



*Essex County Public Schools*

***CODE OF STUDENT  
CONDUCT  
2022-2023***

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*Superintendent's Message for the Code of Conduct  
School Year: 2022-2023*

*Greetings ECPS Family...let's get excited about the 2022-23 school year! This Code of Conduct has been developed to provide guidance, direction and support to our students to ensure they become successful, responsible, and contributing members of society. We have sought to provide written guidance within this publication for careful understanding of behavioral expectations, and to instill a sense of self-governance that each individual should possess to successfully navigate life.*

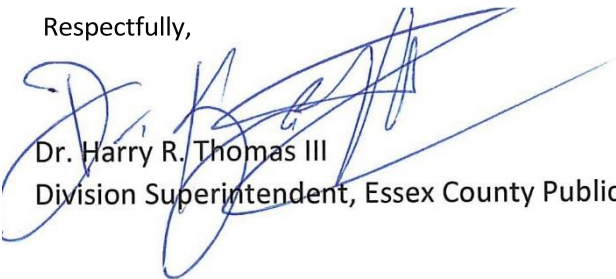
*As students transition out of high school, they will be expected to be familiar with societal norms, rules and laws. For example, this Code of Conduct has been arranged to prepare our students for such life expectations by exposing them to guidelines concerning conduct, dress, and a sense of one's rights and responsibilities. Now, let's review some initial expectations pertaining to this guide.*

*It is expected that students and parents become familiar with the contents of this publication and to seek clarification and understanding if questions or concerns arise following its review. A copy of this handbook will be provided to all students from across the school division. Distribution of this content will primarily be offered in digital form. However, a select number of paper copies will be provided, and will be shared upon request. Additionally, for access to this document later into the school year, be advised that a version of this publication may be accessed on the school division's website.*

*Last school year, the School Board acted on two key issues pertaining to student behavior and academic expectations. First, the School Board asked that schools take a more assertive position on student usage of cell phones in order to minimize the disruptions, associated with their use in school. Secondly, members of the Board have required higher academic standards as a condition of eligibility and participation in Virginia High School League athletics. Please inquire with the administrative staff at your child's school for additional details about changes being enacted for the 2022-23 school year.*

*We enthusiastically await the arrival of your student back onto our campuses. In many ways, our children have met and are meeting the high academic and behavioral standards that we are including into our practices. High engagement in our academics, coupled with adherence to our Code of Conduct, will notably heighten your child's likelihood of attaining his/her post- secondary goals, dreams and aspirations.*

Respectfully,



Dr. Harry R. Thomas III  
Division Superintendent, Essex County Public School

# Preface

The purpose of this publication is to provide students, parents, school personnel, and the public with a concise and comprehensive description of the minimum standards of behavior for all students enrolled in the public schools of Essex County. It defines appropriate student conduct and presents a menu of alternative interventions and responses to be employed by teachers and/or school administrators to address individuals who exhibit inappropriate behavior. Emphasis is placed upon behavioral expectations of Essex students in clear and consistent language for common understanding and support in meeting the expectations.

## Authority of School Officials Over Students

In accordance with Section 22.1-78 of the Code of Virginia, the power of school authorities is not limited to violations occurring on school property during school hours. This *Code of Student Conduct* applies to all Essex County Public School students when they are:

- On school property.
- On their way to, and returning from school.
- On their way to, returning from or at school bus stops.
- In School Board vehicles.
- In attendance at school or at any school-sponsored activity.

In addition, this *Code* applies to incidents off school. When certain off-campus conduct of students detrimentally affects other students, school personnel and/or interferes with the orderly operation of the school system or the safety or welfare of students, employees, or volunteers, such conduct may be subject to discipline.

Students who observe or are subjected to inappropriate actions as described in this *Code* are expected to report such incidents to their school administration. In addition, all students must report to a school staff member any information concerning threats or disruptions involving the safety of students, staff, or the school environment.

The School Board of Essex County, Virginia, complies with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Improvement Act of 1990, and the Individuals with Disabilities Education Act. The School Board does not discriminate on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in any of its programs and activities. The Superintendent of Schools, his/her designee, or the Director of Special Education and Student Services are responsible for the coordination of compliance with these provisions.

This *Code of Student Conduct* specifically outlines fifteen major categories of behavior and states consequences that may occur as a result of misconduct. The following factors are used in determining the consequences for a specific violation of the *Code*:

- Age, health, and disability or special education status of the student;
- Appropriateness of student's academic placement;
- Student's prior conduct and record of behavior;
- Student's understanding of the impact of his/her behavior and attitude;
- Student's willingness to repair the harm caused by his/her behavior;
- Seriousness of the behavior offense and the degree of harm caused;
- Impact of the incident on overall school community;
- Whether the student's violation threatened the safety of any student or staff member; and
- The possibility that a lesser intervention would adequately address the violation.

When enforcing this *Code*, students and their property, including but not limited to, backpacks, purses, other containers, automobiles, lockers, desks, computers, and electronic devices may be searched. Metal detectors, surveillance cameras, and detection dogs may be used on school property and at school-sponsored activities in order to maintain a safe and productive learning environment.

## Cellular Phones and Electronic Devices

ECPS recognizes that student access to cell phones and other electronic devices is common in 21st Century society; however, it is imperative that students and parents understand that there are appropriate and inappropriate times for the use of such devices. Students using cell phones or other electronic devices to record anything or anyone without authorization on school property or at school events is strictly prohibited.

While on school property, at any school-related activity, students shall neither take nor display video or still images of a person who is undressed or partially dressed. The possession of such devices by students on school grounds is a privilege, not a right and any student bringing such devices on school property consents to these rules. Additional sanction may be the confiscation of the electronic device and returned only to the parent of student. Pagers, laser pointers, and other electronic equipment and/or devices are strictly prohibited at any school-sponsored activity. Electronic recording devices are prohibited unless approved by the administration. Violation will result in confiscation of the item and possible disciplinary action.

Failure to adhere to this policy will result in a minimum consequence of the device being confiscated and used as evidence. Other consequences may apply pending the investigation as to the intent and reason for the willful disregard of the *Code of Student Conduct*.

**By administrative discretion, cell phones or electronic devices may be returned to the student after the first incident. Any additional incidents with the cell phone or electronic devices will require the parents to retrieve those devices at the end of the school day.** Teachers who confiscate devices must store the device in a safe place until the first available opportunity to give it to an administrator for safe keeping and documentation. Confiscated devices can be retrieved during normal school office hours as designated by school staff.

### Use of Cellular Phones or other Electronic Devices during Assessments

Test administration procedures are developed in order to help reduce measurement error and to increase the likelihood of fair, valid, and reliable assessments. Procedures that protect the security of the assessment help to maintain the meaning and integrity of the score scale for all students; therefore:

- Any student using an unauthorized electronic device during testing shall be deemed to have violated the Test Administration Procedures. For the purpose of this policy, “use” shall be defined as having any electronic device out and/or in sight, whether on or off (including asleep), without direct authorization from the classroom instructor.
- Any student found in breach of the Test Administration Procedures, by using an unauthorized electronic device, shall receive a zero on the assessment. Furthermore, the device in use shall be confiscated and turned in to the student’s grade level administrator with a written referral, in accordance with the *Code of Student Conduct*.

## All Schools

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In accordance with Essex County Public School's *Code of Student Conduct* policy, the school division will strictly enforce the ban on student cell phone usage. The use of electronic devices and cellular phones during the instructional day is prohibited. All devices must be turned off, stowed away and not visible during **scheduled class time, instructional time, and in the hallway**. This will be done to ensure a learning environment free of unnecessary disruption.

The powers on these devices must be turned off prior to entering the school. Leaving the device on "vibrate", "silence" or "ringer off" is not acceptable.

When students are attending instructionally related after-school activities (tutoring, homework help, make-up work, etc.) cell phones and electronic devices should not be used. When students are released from these sessions, cell phone and electronic device usage is allowed.

Cell phones and electronic devices may be used when students are attending non-instructional after-school events/activities as long as the cellular phone or electronic device is not creating a problem or distraction.

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Failure to comply with the policy mentioned above will result in the following actions:

<b>Recommended Consequences</b>	
<b>First Offense</b>	Confiscation of phone, parent contacted, verbal warning, and phone returned to student
<b>Second Offense</b>	Confiscation of phone, parent contacted by administrator, parent must retrieve the phone, parent and student conference.
<b>Third Offense</b>	The student will receive either in-school suspension. Confiscation of phone, parent contact, and a disciplinary infraction entry will be placed into the student's conduct record.
<b>Fourth Offense</b>	The student <i>may</i> be suspended out-of-school for one (1) day for insubordination. In addition, the student shall be banned from possessing a cell phone or electronic device at school for the remainder of the school year.



## Dress Code

All students who attend Essex County Public Schools are expected to dress appropriately for a K-12 educational environment. While most students dress properly and safely for school, the School Board and school staff rely on students and parents to exercise judgment in promoting modesty, decency, and a sense of decorum so as not to disrupt the learning environment. This policy is intended to constitute the minimum expectation for student attire throughout the school division. However, individual schools may adopt more restrictive or additional expectations.

Students are expected to dress in a manner consistent with recognition that they have and the responsibility to help foster a learning environment promoting health and safety, respect, pride, cohesiveness, as well as, a positive regard for discipline and authority. The dress of students reflects the general climate of a school. **Any clothing that interferes with or disrupts the educational environment is prohibited.** The dress code will be enforced in a gender-neutral manner, and in a manner that respects students' religious and ethnically specific or significant head coverings or hairstyles. No employee may enforce the dress code by direct physical contact with a student or a student's attire or require a student to undress in front of any other individual, including the enforcing school board employee, to comply with this dress code.

The administration of every school has the authority to notify students and parents of modifications to the dress code for spirit days and other school celebrations, as particular items pose a disruption, or as other circumstances warrant.

