

PARENTS—IMPORTANT SIGNATURE CARDS ENCLOSED!

All Students: Required Signature Page

Optional for High School Students:

“Opt-Out Form for Release of Directory Information to Military Recruiters”

STUDENT RIGHTS AND RESPONSIBILITIES 2010–2011



A Climate for Success



LOUDOUN COUNTY PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT

21000 Education Court
Ashburn, Virginia 20148
(571) 252-1020

Edgar B. Hatrick, Ed.D.
Superintendent

September 2010

Dear Students and Parents:

Loudoun County Public Schools rank among the best in the nation, and we have much of which to be proud, including the behavior of our students. We can maintain this excellence by continuing to work together to help each student obtain maximum benefit from the educational opportunities offered.

This publication sets forth school system rules and expectations for student behavior in school. I encourage you to read this material together and discuss it with school personnel if you need clarification. The School Board's Policy Manual, which provides additional detail, is available on the school system's website at www.lcps.org.

These school rules have been developed and adopted by the Loudoun County School Board to help ensure and enhance a healthy and safe environment for teaching and learning and to protect the rights of all students to obtain an education in a positive atmosphere free of disruption.

The right to a free public education is among the most important rights guaranteed to citizens of Virginia and the United States of America. We expect the highest standards of personal conduct on the part of our students, and all of our staff are devoted to working with you to be sure that our schools are places where students and teachers can devote their primary attention to learning and teaching.

With best wishes for a successful school year, I am

Very truly yours,

Edgar B. Hatrick, Ed.D.
Superintendent

Signature Page—Required for All Students

This form must be signed and returned to the student's homeroom teacher or may be mailed to the school by September 17, 2010.

Acknowledgment of Receipt of Student Rights and Responsibilities, 2010–2011

I have received a copy of the booklet, *Student Rights and Responsibilities 2010–2011*, including bus safety rules and the Compulsory School Attendance Law. As evidenced by my signature below, I acknowledge the requirements of Loudoun County School Board's standards of student conduct and the Compulsory School Attendance Law. As the parent/guardian, I agree to cooperate with school officials in managing my child's conduct while he or she is at school, on the school bus, or in attendance at a school-sponsored activity.

By signing the "Acknowledgment of Receipt," parents/guardians shall not be deemed to waive but to expressly reserve their rights protected by the constitutions or laws of the United States or the Commonwealth. Parents/guardians shall have the right to express disagreement with a school or school division's policies or decisions.

Telecommunications Acceptable Use Agreement *(see page 25 for details)*

I have read and agree to abide by the "LCPS Acceptable Use Practices" as described on page 25 of this booklet as evidenced by my signature below.

Media Release and Photographs *(see page 15 for details)*

Check one:

I grant permission for my child (named below) to be photographed or featured in any videotape, television, audio recording, or broadcast that will be produced by and available to the public from LCPS, or (to the extent that access is within LCPS's control during school hours) to the media.

I do NOT grant permission for my child (named below) to be photographed or featured in any videotape, television, audio recording, or broadcast that will be produced by and available to the public from LCPS, or (to the extent that access is within LCPS's control during school hours) to the media.

Check only if it applies:

I do NOT grant permission for my child to be photographed for the school yearbook or in a classroom photograph.

Instructions:

Elementary School Students: Parents/Guardians are required to detach and sign this form, print the child's name in the space provided, and return the form to the child's school. Because of their age, elementary students are not expected to sign, but may do so if desired.

Middle and High School Students: Parents/guardians and students are required to detach, sign, and return this form.

This will be filed in the student's scholastic record.

Student's Name _____
Please Print

Student School ID Number _____

Signature of Student _____

Parent's Name _____
Please Print

Signature of Parent or Guardian _____ Date _____

School _____ Homeroom _____

Parents and Guardians are required to read, detach, sign, and return this form to the homeroom teacher by September 17, 2010.

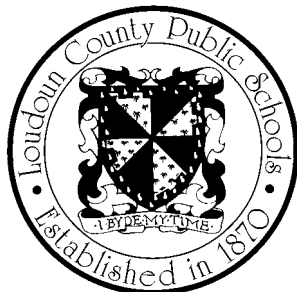


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Student Rights

Basic Rights and Responsibilities

Residents of Loudoun County who are of school age are entitled to a free education in accordance with the laws of the Commonwealth of Virginia. This right and those granted under the Constitution of the United States and the Commonwealth of Virginia and applicable federal and state laws shall be guaranteed without regard to race, religion, creed, gender, disability, or national origin.

This guarantee of rights includes the right of students to have access to courses of study and student activities without regard to gender under the guidelines for compliance with Title IX of the Education Amendments of 1972.

The rights of individuals must be exercised in a way that does not infringe upon the rights of others or threaten the general welfare of society. Some restrictions may therefore be lawfully imposed by governments, including School Boards, upon the manner in which individual rights may be exercised.

