comply with all the rules and regulations will have an opportunity to participate in school-sponsored activities.

A. True

B. False

2. A student has the right to talk with school personnel about anything they believe is unfair.

A. True

B. False

3. Students have the right to expect courtesy, fairness, and respect from school staff members and other students.

A. True

B. False

4. A student can be disciplined by school officials for sending a text message with answers to tests or for taking pictures of test questions.

A. True

B. False

5. A student using or possessing a vaping product or smoking device (e-cigarette, vaping device, or Hookah pen) will face disciplinary action.

A. True

B. False

6. A student who wears a studded belt or belt with spikes to school is violating one the rules listed in the SR&R.

A. True

B. False

7. School officials can search a student's backpack without the student's permission if they have reason to believe the backpack contains illegal substances.

A True

B False

8. A student who leaves school grounds without permission during the school day, and who later returns to school, can be searched by school officials.

A. True

B. False

9. Being under the influence of alcohol at a school-sponsored event (such as a school dance) results in the same consequences as being under the influence of alcohol at school during the school day.

A. True

B. False

10. Fighting at a school bus stop will result in less consequences than fighting at school.

A. True

B. False

11. A student who threatens, intimidates, or bullies a student who is traveling to or from school can be disciplined by school officials.

A. True

B. False

12. A student has the right to be called by their chosen name and pronoun.

A. True

B. False

13. A student can possess an air-powered BB gun or pellet gun at school, as long as it is not loaded.

A. True

B. False

14. A student who gives over-the-counter drugs, such as cold medicine, to a friend during class cannot be punished by school officials.

A. True

B. False

15. A student who brings powdered sugar to school and tells others it is an illegal drug may be suspended and may be referred to the Division Superintendent.

A. True

B. False

16. A student who shares his or her prescription drugs at school will be referred to the Division Superintendent.

A. True

B. False

17. A student who invites a friend to join a gang during school cannot be punished unless the gang initiation also takes place at school.

A. True

B. False

18. A student who temporarily "holds" illegal drugs for a friend at school will face disciplinary action.

A. True

B. False

19. A student whose vehicle contains weapons or illegal drugs and is parked on school property will not be disciplined for possession of weapons or illegal drugs as long as the vehicle is not accessed during the school day.

A. True

B. False

20. Possession of marijuana is not allowed on school grounds or at any school sponsored activity.

A. True

B. False

21. If a student uses an object to threaten or harm another person at school, the student will be referred to the District Superintendent.

A. True

B. False

22. A student cannot harass or pick on another student based on that student's race or religion.

A. True

B. False

23. Making sexual comments toward another student or asking for sexual favors is not acceptable and students should report this to school staff members.

A. True

B. False

24. Taking nude or sexually suggestive pictures and sending them via the Internet can result in criminal charges.

A. True

B. False

25. A student who touches another student intentionally in his or her private areas (whether-or-not consensually) will face disciplinary action.

A. True

B. False

26. Failing to adhere to social media standards can lead to consequences under the SR&R.

A. True

B. False

27. Cell phones or devices connected to cell phones are not allowed in restrooms or locker rooms.

A. True

B. False

## Exhibit 8

First Name \*

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Preferred Name and pronouns \*

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What period do you have math? \*

1st period

2nd period

3rd period



## Exhibit 9

Getting to Know You form

Name you want me to call you in class \*

Your answer \_\_\_\_\_

Who can I use this name around? \*

	Yes	No
May I use this name in front of other students?	<input type="radio"/>	<input type="radio"/>
May I use this name when I contact caregivers?	<input type="radio"/>	<input type="radio"/>
May I use this name with other teachers, including substitutes?	<input type="radio"/>	<input type="radio"/>

If you answered NO to any of the above, which name should I use instead?

Your answer \_\_\_\_\_

What pronouns do you use? \*

- She/her
- He/him
- They/them
- Other: \_\_\_\_\_

Who can I use these pronouns around? \*

	Yes	No
May I use this pronoun in front of other students?	<input type="radio"/>	<input type="radio"/>
May I use this pronoun when I contact caregivers?	<input type="radio"/>	<input type="radio"/>
May I use this pronoun with other teachers, including substitutes?	<input type="radio"/>	<input type="radio"/>

If you answered NO to any of the above, which pronoun should I use instead?