Students may not wear the following items unless otherwise stated:

- Clothing that is offensive, lewd, vulgar, obscene, or profane.
- Messages on clothing, chains, jewelry, and personal belongings that pertain to drugs, alcohol, tobacco, sex, gangs, vulgarity, or that could cause a substantial disruption to the learning environment.
- Bandannas may not be worn anywhere on one's person. Students may not wear the following items unless otherwise stated: Hoods (on heads), hats, caps, bandannas, scarves, nets, wraps, hair rollers, or face masks (that covers more than the mouth and nose) inside school buildings, during regular school hours, unless worn for religious or medical reasons or approved in writing in advance by the building principal. Medical reasons must include a doctor's note. However, any student may wear religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows.
- Tube tops, halter tops, tank tops, backless blouses or blouses with only ties in the back; any backless top or shirt that exposes any part of the midriff or back.
- Mesh type or see-through apparel.
- Apparel that does not cover all under-garments.
- Tops that have revealing necklines.
- Tops with spaghetti straps. Straps must be a minimum of two inches wide.
- Dresses, skirts, shorts, athletic shorts, and other similar clothing shorter than 3 inches above the knee.
- Legging, tights, or similar apparel as an outer garment, unless they are covered on the *person's backside and front side by another garment.*
- Slits and/or cutout areas on skirts, shorts, or pants that have cutout areas 3 inches above the knee, unless accompanied by an article of clothing such as leggings, shorts, etc. No skin should be shown 3 inches above the knee.
- Cut-off jeans, cut-off sweat pants, or torn, ripped, or slashed clothing that reveals undergarments or body parts as excluded by other parts of this code.
- Clothing that exposes cleavage, private parts, the midriff, or undergarments.
- Sagging or low-cut pants. Baggy pants or shorts must be worn at or above the natural waistline.

- Bedroom slippers or shoes with wheels, also known as “Heelys.”
- Pajamas.
- Fish hooks, chains, studded collars or bracelets, and wallet chains.
- Shirts, towels or other clothing garment worn on shoulders or around the neck. *(This excludes gym or athletic contests.)*
- No blankets or pillows should be brought to school by students. No students will be allowed to walk around with blankets or pillows.
- Hats, visors, sunglasses (unless prescribed by a physician).
- Headphones worn around the neck or on the head while in school, unless permitted by an administrator at certain times.
- Bulletproof vest.

Students **may not**:

- Drape towels, shirts, or shorts around the neck.
- Wear rolled-down waistbands on shorts, pants, and skirts.
- Wear clothing in any manner that reveals undergarments at any time.
- Wear sleeveless athletic jerseys of any kind without wearing a t-shirt beneath the jersey.

	<b>Recommended Consequences</b>	
	<b>Elementary</b>	<b>Secondary</b>
<b>First Offense</b>	<ul style="list-style-type: none"> <li>• Parents of students who violate the dress code will be contacted to provide appropriate clothing, if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Warning with Opportunity to Change Clothes to Correct Dress Code Violation</li> <li>• Parent Notification</li> </ul>
<b>Second Offense</b>	<ul style="list-style-type: none"> <li>• Parents of students who violate the dress code will be contacted to provide appropriate clothing for their children, if necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Parent Notification</li> <li>• 1 day In-School Suspension at Administrator Discretion.</li> </ul>
<b>Subsequent Offenses</b>		<ul style="list-style-type: none"> <li>• Continued infractions will result in additional consequences as defined by the Administrator.</li> <li>• Repeated offenses will lead to insubordination violations.</li> </ul>

## Student Behavior and Administrative Response (SBAR)

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The following behavior categories are designed to recognize the impact student behavior has on the school environment and on learning. They encourage awareness for administrators, teachers, parents, and counselors of students' social-emotional learning and emphasize the importance of helping students achieve academically and develop Social Emotional Learning (*SEL*) competencies.

<b>Behaviors that impede Academic Progress (BAP)</b>	These behaviors impede academic progress of the student or of other students. They are typically indicative of the student's lack of self-control or self-awareness. The student may need help in understanding how the behavior impacts others, so training in social awareness may also be indicated.
<b>Behaviors related to School Operations (BSO)</b>	These behaviors interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social-awareness skills.
<b>Relationship Behaviors (RB)</b>	These behaviors create a negative relationship between two (2) or more people that does not result in physical harm. Students who exhibit difficulty with relationship behaviors may also have difficulty with the other social-emotional competencies.
<b>Behaviors that present a Safety Concern (BSC)</b>	These behaviors create unsafe conditions for students, staff, and/or visitors to the school. The underlying reasons for this type of behavior may lie in any of the social-emotional competencies, so the administrator should investigate the underlying motivation for the student's behavior.
<b>Behaviors that Endanger Self or Others (BESO)</b>	These behaviors endanger the health, safety, and/or welfare of either the student or others in the school community. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies.
<b>Persistently Dangerous (PD)</b>	Behaviors described in the Virginia's Unsafe School Choice Option Policy (PD) required by the federal <i>Every Student Succeeds Act of 2015</i> .

**The categories are a means to sorting behaviors in order to apply leveled administrative responses to student behaviors.**

## **Leveled Systems of Disciplinary Responses and Instructional Interventions**

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In an effective approach to intervention and discipline, when students do not meet behavioral expectations, they receive supports to address the root causes of the behavior and learn appropriate alternatives. When a specific student behavior does not change following an intervention - or the behavior increases in frequency, intensity, or duration - a problem solving approach is used to identify alternative interventions and responses. All stages of a system of intervention should include opportunities for learning acceptable replacement behaviors within the school and community and access to interventions to address the underlying causes of behavior.

Delivering disciplinary responses to unwanted behaviors is often a needed but never sufficient strategy for reducing inappropriate behavior. Therefore, leveled systems of disciplinary responses should always be only one part of more comprehensive policy around behavior that includes instructional, preventive, and proactive strategies as described earlier in this document.

The delivery of disciplinary responses should only serve four (4) key functions:

- preventing a negative behavior from being rewarded;
- preventing a problem behavior from escalating;
- preventing a problem behavior from significantly interrupting instruction;
- preventing physical and/or social emotional harm to others.

## **Levels of Interventions and Responses**

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Administrators and leadership teams should engage in a data driven decision-making process to determine appropriate responses for behaviors at all levels. Disciplinary actions should always be addressed with instruction and intervention. Instruction should focus on helping students develop social-emotional competencies needed to change the unwanted behavior.

In addition, these interventions aim to teach appropriate and alternative behavior, so students can learn and demonstrate safe and respectful behavior. The examples below are neither all-inclusive nor required to be exhausted. All referrals to an administrator should include communication with the family. Family involvement is critical to addressing unwanted student behavior.

## Classroom-based Instruction, Intervention, Responses, and Management

Discipline is the initial responsibility of the teacher. Prior to administrative involvement in student behavior issues, teachers support students in acquiring the behaviors expected in the school environment. Teachers may employ a variety of instructional and proactive actions to address behaviors in an attempt to minimize the impact, prevent future behaviors, and keep students in school. Teachers have the authority to remove a student from a class for disruptive behavior (§ 22.1-276.2.). Depending upon the setting and context, teachers have discretion to exercise a variety of classroom-based responses including but not limited to:

- Develop, teach, and maintain clearly defined classroom expectations
- Restructure, revise classroom practices based on student needs
- Adjust pacing of instruction
- Recognize and reward appropriate behavior
- Reteach expectations or desired behaviors
- Use verbal and visual cues
- Use progress-monitoring tools
- Use verbal warnings
- Redirect behaviors
- Identify replacement behaviors
- Conference with student
- Communicate with parents/guardians
- Communicate with the student's counselor and/or case manager
- Facilitate reflection activities
- Facilitate conflict resolution
- Facilitate peer mediation
- Use check-in/check-out systems
- Change student seating, grouping, setting
- Assign time-out
- Confiscate item
- Remove classroom privileges temporarily
- Conduct teacher/student/parent/guardian conferences to problem-solve
- Refer student to school counselor, case manager, and/or specialized support staff or services
- Assign teacher detention
- Remove student temporarily from the classroom

## Administrative Responses, Intervention, and Management

School staff will evaluate circumstances, severity, frequency, and impact to determine the appropriate response from among options available within the level assigned to the behavior. Administrative interventions and responses are designed to prevent further behavior issues. Administrators have discretion to exercise a variety of interventions and responses including but not limited to:

- Use verbal warning
- Conduct student conference
- Conduct conference (administrator, teacher, counselor, parent, student)
- Conduct peer mediation
- Conduct conflict resolution
- Facilitate restorative conference
- Implement restorative practices
- Assign administrative detention
- Refer student to school counselor, case manager, and/or specialized support staff or services
- Refer to community-based services
- Change routine, schedule, and/or setting
- Assign community service
- Assign Saturday school
- Require restitution
- Use restorative practices
- Refer to multidisciplinary intervention team
- Conduct behavior analysis
- Conduct a Functional Behavioral Assessment (FBA)
- Develop a behavior intervention plan (BIP) for students with disabilities
- Develop a behavior support plan (BSP) for general education students
- Conduct a Manifestation Determination Review meeting (MDR)
- Craft a behavior contract
- Revoke school-based privileges
- Assign in-school suspension
- Conduct Threat Assessment
- Assign short-term suspension
- Recommend long-term suspension

Schools will apply leveled responses and interventions when students do not meet behavioral expectations. Elementary responses apply to students in Kindergarten through grade 5. Secondary responses apply to students in grades 6 through 12.