The School Board is legally empowered to adopt local regulations for the conduct of students. It is also responsible for the education, welfare, and safety of students in the schools. School Board policies and the rules of individual schools provide a code of student conduct which the School Board expects students to follow. These policies and rules are designed to protect the essential rights of students while ensuring a safe, orderly school environment in which students may learn and develop into responsible citizens.

As provided for in the *Code of Virginia*, any parent, custodian, or legal guardian of a pupil attending Loudoun County Public Schools (LCPS) who is aggrieved by an action of the School Board may, within thirty days after such action, petition the circuit court to review the action of the School Board. The action of the School Board shall be sustained unless the School Board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion.

Rights and Responsibilities as Citizens

As citizens, students enjoy the same general rights in school as they do in other settings, although there are some restrictions on the exercise of these rights that are particular to the school. The right to freedom of speech, for example, must be restricted to prevent one student from disrupting a class, monopolizing class time, or subjecting other students to verbal abuse.

School rules are necessary to place limitations on unacceptable behavior in school. They serve not only to restrict undesirable behavior, but also to teach proper behavior. A goal of all public education is to have students become responsible citizens in a free society. This requires that students learn to be sensitive to the needs and rights of others and to be aware of the consequences of the actions of themselves and others.

Students therefore have a responsibility to protect the rights of other students to an education in a safe, orderly school environment. They also have a responsibility to protect the large financial investment of the citizens of Loudoun County in the education of their children and youth.

The School Board insists that students conduct themselves as responsible citizens while in school or on any school property. Specifically, the School Board requires that students:

1. obey school rules and regulations;
2. respect the authority of school personnel;
3. respect the rights and property of other students and school employees;
4. take care of school property provided for their use; and
5. dress in an appropriate manner.

Rights and Responsibilities of Students

Students have a right to avail themselves of the educational opportunities offered to them through LCPS. This implies not only a right of access to these opportunities, but also a right to be protected from disruptive influences within the school. Students have a right to complain when other students disrupt a classroom and prevent them from learning.

To benefit from the opportunities provided for them, students must assume certain responsibilities for learning. These responsibilities include being in school when physically able, being on time for school and classes, dressing in an appropriate manner, paying attention in class, participating in class discussions and other activities, asking questions when something is not understood, getting proper rest, doing homework and other assignments, making up all work missed because of absences, and doing one's best at all times. Teachers can do much to facilitate learning, but students also must take responsibility for their own learning.

Students also share a common responsibility for the overall learning environment. They should encourage and help each other, work cooperatively in group activities, and avoid creating disturbances that interfere with the efforts of others to learn.

Rights and Responsibilities of Adult Students

Students who have attained the age of 18 years have been granted certain rights as adults. They also assume certain adult responsibilities. In school, students 18 years and older may act in place of their parents where parental permission or excuses are otherwise required. Students 18 years and older also assume control of their school records.

Students who accept these rights as adults are expected to act as responsible adults. If they choose to attend school, they are subject to all school rules and are expected to obey them.



Introduction

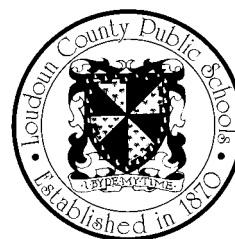
Loudoun County's School Board has the authority and responsibility to make local regulations for the conduct of schools and for the proper discipline of students, including their going to and returning from school. This authority and responsibility is recognized as necessary for the maintenance of a school environment that is conducive to learning, free of disruption and threat to persons and property, and supportive of the rights of individuals. The School Board also recognizes its responsibility to assist and encourage students to achieve self-discipline and become responsible citizens.

This booklet is a compilation of some of the most common rules and policies governing students. A current copy of the "Loudoun County Public Schools Policies and Regulations" is available online at www.lcps.org. Printed copies are available as needed to citizens who do not have internet access.

The "Signature Page" at the front of this booklet must be completed and returned to school with the student no later than September 17, 2010. The optional "Opt-Out Form for Release of Directory Information to Military Recruiters" is for high school students only and is located at the back of the booklet; it should be returned to the student's high school by September 17, 2010 if the parent/guardian or student elects this option.

The School Board has adopted policies governing student behavior and has authorized each school to develop school rules consistent with School Board policies. These policies and rules shall cover students during the school day; while going to or returning from school, whether the student is walking, waiting for, or riding a school bus or a private vehicle; and while the student is participating in or attending any school-sponsored activity, whether at school or elsewhere. These policies and rules also apply to students whose conduct at any time or place interferes with or obstructs the mission or operation of the schools, or the safety or welfare of students, employees, or property.

In addition to this booklet, "Student Rights and Responsibilities," each school publishes and distributes a handbook of school rules. *In the event of a conflict between this version of the "Student Rights and Responsibilities" or the school handbook and School Board policies, the School Board policies shall be controlling in all cases.*



Activities and Organizations

Activities and Organizations

The value of student activities in the education of children and youth is recognized by the School Board. Activities provide opportunities to develop special interests and talents, to mature socially, and to experience the responsibilities of participation and management in organizations.