## LEVELED RESPONSES

<b>DISPOSITION LEVEL</b>	<b>Elementary (K - 5) Responses</b>	<b>Secondary (Grades 6 - 12) Responses</b>
<b>LEVEL 1</b>	<ul style="list-style-type: none"> <li>● Classroom-based intervention, responses, and management</li> </ul>	<ul style="list-style-type: none"> <li>● Classroom-based intervention, responses, and management</li> </ul>
<b>LEVEL 2</b>	<ul style="list-style-type: none"> <li>● Classroom-based intervention, responses, and management</li> <li>● Administrative intervention and response</li> <li>● In-school suspension up to 3 days</li> </ul>	<ul style="list-style-type: none"> <li>● Classroom-based intervention, responses, and management</li> <li>● Administrative intervention and response</li> <li>● In-school suspension up to 3 days</li> </ul>
<b>LEVEL 3</b>	<ul style="list-style-type: none"> <li>● Administrative intervention and response</li> <li>● Alternatives to suspension</li> <li>● In-school suspension up to 3 days</li> <li>● Out-of-school suspension up to 3 days</li> </ul>	<ul style="list-style-type: none"> <li>● Administrative intervention and response</li> <li>● Alternatives to suspension</li> <li>● In-school suspension up to 5 days</li> <li>● Out-of-school suspension up to 5 days</li> </ul>
<b>LEVEL 4</b>	<ul style="list-style-type: none"> <li>● Administrative intervention and response</li> <li>● Alternatives to suspension</li> <li>● In-school suspension up to 3 days</li> <li>● Out-of-school suspension (up to 3 days for PreK - grade 3; up to 10 days for grades 4 - 5)</li> <li>● Recommendation for Long-term Suspension (LTS) / Expulsion</li> <li>● Threat assessment</li> <li>● Report to law enforcement as required</li> </ul>	<ul style="list-style-type: none"> <li>● Administrative intervention and response</li> <li>● Alternatives to suspension</li> <li>● In-school suspension up to 5 days</li> <li>● Out-of-school suspension up to 10 days</li> <li>● Recommendation for Long-term Suspension (LTS) / Expulsion</li> <li>● Threat assessment</li> <li>● Report to law enforcement as required</li> </ul>
<b>LEVEL 5</b>	<ul style="list-style-type: none"> <li>● Out-of-school suspension (10 days) and Recommendation for LTS / Expulsion <i>required</i></li> <li>● Threat assessment</li> <li>● Report to law enforcement as required</li> </ul>	<ul style="list-style-type: none"> <li>● Out-of-school suspension (10 days) and Recommendation for LTS / Expulsion <i>required</i></li> <li>● Threat assessment</li> <li>● Report to law enforcement as required</li> </ul>

# **SBAR CODES**



## STUDENT BEHAVIOR CATEGORIES

The Virginia Board of Education sorted behaviors into six (6) categories to reflect the impact on learning, operations, other individuals, the school environment, and safety. The categories encourage administrators, teachers, parents, and counselors to be aware of students' social-emotional development and emphasize the importance of helping students achieve academically, socially, and behaviorally. In depth explanation of categories and behaviors are in the pages that follow.

- **BAP: Behaviors that Impede Academic Progress**
- **BSO: Behaviors Related to School Operations**
- **RB: Relationship Behaviors**
- **BSC: Behaviors that Present a Safety Concern**
- **BESO: Behaviors that Endanger Self or Others**
- **PD: Behaviors that Determine Persistently Dangerous Schools**

### BEHAVIORS BY CATEGORY WITH RESPONSE LEVELS

Behaviors are organized by category with the designated leveled administrative response.

Depending on the severity of the behavior, short-term and long-term removal from the classroom or the traditional school setting may be appropriate. These may include in-school suspensions, out-of-school suspensions, recommendations for long-term suspension/expulsion, alternative placement.

In accordance with §22.1-279.3:1. of the *Code*, behaviors must be reported to the Sheriff's Office are in the Essex County Public Schools Code of Conduct with a shield icon (🛡️).

Behaviors involving the possession, use, consumption, or distribution of alcohol or drugs will require the student to participate in a substance abuse education program. Those behaviors are indicated with a diamond symbol (◆).

Behaviors considered potentially dangerous to the safety of the individual, others, and/or the school may require a Threat Assessment to determine the level of potential risk a student poses to self or others. Those behaviors are indicated with a flag symbol (🚩).

**CATEGORY BAP: Behaviors that Impede Academic Progress**

*These behaviors impede academic progress of the student or students. They are typically indicative of the student's lack of self-management or self-awareness. Sometimes, the student may need help in understanding how the behavior impacts others so training in social awareness may also be indicated.*

	<b>Behavior</b>	<b>K - 5 Disposition</b>	<b>6 - 12 Disposition</b>
<b>BAP1</b>	<b>Interfering with learning in the classroom</b> ( <i>examples include talking, excessive noise, off-task, out of seat, possessing items that distract</i> )	LEVEL 1	LEVEL 1
<b>BAP2</b>	<b>Interfering with learning outside of the classroom</b> ( <i>examples include excessive noise, interrupting a class</i> )	LEVEL 1	LEVEL 2
<b>BAP3</b>	<b>Scholastic dishonesty</b> ( <i>cheating, plagiarism, forgery, lying, stealing, or any other acts of dishonesty related to academics</i> )	LEVEL 1	LEVEL 1
<b>BAP4</b>	<b>Unexcused tardiness to class</b> ( <i>A student is considered tardy to class if he/she is not in the classroom when the class is scheduled to begin.</i> )	LEVEL 1	LEVEL 1
<b>BAP5</b>	<b>Unexcused tardiness to school</b> ( <i>A student is considered tardy to school if he/she is not in the classroom when the school day is scheduled to begin.</i> )	LEVEL 1	LEVEL 2

**CATEGORY BSO: Behaviors Related to School Operations**

*These behaviors interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social awareness skills.*

	<b>Behavior</b>	<b>K - 5 Disposition</b>	<b>6 - 12 Disposition</b>
<b>BSO1</b>	<b>Altering an official document or record</b>	LEVEL 2	LEVEL 2
<b>BSO2</b>	<b>Giving false information, misrepresentation</b> ( <i>e.g., intentional or repeated cheating, plagiarism, lying</i> )	LEVEL 2	LEVEL 2
<b>BSO3</b>	<b>Refusal to comply with requests of staff in a way that interferes with the operation of the school</b>	LEVEL 2	LEVEL 2
<b>BSO4</b>	<b>Failure to be in one's assigned place</b> ( <i>this includes skipping a class or activity with no justifiable reason, as well as leaving class prior to the time of dismissal without permission of the teacher</i> )	LEVEL 2	LEVEL 2
<b>BSO5</b>	<b>Failure to attend assigned disciplinary setting</b> ( <i>detention, in-school suspension, Saturday school, Alternatives to Suspension</i> )	LEVEL 2	LEVEL 2
<b>BSO6</b>	<b>Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building</b>	LEVEL 2	LEVEL 2

<b>BSO7</b>	<b>Dress Code Violation</b>	LEVEL 1	LEVEL 1
<b>BSO8</b>	<b>Gambling</b> (including games of chance for money or profit as defined in § 18.2-46.1. Possession of gambling devices and paraphernalia is prohibited.)	LEVEL 2	LEVEL 2
<b>BSO9</b>	<b>Possessing items that are inappropriate for school</b> (examples include toys, literature, electronics)	LEVEL 1	LEVEL 1
<b>BSO10</b>	<b>Possession of stolen items</b>	LEVEL 3	LEVEL 3
<b>BSO11</b>	<b>Unauthorized use of school electronic or other equipment</b>	LEVEL 1	LEVEL 2
<b>BSO12</b>	<b>Violation of the Acceptable Use of Technology/internet policy</b>	LEVEL 2	LEVEL 2
<b>BSO13</b>	<b>Violation of school board policy regarding the possession or use of portable communication devices</b>	LEVEL 2	LEVEL 2
<b>BSO14</b>	<b>Vandalism, graffiti, or other damage to school or personal property</b> (Thoughtless defacement, damage, or destruction and willful or malicious acts of damage or destruction of public/school property)	LEVEL 2	LEVEL 2

#### CATEGORY RB: Relationship Behaviors

*These behaviors create a negative relationship between two or more people that does not result in physical harm. Relationship behaviors affect the whole school community in that the school climate is often a reflection of how people treat one another. Students who exhibit difficulty with relationship behaviors may also have difficulty with the other social-emotional competencies.*

	<b>Behavior</b>	<b>K - 5 Disposition</b>	<b>6 - 12 Disposition</b>
<b>RB1</b>	<b>Bullying with no physical injury</b>	LEVEL 3	LEVEL 3
<b>RB2</b>	<b>Cyberbullying</b>	LEVEL 3	LEVEL 3
<b>RB3</b>	<b>Posting, distributing, displaying, or sharing inappropriate material or literature, including using electronics means</b>	LEVEL 2	LEVEL 2
<b>RB4</b>	<b>Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature</b>	LEVEL 3	LEVEL 3
<b>RB5</b>	<b>Stealing money or property without physical force</b>	LEVEL 3	LEVEL 3
<b>RB6</b>	<b>Speaking to another in an uncivil, discourteous manner</b>	LEVEL 2	LEVEL 2
<b>RB7</b>	<b>Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight</b>	LEVEL 3	LEVEL 3
<b>RB8</b>	<b>Using profane or vulgar language or gestures</b> (swearing, cursing, hate speech, gang signs or gestures)	LEVEL 2	LEVEL 2

<b>RB9</b>	<b>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</b>	LEVEL 3	LEVEL 3
<b>RB10</b>	<b>Failure to respond to questions or requests by staff</b>	LEVEL 2	LEVEL 2
<b>RB11</b>	<b>Unwanted or inappropriate physical contact</b>	LEVEL 3	LEVEL 3

**CATEGORY BSC: Behaviors of a Safety Concern**

*These behaviors create unsafe conditions for students, staff, and visitors to the school. The underlying reasons for this type of behavior may lie in any of the social-emotional competencies so the administrator should investigate the underlying motivation for the student's behavior. Training in social awareness and decision-making is usually indicated in any behavior that creates a safety concern.*

	<b>Behavior</b>	<b>K - 5 Disposition</b>	<b>6 - 12 Disposition</b>
<b>BSC1</b>	<b>Alcohol: Possessing, using, or being under the influence of alcohol</b> ◆◆	LEVEL 4	LEVEL 4
<b>BSC2</b>	<b>Alcohol: Distributing alcohol to other students</b> ◆◆	LEVEL 4	LEVEL 5
<b>BSC3</b>	<b>Drugs: Possessing drug paraphernalia</b> ◆◆	LEVEL 3	LEVEL 3
<b>BSC4</b>	<b>Drugs: Violating school board non-prescription (Over the counter) medication policy or look-alike drug policy</b>	LEVEL 3	LEVEL 3
<b>BSC5</b>	<b>Tobacco: Possessing/Using/Distributing tobacco products, possessing tobacco paraphernalia, electronic cigarettes, vaping equipment</b>	LEVEL 3	LEVEL 3
<b>BSC6</b>	<b>Bullying Behavior without physical injury that continues after intervention</b> (Bullying that leads to physical injury should be classified as Assault and Battery). ■	LEVEL 4	LEVEL 4
<b>BSC7</b>	<b>Cyberbullying that continues after intervention</b> (Cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences). ■	LEVEL 4	LEVEL 4
<b>BSC10</b>	<b>Bus: Endangering the safety of others on the bus</b> (Serious or repeated incidents of bus misconduct will result in denying the student the privilege of riding on the bus.)	LEVEL 4	LEVEL 4
<b>BSC11</b>	<b>Fire alarm: Falsely activating a fire or other disaster alarm</b>	LEVEL 3	LEVEL 4
<b>BSC12</b>	<b>Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke</b>	LEVEL 3	LEVEL 4
<b>BSC13</b>	<b>Engaging in reckless behavior the creates a risk of injury to self or others</b>	LEVEL 3	LEVEL 4
<b>BSC14</b>	<b>Fighting that results in no injury as determined by the school administration</b>	LEVEL 3	LEVEL 3
<b>BSC15</b>	<b>Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students</b>	LEVEL 4	LEVEL 4

<b>BSC16</b>	<b>Throwing an object</b> that has the potential to cause a disturbance, injury, or property damage	LEVEL 3	LEVEL 3
<b>BSC17</b>	<b>Shoving, pushing, striking, biting</b> another student with no visible injury	LEVEL 3	LEVEL 3
<b>BSC18</b>	<b>Exposing body parts, lewd or indecent public behavior</b> 🚫🚩	LEVEL 3	LEVEL 4
<b>BSC19</b>	<b>Physical contact of a sexual nature</b> – e.g., patting body parts, pinching, tugging clothing 🚫🚩	LEVEL 3	LEVEL 3
<b>BSC21</b>	<b>Stalking</b> 🚫🚩	LEVEL 4	LEVEL 4
<b>BSC22</b>	<b>Stealing money or property using physical force (no weapon involved)</b>	LEVEL 4	LEVEL 4
<b>BSC24</b>	<b>Leaving school grounds without permission</b>	LEVEL 2	LEVEL 2
<b>BSC25</b>	<b>Trespassing</b>	LEVEL 2	LEVEL 3
<b>BSC26</b>	<b>Possessing dangerous instruments/substances that could be used to inflict harm upon another</b> 🚩	LEVEL 4	LEVEL 4
<b>BSC27</b>	<b>Weapons: Possessing any weapon (other than a firearm)</b> (as defined by § 18.2 - 308.1) 🚩	LEVEL 4	LEVEL 4

**CATEGORY BESO: Behaviors that Endanger Self or Others**

*These behaviors endanger the health, safety, or welfare of either the student or others in the school community. Behaviors that rise to this level of severity are often complex. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies.*

	<b>Behavior</b>	<b>K - 5 Disposition</b>	<b>6 - 12 Disposition</b>
<b>BESO1</b>	<b>Assault:</b> Intending to cause physical injury to another person	LEVEL 4	LEVEL 4
<b>BESO2</b>	<b>Assault and Battery:</b> Causing physical injury to another person 🚫	LEVEL 5	LEVEL 5
<b>BESO3</b>	<b>Fighting:</b> The use of physical violence between students or on another person where there is minor injury as determined by the school administration	LEVEL 4	LEVEL 4
<b>BESO4</b>	<b>Striking Staff:</b> The use of force against a staff member when no injury is caused 🚫	LEVEL 4	LEVEL 4
<b>BESO5</b>	<b>Drugs: Possessing</b> controlled substances, illegal drugs, inhalants, synthetic hallucinogens or unauthorized prescription medications . 🚫	LEVEL 4	LEVEL 4
<b>BESO6</b>	<b>Drugs: Being under the influence</b> of controlled substances, illegal drugs, inhalants, synthetic hallucinogens, or unauthorized prescription medications . 🚫	LEVEL 4	LEVEL 4

BESO7	<b>Drugs: Using</b> controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications . 🚫	LEVEL 4	LEVEL 4
BESO9	<b>Fire: Attempting to set, aiding in setting, or setting a fire</b> 🚩	LEVEL 5	LEVEL 5
BESO10	<b>Gang-Related Behavior</b> ( <i>Engaging in threatening or dangerous behavior that isgang-related</i> ) 🚩	LEVEL 4	LEVEL 4
BESO11	<b>Hazing as defined in §18.2-56 and noted in § 22.1-279.6.</b> 🚩	LEVEL 4	LEVEL 4
BESO12	<b>Threatening, intimidating, or instigating violence, injury or harm to a staff member or members</b> 🚫 🚩	LEVEL 4	LEVEL 4
BESO13	<b>Threatening, intimidating, or instigating violence, injury or harm to another student(s) or other(s)</b> 🚩	LEVEL 4	LEVEL 4
BESO15	<b>Using an object not generally considered to be a weapon to threaten or attempt to injure school personnel</b> 🚫 🚩	LEVEL 4	LEVEL 4
BESO16	<b>Using an object not generally considered to be a weapon to threaten or attempt to injure students or others</b> 🚫 🚩	LEVEL 4	LEVEL 4
BESO17	<b>Bomb threat –Making a bomb threat</b> 🚫 🚩	LEVEL 5	LEVEL 5
BESO18	<b>A crime in the community where the student was charged with an offense relating to the Commonwealth's laws required to be disclosed to the superintendent of the school division pursuant to § 16.1-260(G)</b>	LEVEL 5	LEVEL 5

<b>CATEGORY PD: Behaviors that Determine Persistently Dangerous Schools</b> <i>These behaviors are used to identify schools as persistently dangerous. Behaviors that rise to this level of severity are unconditionally referred to law enforcement as they have a significant negative impact on the safety of schools. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies.</i>			
	<b>Behavior</b>	<b>K - 5 Disposition</b>	<b>6 - 12 Disposition</b>
PD1	<b>Homicide by Firearm</b> 🚫 🚩	LEVEL 5	LEVEL 5
PD2	<b>Homicide by other Weapon</b> 🚫 🚩	LEVEL 5	LEVEL 5
PD3	<b>Sexual assault</b> (Physical sexual aggression and/or forcing another to engage in sexual activity) 🚫 🚩	LEVEL 5	LEVEL 5
PD4	<b>Attempted Sexual assault</b> 🚫 🚩	LEVEL 5	LEVEL 5
PD5	<b>Use of a Bomb</b> 🚫 🚩	LEVEL 5	LEVEL 5

<b>PD6</b>	<b>Assault with Firearm or Weapon</b> <i>(as defined in the Code of Virginia § 22.1-277.07)</i> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD7</b>	<b>Actual or Attempted Robbery</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD8</b>	<b>Kidnapping/Abduction</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD9</b>	<b>Malicious Wounding without a Weapon</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD10</b>	<b>Aggravated Sexual Battery on a Student</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD11</b>	<b>Illegal Possession of Handgun</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD12</b>	<b>Illegal Possession of Rifle or Shotgun</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD13</b>	<b>Illegal Possession of Any Other Projectile Weapon</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD14</b>	<b>Illegal Possession of Bomb</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD15</b>	<b>Illegal Possession of Other Firearms</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5
<b>PD16</b>	<b>Illegal Possession of Controlled Drugs and Substances with Intent to Distribute or Sell</b> 🇺🇸 🇻🇮	LEVEL 5	LEVEL 5

# **CODE VIOLATIONS EXPLAINED**

*Some offenses under this section must be reported to local law enforcement by an administrator or his/her designee in accordance with section 22.1-279.3:1 of the Code of Virginia.*



# Attendance

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Students are expected to arrive at school and all classes on time every day.

## A. General Statements

Students shall comply with the state laws on compulsory attendance. All students who have reached the entrance age (5 years old before September 30) required by the Code of Virginia and who have not passed their 18th birthday or graduated shall attend school regularly. Therefore, to maximize students' preparation for the workplace, we ask all students to strive for perfect attendance. The school division recognizes occasionally, circumstances occur which cause a student to be absent.

## B. Excessive and Unexcused Tardiness or Absences to School or Class

Students are expected to attend all assigned classes every day. Absence from class includes late arrival, early dismissal or being missing from any class. Justifiable reasons for non-attendance should be submitted to the school for each absence, late arrival, or class absence. Absences from class require approval from an administrator. Unexcused tardiness and/or skipping class are considered violations of compulsory attendance.

## C. Absences

The first day following an absence, the student must bring a note to the school's Attendance Officer. The note must be signed by the parent/guardian and state the reason for the absence. Consideration will be given for the following reasons to determine if the absence is excused or unexcused: illness (parents are asked to schedule routine appointments for times school is not in session), court subpoena, death in the family, religious holidays or other just cause as approved by the principal. The school will require official documentation to verify an excused absence. Doctors' notes may be required for students who are chronically ill. If these are not provided, any further absences for illness will be considered unexcused. Students will not be marked absent for school related events.

## D. Monitoring Absences

Student absences will be monitored as follows:

1. To be counted as present for the purpose of receiving attendance awards and for participation in extra-curricular activities, a student must spend at least half the day in school. Students present at any time during the day will be counted as present for the state attendance reports.
2. After every unexcused absence, a reasonable effort will be made by attendance personnel at each school to contact the parent(s) or guardian by telephone to obtain an explanation for the absence.
3. After the **third unexcused absence** within a single school year, the attendance clerk will refer the student to the school's attendance officer/designee. The attendance officer/designee must make a reasonable effort to ensure that direct contact in person, by telephone or through the use of other communications devices is made with the parent to obtain the purpose of non-attendance and document this effort.
4. Upon the **sixth unexcused absence** within a school year, the school principal or his designee, the pupil, and the pupil's parent shall jointly develop a plan by phone if necessary to resolve the pupil's non-attendance, which shall include documentation of the reasons for the pupil's nonattendance. The principal or his designee may make a referral to guidance, the school resource officer and to an administrator for disciplinary actions.
5. Following the **sixth unexcused absence** the school principal/designee or the attendance officer shall schedule a conference.
6. After the **tenth absence** the pupil, his/her parent, and school personnel (and community service providers, as needed) must meet to resolve issues related to the pupil's nonattendance.
  - The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve.

- In circumstances in which the parent is intentionally non-compliant with compulsory attendance requirements, or in which the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or his designee shall make a referral to the attendance officer/designee.
  - The attendance officer shall
    - schedule a conference with the pupil and his parent within 10 school days and may:
      - (i) file a complaint with the juvenile and domestic relations court alleging the pupil is a *child in need of supervision* as defined in § 16.1-228; or (ii) institute proceedings against the parent for contributing to the delinquency of a minor pursuant to § 18.2- 371, or for failure to comply with the law pursuant to § 22.1-262, as required by law.
      - In the event that both parents have been awarded joint physical custody pursuant to § 20-124-2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.
7. Nothing in this attendance code shall be construed to limit in any way the authority of the attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law.
8. A student in grades 8-12 will not be permitted to incur more than six (6) absences from school to include (unexcused and excused at the high school level) per semester from a high school credit course unless the absences can be documented by:
- a medical excuse (doctor/dentist);
  - a legal and/or court excuse;
  - death in the family.

Students must be in class for 168 days in order to receive credit for each high school credit course. Attendance in each class is defined as a minimum of thirty (30) minutes for regular scheduling, and 45 minutes for block scheduling. School-related functions such as field trips are not counted as absences from class.

9. Parents will be notified in writing when a student accumulates four (4) unexcused absences in a semester. A second letter at seven (7) absences will be sent to parents to inform them of the status of their student.
10. Students who wish to appeal attendance calculations may submit an appeal for the semester to the Assistant Principal. Such appeals must be in writing and delivered to the Assistant Principal no more than five school days after issuance of report cards with semester grades. Appeals beyond this time frame will not be considered.

**E. Tardiness and Early Pick Up**

Excessive tardiness and early pick up, which involve missing class, may result in loss of credit for the class. Please refer to your child's school handbook for the specific consequences of missing classes due to tardiness and early pick up.

**F. Leaving School Property without Permission**

Once a student arrives on school property, he may not leave without administrative permission prior to the end of the regularly scheduled day. Students with early dismissals must sign out prior to leaving school. High school students, with written authorization from a parent or legal guardian, may sign themselves out; however, elementary/middle school students must be signed out by a parent or legal guardian who must present a picture- ID when picking up a student from any school.

## Responses To Unsatisfactory Attendance

CONCERN	RESPONSE
Student is absent and the parent/guardian does not contact the school with an approved explanation for the absence.	The school attendance designee contacts the parent/guardian to determine the explanation for the absence.
Third (3 <sup>rd</sup> ) absence when the parent/guardian has not contacted the school with an approved explanation for the absence.	The school attendance designee: <ul style="list-style-type: none"> <li>• Contacts the parent/guardian directly to determine the explanation for the absence(s);</li> <li>• Refers the family to the school's attendance officer/designee</li> </ul>
After Sixth (6 <sup>th</sup> ) absence when the parent/guardian has not contacted the school with an approved explanation.	A school principal/designee schedules a conference with the parent and student to develop a Corrective Action Plan (CAP) with the family.
Additional unexcused absences after the Corrective Action Plan (CAP) has been attempted or developed.	The school contacts the family and contact the Juvenile Domestic Court for further guidance.
After Tenth (10 <sup>th</sup> ) absence when the parent/guardian has not contacted the school with an approved explanation.	The attendance officer/designee call the Juvenile Domestic Court and files an Affidavit of Compliance for a Child in Need of Services (CHINS) petition or requests a warrant for Contributing to the Delinquency of a Minor against the parent/guardian.
Fifteen (15) unexcused absences	Excessive absences can impact student learning and may result in retention.
Fifteen (15) consecutive unverified absences	School will withdraw the student from the school roster.

## **Arson/Bomb Threat: Actual/Attempted**

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All items confiscated in a case of recommended expulsion for violations in this category should be safely and properly secured and may be turned over to the school's resource officer. Photographs and/or a descriptive statement of the confiscated item should be included in the suspension/expulsion packet.

- A. If any person maliciously burns, or by the use of any explosive device or substance, maliciously destroys, in whole or in part, or causes to be burned or destroyed, or aids, counsels, or procures the burning or destroying, of ...schoolhouse, or other building erected for public use...or if he maliciously sets fire to anything, or causes to be set on fire, or aids, counsels, or procures the setting on fire of anything, by the burning whereof any building mentioned in this section is burned the offender shall be guilty of Arson. The use or intent to use any material (*matches, lighters, etc.*) which may result in a fire on school property or setting fire to the property of students, staff, or volunteers is prohibited unless specifically authorized by school officials.
- B. Making and communicating to another by any means any threat to bomb, burn, destroy or in any manner damage any place of assembly, building or other structure, or any means of transportation, or communicating to another, by any means, information, knowing the same to be false, as to the existence of any peril of bombing, burning, destruction or damage to any such place of assembly, building or other structure, or any means of transportation.

## Assault/Fighting/Threats

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Students and school personnel are entitled to a school environment free from threat, aggression, and assault.

- A. Actions, comments, or written messages intended to cause others to fight, or which may result in a fight are prohibited.
- B. Intentionally hitting, shoving, scratching, biting, kicking, blocking the passage of, or throwing objects at a student is prohibited.
- C. Conveying by gestures, notes, or verbal comments with the intent to cause bodily injury or to deprive a student of his/her rights is prohibited.
- D. Fighting involving two or more parties in conflict when they are striking each other for the purpose of causing harm or injury is prohibited. This action may extend to mutual shoving, wrestling, or other aggressive actions which may result in the danger of harm or injury to either party, bystanders, or school property.
- E. The willful use of physical violence which is intended to result in bodily injury or the use of a dangerous object in an effort to cause bodily injury is prohibited.
- F. Assault upon a School Board employee, School Resource Officer, Police Officer, School Security Officer, or volunteer is prohibited. **VIOLATION OF THIS RULE MAY RESULT IN A RECOMMENDATION FOREXPULSION.**
- G. Conveying by gestures, notes, or verbal comments with the intent to cause bodily injury or to deprive a School Board employee, School Resource Officer, Police Officer, School Security Officer, or volunteer, of his/her rights, or demonstrating hostile acts, is prohibited.
- H. The willful use of physical or verbal threats or physical abuse intended to result in an involuntary transfer of money or property to another student is prohibited.
- I. Cursing, threatening, using abusive language, bullying, and cyberbullying (*as further defined in this Code*), teasing, hazing, or other acts of intimidation are prohibited. This includes, but are not limited to, any verbal, written, electronic (*through any social chat rooms, web space, telephones, or text messaging*), physical or mental teasing, threat of bodily injury or use of force directed toward and based upon a person's actual or perceived race, religion, sex, sexual orientation, gender, gender identity, transgender status, national origin, disability, or intellectual ability.
- J. Unsafe conduct which endangers either oneself or others is prohibited.

## Hazing

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A student shall not engage in "hazing". Hazing means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily injury on a student or students in connection with or for the purpose of 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.

## Bullying/Harassment

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*ECPS takes bullying seriously, therefore additional offenses under this category may warrant more serious consequences.*

A student, either individually or as a part of a group, shall not harass or bully others. Prohibited conduct includes, but is not limited to the following: physical, verbal, or written intimidation; taunting, name-calling or insulting another; lying about and spreading rumors about another; social exclusion or isolation of another, expressing a threatening body posture toward another; taking or damaging money or possessions of another; threatening or forcing another to do things; and any combination of these prohibited activities. Prohibited conduct includes verbal or written conduct consisting of comments directed toward and/or based upon another's actual or perceived race, religion, sex, sexual orientation, gender, gender identity, transgender status, national origin, disability, physical abilities or characteristics or intellectual ability, or associates of the targeted person or group. More specifically, the use of oral, written, or electronic language, gestures, objects, or images that are racially and/or ethnically offensive is strictly prohibited. Any aggressive behavior that involves unwanted negative actions and a pattern of behavior repeated over time, and an imbalance of power or strength is considered bullying and will not be tolerated.

- A. Repeated, unwanted negative overtures and actions over time toward a person or persons are prohibited.
- B. Bullying methods such as verbal abuse, social exclusion or isolation, physical abuse, intimidation, lies, rumors, sexual inferences, robbery, damaged personal items, threats, racial attacks, and bullying through electronic devices will not be tolerated.
- C. Electronic bullying and/or cyberbullying-related activity of any nature and/or that is obscene, pornographic, threatening, or otherwise inappropriate, including *but not limited to*, email, social media posts, instant messaging, web pages, and use of hardware and/or software which substantially disrupts or interferes with the safety and welfare of the school and its students, are strictly prohibited, even if such uses/actions take place off school property (*i.e., home, business, private property, etc.*).
- D. The principal or his/her designee shall notify the parent of any student involved in an alleged incident of bullying and of the status of any investigation within five (5) school days of the allegation of bullying.
- E. All aspects of the Acceptable Use Policy/Regulation apply to this section on bullying can be found online in the Essex County Public Schools policy manual under the [Acceptable Computer Use \(GAB/IIBEA\)](#) and [Acceptable Computer Use Regulations \(GAB-R/IIBEA-R\)](#) for the full online Essex County Public Schools policy manual.
- F. Conveying by gestures, notes, or verbal comments with the intent to cause bodily/emotional injury or to deprive a student of his rights is prohibited.
- G. The willful use of physical or verbal threats or physical abuse intended to result in an involuntary transfer of money or property to another student is prohibited.
- H. Cursing, using abusive language, teasing, hazing, or other acts of intimidation are prohibited. This includes, but is not limited to, any verbal, written, physical or mental teasing, threat of bodily injury or use of force directed toward and based upon a person's actual or perceived race, religion, sex, sexual orientation, gender, gender identity, transgender status, national origin, disability, or intellectual ability.

## Dangerous Objects and Firearms

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The possession of a firearm, air gun/rifle, BB gun, or other destructive device as defined by § 22.1-277.07 of the *Code of Virginia* on school property, in a school division vehicle, or at a school-sponsored event is strictly prohibited.

In accordance with § 22.1-277.07 of the *Code of Virginia*, a student who is determined to have possessed a firearm or an air rifle or BB gun on school property, in a school division vehicle, or at a school-sponsored event shall be expelled for no less than one calendar year (365 days). The Superintendent, his/her designee, or the School Board, however, may determine, based on the facts of the particular case, that special circumstances exist and no disciplinary action or another disciplinary action is appropriate.

All items confiscated in a case of recommended expulsion for violations in this category should be safely and properly secured and may be turned over to the school's resource officer. Photographs and/or a descriptive statement of the confiscated item should be included in the suspension/expulsion packet.

Each student who attends school in Essex County has the right to learn in a safe environment with others who respect his/her well-being. The following categories are considered extremely serious violations which threaten a suitable and secure learning environment:

- A. The possession of dangerous objects is prohibited. Dangerous objects include the representation of items commonly understood to be inappropriate to school activities. These items include, but are not limited to, bullets, machetes, brass knuckles, switchblades, knives, box cutters, other sharp objects, Chinese stars, mace, firecrackers, fireworks, stink bombs, etc. Also included is the misuse of commonplace objects, including but not limited to keys, locks, etc. Violation of this rule may result in a recommendation for expulsion.
- B. The possession of look-alike weapons, including, but not limited to, cap guns, squirt or water guns, toy pistols, comb knives, etc., is prohibited on school property.
- C. The objects noted in A and B used or intended to intrude on the security and safety of fellow students and school personnel **WILL RESULT IN AN AUTOMATIC RECOMMENDATION FOR EXPULSION. ALL CASES IN A and B WILL BE HEARD BY THE SCHOOL BOARD FOR THE FINAL DECISION.**
- D. The possession, use, or representation of a firearm, whether loaded or unloaded, operative or inoperative, on any school property or during any school activity, is prohibited unless specifically authorized by school officials. Firearms which meet the definition of firearm in the *Code of Virginia*. **VIOLATION OF THIS WILL RESULT IN AN AUTOMATIC RECOMMENDATION FOR EXPULSION. ALL CASES IN A and B WILL BE HEARD BY THE SCHOOL BOARD FOR THE FINAL DECISION.**
- E. The possession or representation of any explosive or flammable material considered to have the capacity to create an explosion or to start a fire, including, but not limited to, firecrackers, lighter fluid, and other flammable substances, is prohibited unless specifically authorized by school officials.
- F. Possession of a Pneumatic Weapon (*includes pellet guns, BB guns, CO2 air pistols, stun weapons, paint ball guns, and any other device utilizing air driven projectiles*) does not require but may result in a recommendation for expulsion. **THESE CASES WILL BE HEARD BY THE SCHOOL BOARD FOR THE FINAL DECISION.**

## Disruptive Behavior

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Students are entitled to a learning environment free of unnecessary disruption. Any physical, written, or verbal disturbance, communication, or activity, within the school setting or during related activities, which may interrupt or interfere with teaching and the orderly conduct of school activities is prohibited. Any communication, activity, or social media post, committed outside of the school setting that interrupts or interferes with the school day is also prohibited, and subject to the *Code of Student Conduct*.

- A. Any event, action, or statement which relies on chance for the monetary advantage of one participant at the expense of others is gambling. This violation includes exchanging items of value, as well as currency, and extends to keeping score for later settlement.
- B. The possession or distribution of print or electronic materials which are obscene, violent, inappropriate, or significantly disruptive to the educational process is prohibited. Distribution includes sending, forwarding, displaying, retaining, storing, sharing, or posting of obscene or disruptive materials. Included are inappropriate student expression, sexting, threats, hit lists, distribution of non-authorized literature, and illegal assembly.
- C. Verbal assault is cursing, threatening, or using abusive language or written remarks intended to demean or harm a student, staff member, or visitor and is prohibited. This violation includes, but is not limited to, actions, displays, or written material of an obscene, violent, or inappropriate nature and the wearing of clothing or adornments, including inappropriate jewelry, which themselves convey either violent or sexually suggestive messages or offensive statements towards school personnel and/or students (*i.e., vulgar language*).
- D. Failure to respond appropriately to written or verbal directions given by school personnel, chaperones/volunteers, or law enforcement officers is considered insubordination. Also, refusing to comply with reasonable requests made by school personnel, or obstructing school personnel in a way that interferes with the operation of school, is strictly prohibited.
- E. Other activities which disrupt the orderly functions of the school include, but are not limited to: demonstrating hostile or disruptive behavior, repeated offenses/violations of the *Code of Student Conduct*, unauthorized fraternities or secret societies, unauthorized sales by students, possession of inappropriate toys, inappropriate use of school lockers and facilities, setting off false fire alarms, and compromising school safety (*propping doors open for easy access, opening doors for individuals instead of making them enter through the main entrance, etc.*).
- F. Gang-related activity will not be tolerated. Symbols of gang membership are expressly prohibited (*i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students*). Section 16.1-260. G. of the *Code of Virginia* requires an intake officer to report to the division superintendent any student against whom a petition is filed for certain offenses including, prohibited criminal street gang activity pursuant to § 18.2-46.2. and recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3.



## **Integrity/Honesty**

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Essex County Public Schools students are expected to perform honestly through the production of their own work. They should also demonstrate respect for the belongings and rights of others, including, but not limited to, staff members and volunteers.

The following acts are prohibited:

- A. Cheating includes the actual giving, receiving, or use of any unauthorized aid or assistance or the actual giving or receiving of unfair advantage on any form of academic work.
- B. Plagiarism includes using or copying the language, structure, idea, and/or thought of another and representing it as one's own original work.
- C. Falsification includes, but is not limited to, a verbal, written, or electronic transmission (*i.e., emails, images*), including the production or use of forgery or counterfeiting.
- D. Attempting any of the above infractions may be treated in the same manner as if the infraction had been completed.
- E. Unauthorized use of technology and information accessed through technology without permission is prohibited as specified in "Technology and the Internet" on page 39. Student files may be subject to search.
- F. Willful or malicious false accusations/reports against school personnel or other students.

## **Larceny/Theft**

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Essex County Public School students are expected to respect the rights and property of others.

**The following acts are also prohibited:**

- A. Stealing another person's possessions without right or permission. The possession of stolen property is considered theft.
- B. Any theft of money or personal or public property of significant value and/or theft involving breaking and entering, including lockers (*includes unauthorized or illegal use of ECPS assigned device(s) services*).

## **Sexual Harassment/Inappropriate Sexual Behavior**

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It is the policy of the Essex County School Board to maintain a working and learning environment which provides for fair and equitable treatment, including freedom from sexual harassment, for all its employees and students.

Sexual harassment under Title IX is defined as unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectionably offensive that it effectively denies a person equal access to the educational program or activity. The *Code of Student Conduct* prohibits Sexual harassment under Title IX as well as inappropriate sexual behavior including the distribution of obscene materials, any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal, written, electronic, or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment. A student shall not sexually harass another student or any school employee, volunteer, student teacher, or any other person present in school facilities or at school functions.

It is prohibited for any student or employee, male or female, to harass another student or employee by making unwelcome sexual advances or requests for sexual favors, engaging in other verbal, written, electronic, or physical conduct of a sexual nature. Conditions may include, but are not limited to:

- (1) submission to or rejection of such conduct is used as a basis for academic decisions affecting the student,
- (2) such conduct creates an intimidating, hostile, or offensive working or learning environment, or
- (3) submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or participation in school programs.

***Examples of activities which could constitute sexual harassment or sexual misconduct include, but are not limited to:***

- (1) unwelcome leering, sexual flirtations, or propositions,
- (2) unwelcome sexual slurs, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions,
- (3) graphic comments about an individual's body or overly personal conversation,
- (4) targeted sexual jokes, stories, drawings, pictures, or gestures toward others,
- (5) spreading sexual rumors,
- (6) inappropriate or suggestive sexual gestures,
- (7) cornering or blocking of normal movements,
- (8) displaying sexually suggestive objects in an educational environment or online,
- (9) displaying sexually explicit behavior, or
- (10) stalking, dating violence, or domestic violence based on sex.

The question of whether a particular action or incident is prohibited behavior requires a determination based on all the available facts in the matter. Any student who believes he or she has been subjected to inappropriate sexual behavior should immediately report their concerns to their Principal. In addition, any student who believes that he or she has been subjected to sexual harassment by another student or employee should immediately contact the Title IX Coordinator. The Title IX Coordinator can be reached via mail, email, telephone or in person.

***Mrs. Angela Gross, P. O. Box 756, Tappahannock, VA 22560  
804-443-4366 or [agross@essex.k12.va.us](mailto:agross@essex.k12.va.us)***

The following policies are on Essex County Public School website, under School Board Policy: [Prohibition Against Harassment](#), [Report of Harassment](#), [Notice of Non-Discrimination](#) and [Report of Discrimination](#)

Any student who is found after an investigation to have engaged in sexual harassment of another student will be subject to disciplinary action appropriate to the offense for a short-term suspension up to a recommendation for expulsion.

# Substance Abuse

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## Drugs & Alcohol

Students shall not use, be under the influence of, or have in their possession, any drug, or alcoholic beverages on school property or at any school-sponsored event.

Students shall not possess drugs, alcohol, or alcoholic beverages on school property or at a school-sponsored event with the intent to sell, give, share, pass to take orders for, or arrange for a sale to occur before, during, or after school.

In accordance with § 22.1-277.08 of the *Code of Virginia*, a student who is determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in § 18.2-247 of the Code of Virginia onto school property, onto a school division vehicle, or to a school-sponsored activity shall be expelled for no less than one calendar year (365 days). The Superintendent, his/her designee, or the School Board, however, may determine, based on the facts of the particular case, that special circumstances exist and no disciplinary action or another disciplinary action is appropriate.

Students shall not use, be under the influence of, or have in their possession any drugs and/or drug paraphernalia, or alcohol on school property or at any school-sponsored event. Certain circumstances will warrant a recommendation for expulsion; however, the following consequences may apply if special circumstances are found to exist:

### First Offense Consequence

Refer the incident to building principal and/or his/her designee.

- (a) Absences as a result of out of school suspension will be unexcused, with no right to make up missed work; however, if the student successfully completes the school division's Awareness and Intervention Program and if the student and parent participate in one meeting with Program staff, the student will be allowed to complete missed assignments. Any student participating in extracurricular activities must comply with stipulations as recommended by the principal and athletic director.
- (b) The parents may enroll the student in a community drug counseling program of their choice and sign permission to share information between the school and the program.

### Subsequent Drug and/or Alcohol Abuse Offenses Consequence (*Cumulative within 3 years*)

In addition to any of the penalties described under possession, the following will be implemented:

- (1) Referral to Disciplinary Hearing Office
- (2) **POSSIBLE RECOMMENDATION TO THE SCHOOL BOARD FOR EXPULSION**

*A prior drug and/or alcohol offense that resulted in expulsion will be regarded as a "First Offense" for the purposes of determining whether the consequence for a "Subsequent Drug and/or Alcohol Offense" is applicable.*

Students shall not possess drugs and/or drug paraphernalia, or alcohol on school property or at a school-sponsored event with the intent to sell, give, share, pass to, take orders for, or arrange for a sale to occur before, during, or after school.

Students shall not manufacture, distribute, intend to distribute, or possess on school property or at a school-sponsored event, any of the following: drugs (*including anabolic steroids and includes cannabimimetic agents, chemicals, or look-alike/imitation drugs, or chemicals*).

## **Medicine**

In order that school authorities will know what medicine a student is taking in case of an emergency and in order to prevent trafficking of drugs, no student may have in his/her possession any medication or prescription drugs, even if recommended or prescribed for the student's use. Medication and prescription drugs shall not be taken to school by the student. A parent or guardian is required to take all such items to the school's clinic for documentation.

# Transportation

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Proper behavior is required to, from, and at bus stops (i.e. door to door) and while riding the bus to assure that the rights of others, residential or otherwise, are respected. School bus stops are considered school property. **Students are required to listen to and follow the directions of the bus driver.** Students must ride the bus to which they are assigned. Temporary permission to ride an alternate bus must be granted, in writing, by the principal or designee.

## The School Bus

Riding a school bus is a privilege. Students who violate the *Code of Student Conduct* and designated bus rules on the school bus may lose the privilege of riding the bus for a specified period of time or permanently. In addition, other consequences may apply. When the driver requires assistance to resolve a potentially harmful situation on the bus, the principal or designee of the school served by the driver will aid.

The following revised bus rules have been approved by the School Board:

1. Students must not use vulgar or profane language on the bus.
2. Students may not stand in front of or crowd the driver.
3. Students must not throw anything out of or in the bus or shoot anything with rubber bands at other pupils/ driver.
4. Students must conduct themselves with courtesy and good manners while on the bus.
5. Students who must cross the road when getting off the bus will cross in front of the bus and before the bus moves.
6. Students must sit in their seats when the bus is in motion and refrain from wrestling, scuffling, and pushing each other while on the bus.
7. Students must be reasonably quiet while on the bus. Yelling and screaming will not be allowed.
8. Students suspended from a school bus are not to be allowed to ride on any school bus while under such suspension. The principal will notify the driver of all suspensions.
9. Students will ride only on the bus assigned them unless there is an emergency situation and permission are secured from the school office.
10. Students must not smoke on the bus or get off the bus to smoke while in transit to or from school.
11. Students must not leave the bus to go to school or return home by another means except in the company of their parent/guardian.
12. Students should always walk on the left side of the road, facing traffic, and should never loiter or play in the road or obstruct traffic while proceeding to and from the bus stop. Also, Students should be at the bus stop 5 minutes prior to the bus arrival time.
13. Students must pay for damage done to the bus, such as breaking glass or tearing or cutting seats.
14. Students who fight on the school bus will receive the same punishment as pupils who fight at school.
15. Students who verbally or physically attack the bus driver will receive the same punishment as pupils who verbally or physically attack a teacher or other school board employee.
16. Students may not have in their possession/use objects on the bus which are forbidden at school: including, but not limited to, weapons, drugs, alcohol, tobacco, animals, lighters, matches, vaporizers, e- cigarettes, or other items listed in Section 12 of this handbook, etc.
17. Students may not use pencils, pens or other pointed objects that could cause injury if the bus lurches or stops suddenly.
18. Students may not eat or drink on the bus (this includes chewing gum).
19. Students may not buy or sell items on the bus.
20. Students may not sexually harass others. Examples include but are not limited to: sexual comments; inappropriate touching/behavior; and, indecent exposure.
21. Cell phones and other electronic devices are permitted while riding the school bus. However, students may not use cell phones or any electronic device to take pictures, video, record, text to or receive text from others of inappropriate comments or content while riding the bus. Also, cell phones and electronic devices may not be a disruption on the school bus
22. No student is allowed to bring anyone on the bus with them that is not a student in the Essex County Public School Division.

23. Students are not permitted to tamper with the emergency door or any other controls while riding the school bus.
24. Opening or closing the bus exit doors is prohibited by anyone other than the bus driver.
25. No live animals or pets allowed on the bus.
26. Parent(s) who board school bus to make complaints may be in violation of Section 18.2-1602 of the Code of Virginia.
27. Balloons or other objects that may obstruct the view of the driver are not permitted on the bus.
28. No spraying of anything from a container of any type (perfume, deodorant, etc.)

## **Drivers**

Motorized vehicles of any type are not permitted as a means of transportation to and from school when driven by students enrolled in the elementary or middle schools of Essex County. High school students who meet the requirements and accept the responsibilities of driving vehicles to school are permitted to do so. This privilege depends upon the student's compliance with the parking and vehicle regulations as prescribed by the individual high school, including consent to search. Students are assumed to have knowledge of and will be held responsible for all items in their vehicles. Failure to adhere to these regulations could result in disciplinary action as listed in the recommended consequences of the *Code of Student Conduct*, including loss of driving privilege and having one's vehicle booted or towed from the premises at the operator's expense.

**Improper Use of Bicycle** Bicycles may be ridden to school. The safety of the riders and the securing of their bicycles is the responsibility of the riders. Improper use of bicycles, such as riding in bus loading areas, constitutes grounds for the loss of bicycle parking privileges at school. Bicycle riders are prohibited from violating the rights of homeowners, apartment dwellers, and businesses on their way to and from school.

## **Walkers/Property/Rights**

Students in elementary, middle, and high schools who live within the designated non-transportation zones are required to arrive promptly at school. Parents are encouraged to identify and assist in the choice of a safe route. Student walkers are prohibited from violating the rights of others including homeowners, apartment dwellers, and businesses on their way to or from school.

*Please remember the School Division uses video cameras on school buses to document problems when they occur and to help prevent misbehavior. All requests for viewing a particular video recording will be referred to an administrator in whose presence the tape will be viewed. Please call the Transportation Office at 443-2500 or 443-4366, if you wish to talk with your child's driver.*

**Please do not talk to the bus driver at the stop or enter the school bus or school bus area.**

NOTE: A bus-only suspension does not release the student from compulsory attendance. If the student is removed from the bus, it shall be the parent's responsibility to provide transportation. Students who have previously had problems with behavior on buses during this school year will be placed on the appropriate step below the next time they break bus rules.

***Reminder: The Bus Stop is considered Essex County Public School property; therefore, all Code of Student Conduct offenses committed at the bus stop shall receive the same consequence(s) as if committed in school.***

***Additionally, the Code of Student Conduct is enforceable from "door-to-door", which means the authority of ECPS begins the moment the student leaves home until the student returns home.***

## BUS DISCIPLINE PROCEDURES FOR STUDENTS WHO VIOLATE BUS RULES

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Parents, bus drivers and administrators developed the procedures. Serious offenses will result in immediate removal from buses and possible suspension from school. Students who are removed from the bus for serious offenses will not be permitted to ride the bus home the afternoon of the day the action is taken.

**1st Step:** Driver will take sole action (except in very serious violations). Driver actions include changing child's assigned seat, verbal warning, etc.

**2nd Step:** Driver will submit discipline referral. Administrator will warn student and send copy of discipline slip home to a parent.

**3rd Step:** Driver will submit discipline referral to school administrator. Administrator may remove student from all buses 1-2 days. (Note: students denied bus privileges will lose bus-riding privileges x if they ride another bus). Students may also lose privileges to be on school property after hours for up to 30 days. Administrator will notify parent and send copy of discipline slip home.

**4th Step:** Driver will submit discipline referral to school administrator. Administrator may remove student from all buses 2-3 days. (Note: students denied bus privileges will lose bus-riding privileges indefinitely if they ride another bus). Students may also lose privileges to be on school property after hours for up to 30 days. Administrator will notify parent and send copy of discipline slip home.

**5th Step:** Driver will submit discipline referral to school administrator. Administrator may remove student from all buses 3-5 days. (Note: students denied bus privileges will lose bus-riding privileges indefinitely if they ride another bus). Students may also lose privileges to be on school property after hours for up to 30 days. Administrator will notify parent and send copy of discipline slip home.

**6th Step:** Driver will submit discipline referral to school administrator. Administrator may remove student from all buses 5-10 days. (Note: students denied bus privileges will lose bus-riding privileges indefinitely if they ride another bus). Students may also lose privileges to be on school property after hours for up to 30 days. Administrator will notify parent and send copy of discipline slip home.

**7th Step:** Driver will submit discipline referral to school administrator. Administrator will notify parent and may suspend student to the Discipline Hearing Officer.

## Technology and the Internet

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Technology includes, but is not limited to, ECPS assigned device(s), electronic devices, software, the Internet, social networks, email, and web pages. All ECPS users are responsible for the appropriate use of all technology to which they have access, even if such use takes place off school property or after school hours.

Technology is constantly in flux; yet the security, safety of, and opportunity for our students and staff is paramount. Students and staff are encouraged to use school division technologies in support of teaching and learning, recognizing that there is an inherent responsibility to protect one's self, others, and property in the process. To minimize risk, ECPS employs a number of tools and monitoring technologies, such as filters, designed to comply with relevant laws as well as to create a reasonable expectation of safety. It is ultimately up to each individual student or staff member to be responsible for his or her use of these networks and to understand the specific policies herein as they pertain to ECPS assigned device(s), network, and Internet use. Refer to guidelines on the use of Technology & the Internet on the county's website.

## Tobacco Products

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The law requires all school buildings to be smoke-free. All students are PROHIBITED from the use and possession of tobacco products, to include smokeless tobacco, matches, electronic cigarettes, nicotine vapor products, and lighters on school property. This prohibition includes all school-related locations and activities (*i.e., bus stops, school buses, extracurricular activities, school-sponsored events, etc.*).

## Trespassing

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Students, patrons, and school personnel are expected to have the appropriate authorization to be on School Board property.

- A. Any student who has been suspended or expelled from attendance may be considered a trespasser if he/she appears on any Essex County Public Schools property, or at any Essex County Public Schools activity, during the suspension/expulsion period. Violation of this section will be considered an additional infraction and will require a separate consequence.
- B. Students who arrive at school before school opens or remain after the close of their school day without specific need or appropriate authorization and supervision may be considered trespassers.
- C. Any student who is requested by an administrator to leave school property is expected to do so immediately. Failure to do so may be considered trespassing.
- D. No student or other person may attend or visit an Essex County school as a guest during the regular school day without authorization from the school's administration.

## Vandalism

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Vandalism is the willful marring, defacing, or destruction of School Board property, including leased property or any employee's or other person's property. This section includes, but is not limited to, the buildings, both exteriors and interiors thereof, books, equipment and software of ECPS assigned device(s), school buses, private automobiles, school grounds, and property as designated above. Causing, intent to cause, or attempt to cause damage to school or personal property of others is prohibited.

*Senior pranks that damage property are strictly prohibited and will be considered a Level 4 Offense.*



# DISCIPLINARY PROCESS

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## Procedures in the Disciplinary Process Appeals

A decision to suspend a student may be appealed by the student or parent/guardian. An appeal of any suspension shall not hold the suspension in abeyance; meaning, **a student shall remain on out-of-school suspension while awaiting the appeal or in-school suspension while awaiting the appeal.** Failure to file a written notice of appeal within the prescribed time will constitute a waiver of the right to appeal. A student or parent/guardian may appeal a suspension to the principal of the school, then to the Superintendent's designee, the Director of Special Education and Student Services (Discipline Hearing Officer), in the following manner:

- **In-School Suspensions/Bus Suspensions** - In-school disciplinary actions and bus suspensions taken by a school administrator other than the principal may be appealed in writing, within two (2) working days of verbal or written notification (to include electronic notification) of the suspension, to the principal, whose decision shall be final. The principal shall render a decision within three (3) working days of receiving the appeal. If the initial action is taken by the principal, parents may appeal in writing to the Discipline Hearing Officer, within two (2) working days of notification of the principal's decision.
- **Out-of-school suspensions of ten (10) days or less**
  - A student or parent/guardian shall submit a written letter of appeal, which should include all supporting documentation, to the principal of the school within two (2) working days of verbal or written notification (to include electronic notification) of the suspension. The student or parent/guardian should state specifically the reason(s) for the appeal and consider the following before appealing a suspension: (A) whether the facts warrant the suspension; (B) if the consequences were appropriate for the behavior; and (C) whether school and County procedures were followed. The principal shall review the suspension, along with all of the evidence, and render a written decision within three (3) working days.
  - To appeal further, the student or parent/guardian shall submit written notice to the principal within two (2) working days of the principal's decision to uphold the suspension, requesting that the principal forward the letter of appeal and all documentation to the Discipline Hearing Officer for review. The principal shall review the appeal letter and forward the letter and documentation to the Discipline Hearing Officer within two (2) working days. The Discipline Hearing Officer shall review the information, gather additional information, and/or conduct a hearing if necessary, and render a decision. For suspensions of ten (10) days or less, the decision of the Discipline Hearing Officer shall be final.
- **Out-of-school suspensions of more than ten (10) days (long-term suspensions and recommendations for expulsion)** - The Discipline Hearing Officer may suspend students from school in excess of ten (10) school days or recommend expulsion to the School Board after the principal has provided to the student or the parent/guardian written notice of the proposed action, the reason therefore, and of the right to a hearing. A decision to suspend a student in excess of ten school days or the recommendation for expulsion may be appealed by the student or the student's parent/guardian. **A student shall remain on out-of-school suspension while awaiting the appeal.** The student or parent/guardian should state specifically the reason(s) for the appeal and consider the following before appealing a suspension:
  - (A) whether the facts warrant the suspension;
  - (B) if the consequences were appropriate for the behavior; and
  - (C) whether school and county procedures were followed.

### **Long-Term Suspension**

- The superintendent or the Essex Public Schools Discipline Hearing Officer shall hear discipline cases being considered for long-term suspension. Lesser sanctions may be imposed. The superintendent and Discipline Hearing Officer are authorized by the School Board to suspend students from school for periods longer than ten (10) days but less than forty-six (46) days.
- Only the superintendent or Discipline Hearing Officer may refer such cases to the School Board, which may consider further discipline action or expulsion.
- In any case in which a student has been suspended by the Discipline Hearing Officer after a hearing, the student and his parent(s) or guardian may appeal the decision to the full school board. Such appeal must be in writing and must be filed with the superintendent within seven (7) calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal.
- The school board will consider the appeal upon the record of the suspension hearing within thirty (30) calendar days of the appeal.

### **Recommendation for Expulsion**

- In cases of gross or continued misconduct or violation of school or school-board rules and regulations, or for other good and just cause, a principal may recommend that a student be expelled from school.
- The principal shall notify the student and his parent(s) or guardian in writing of the following:
  - (A) The proposed action and the reasons therefore;
  - (B) The time and place of a hearing before the Essex Public School Discipline Hearing Officer or the superintendent under the procedure promulgated by the superintendent; and
  - (C) The right to inspect the student's school records.
- The superintendent or the Discipline Hearing Officer may impose a lesser sanction.
- If the superintendent or the Essex Public Schools Discipline Hearing Officer upholds the recommendation of expulsion, the student shall be suspended until the matter is decided by the school board.
- If the recommendation of expulsion is upheld by the Discipline Hearing Officer, the case will be presented to the school board.
- The student and his/her parent(s) or guardian will be notified in writing of the time and place of the school board hearing.

The procedure for the hearing shall be as follows:

- The school board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the school board.
- The school board or the superintendent will introduce the parties and review the procedures that follows:
  - a) The administration shall present the charge and the evidence.
  - b) The principal or designee shall present evidence first.
  - c) The student shall be given an opportunity to respond to the charges.
  - d) The administration shall present other relevant discipline information and educational progress reports on the student.
  - e) The school board and administration may ask questions of the student.
  - f) The parents and student may ask questions or make statements.
  - g) The Board will deliberate to reach a decision.

### **Emergency Suspension**

A student who poses a continuing danger to persons or property or an ongoing threat of disruption may be removed from school immediately. Conditions for suspension for ten (10) days or less shall be met as soon as practicable thereafter. The principal or his/her designee shall orally notify the superintendent or his designee immediately, to be followed by the written report. Such cases shall be heard by the Essex County Public Schools' superintendent or designee who is authorized by the School Board to suspend students for periods longer than ten (10) days. The Superintendent, and/or the Discipline Hearing Officer may refer such cases to the School Board, which may consider long-term suspension or expulsion.

### **Disciplining Students with Disabilities**

Students who have been identified as having disabilities with a current individualized education program (IEP) may be suspended from school or placed in an in-school suspension center for up to ten (10) cumulative days in accordance with the procedures outlined above, federal law, and School Board Policy. In cases where a suspension results in a change of placement, a manifestation determination hearing will be held to determine if the behavior is a manifestation of the student's disability. If a manifestation is found, alternative methods of discipline will be considered; however, if the behavior is not a manifestation of the student's disability, regular disciplinary measures may be applied. Following a removal, which constitutes a change in placement, the student must continue to participate in the general curriculum, although in another setting, and given the opportunity to progress toward meeting the goals set out in the student's Individualized Education Program.

### **Enrollment Hearing**

**Detention, long-term suspension, expellable offense, charge, or violation of the law** - A hearing must be initiated with the Discipline Hearing Officer for any student seeking enrollment in Essex County Public Schools who has been discharged from a detention facility; long-term suspended, who committed an expellable offense while attending another school, public or private; or been charged or found guilty of a violation of the law. The School Board will decide based on the student's record. Exceptional education students will be enrolled/re-enrolled at their home school in compliance with state and federal special education law.

### **Readmission Hearing**

A hearing must be initiated with the Discipline Hearing Officer for any student who has been expelled and seeks readmission. The parent may initiate contact with the Discipline Hearing Officer to schedule the hearing 60 calendar days prior to the expiration of the 365- calendar-day expulsion time frame. The review will be based on written information only unless otherwise requested by the School Board. In the event approval for readmission is granted, the School Board will determine appropriate school placement and the date of reentry. Refer also to policy JGD/JGE "Student Suspension/Expulsion."

## **Search and Seizure**

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A search involves an invasion of privacy. Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the Essex County School Division's responsibility to protect the health, safety and welfare of all persons in the school community and to carry out its educational mission. To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student belongings, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school or any item described as unauthorized in school rules available beforehand to the student. The locations at which searches of students and student property may be conducted are not limited to the school building or school property. Searches may be conducted wherever the student is involved in a school-sponsored function.

### ***PERSONAL SEARCHES***

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

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

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

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

Strip searches involve an extreme intrusion into the rights of a student and may only be conducted when an extremely serious situation exists requiring immediate action because of an imminent threat of death or great bodily injury to a person or persons.

If a strip search is necessary the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the superintendent or superintendent's designee, unless the health or safety of any student is endangered by the delay.

### ***LOCKER AND DESK SEARCHES***

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

### ***AUTOMOBILE SEARCHES***

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

### ***COMPUTER SEARCHES***

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

### ***CONSENT SEARCHES***

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

### ***SEIZURE OF ILLEGAL MATERIALS***

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

Adopted: April 9, 2012

Revised: August 12, 2019

#### Legal Refs.:

New Jersey v. T.L.O., 469 U.S. 325 (1985).

U.S. Const. amend IV.

Va. Const. art.I, § 10.

Code of Virginia, 1950, as amended, §§ 22.1-279.7, 22.1-280.2:3.

Virginia School Search Resource Guide (Virginia Department of Education Oct. 2000).

Cross Ref.2 :

CLA Reporting Acts of Violence and Substance Abuse

EGAA Reproduction and Use of Copyrighted Materials

GAB/IIBEA Acceptable Computer System Use

JFC Student Conduct

JFC-R Standards of Student Conduct

JFCD Weapons in School

JFCF Drugs in School

KNAJ Relations with Law Enforcement Authorities

# PARENT & STUDENT ACKNOWLEDGEMENT FORM

*Please return this page to your child's teacher within one (1) week of enrollment of each new school year.*

This form is to acknowledge that you and your school age child have read and understand the Essex County Public Schools Code of Student Conduct and Code of Student Attendance Handbook and Press Release Permission.

We require that you review this entire code of conduct handbook with your child. You and your child must sign this form below and return it to school.

Print Child's Name \_\_\_\_\_

Parent Signature \_\_\_\_\_

Date: \_\_\_\_\_ Child's signature \_\_\_\_\_

Grade \_\_\_\_\_

Teacher Name \_\_\_\_\_ School Name \_\_\_\_\_

***Press Release Permission Information:***

(Check the box below only if you do not approve.)

\_\_\_\_\_ I do not approve that my child picture is published for school related promotions.