Student Activity Guidelines

Student activities are a part of the total educational program and are therefore subject to school supervision and regulations. Student conduct at such activities is governed by the same rules for students as apply any other time they are under school supervision. In addition, students are expected to display good sportsmanship in competitive activities, whether they are participants or spectators, and to conduct themselves in a manner demonstrating respect for persons and property.

All student activities must be approved by the principal of the school. Student activities shall relate to the school's curricular program and shall not interfere with the operation of the school. Each activity may establish reasonable qualifications for membership or participation governed by the following guidelines:

1. It shall be open to all qualified students, except that certain athletics may be restricted to members of one gender in accordance with federal regulations on gender discrimination;
2. It shall have a faculty sponsor approved by the principal;
3. The use of school facilities and equipment must be scheduled in accordance with the school's activity calendar and approved by the principal; and
4. All monies raised or collected are school funds and shall be deposited promptly with the school. The principal shall be responsible for the accounting and auditing of activity funds. Such monies shall be used only for the purpose raised or for purposes approved by the faculty sponsor and the principal.

Student Cooperative Association (SCA)

Each school is authorized to establish a SCA that is duly elected by and representative of the student body to provide opportunities for experiencing the responsibilities of self-government and participation in the management and operation of student affairs. The SCA of any school shall establish, with approval of the principal, election procedures and qualifications for office that provide opportunities for representation of the student body.

The purpose of this organization is to maintain cooperation between the student body and the faculty or administration, to promote leadership and responsibility, and to train the students in the principles of self-government. This organization shall be the student representative body of the school.

Non-Curriculum-Related Student Groups

No activity, club, or other group that unlawfully restricts its membership or operates as a secret society may be approved as a school activity nor shall it be permitted to engage in any activity within the school.



Attendance

Students of school age have a right to a free public school education and have a responsibility to attend school. Regular attendance is essential if students are to benefit fully from the educational opportunities provided them. Unless excused by their principal, students are expected to be in school and on time every day. Appropriate disciplinary measures may be taken if students fail to accept this responsibility.

The General Assembly of Virginia has recognized the importance of regular attendance by enacting a compulsory school attendance law for students under the age of 18. This law requires parents or guardians to see that their children attend school for the same number of days and hours that school is in session, and it provides penalties for failure to do so. Penalties are also provided for anyone, including other students, who encourages or induces students to be absent or who employs or harbors a student who should be in school. The School Board employs attendance officers who are authorized and required to file a petition in the Juvenile and Domestic Relations Court to obtain compliance with this law.

As outlined in §22.1-254 of the *Code of Virginia* pertaining to the Compulsory School Attendance Law, every parent, guardian, or other person having control of any child between the ages of 5 and 18 shall send such child to a public, private, denominational, or parochial school or have such child taught by a tutor or qualified teacher, or provide home instruction as approved by the Superintendent or designee.

Parents or guardians who believe that a child is not mentally, physically, or emotionally prepared for school must notify the Superintendent in writing that they wish to delay compulsory attendance until the following year if the child has not reached his or her 6th birthday on or before September 30.

(See Appendix A for a reprint of the Compulsory School Attendance Law in its entirety.)

Absence from School

Recognizing there are legitimate circumstances that prevent students from being in school, the School Board has provided that principals shall excuse students who are absent because of personal illness, death in the family, medical or dental appointments, court appearances, and religious holidays when notification or appropriate documentation has been provided by the parent/guardian.

When a student is absent for all or any portion of the day, the parent or guardian is responsible for notifying the school of the reason and justification for the absence in a timely manner. At the principal's discretion, a physician's note may be required to excuse an absence. Principals also are authorized to excuse students who are absent because of illness in the immediate family or emergencies that, in the judgment of the principal, require a student to be absent. This includes trips that extend or enhance a student's education when such trips are approved in advance by the principal.

Regardless of the reason for an absence of 15 or more consecutive days, VAC 20-110-130 of the *Virginia Administrative Code* requires that the student be dropped from the attendance rolls. Such students must be re-enrolled and assigned to a classroom as determined by the principal or designee. Principals or designees may discipline students for unexcused absences and excessive tardies.

Attendance





Attendance

Whenever any student accumulates a minimum of five unexcused absences in a school year, the parent or guardian will be required to provide the school with documentation from a licensed physician regarding the reason for any subsequent absences. If an additional unexcused absence occurs during the school year, a plan to resolve the non-attendance will be developed. Upon any subsequent unexcused absences within the school year, the attendance officer will file a complaint with the Juvenile and Domestic Relations District Court as described in §22.1–258 of the Code of Virginia.

Dismissals during the School Day

All students must maintain a full-day schedule of classes unless granted a waiver by the Superintendent. Such waivers will be granted only in exceptional circumstances. Students or parents/guardians who wish to apply for a waiver may obtain a form from the principal, who will explain what must be done.

Waivers are required only if a student or parent/guardian desires a dismissal during the school day on a regular basis. The principal may still approve occasional dismissals for illness, emergencies, and other justifiable reasons.

Making up School Work after an Absence

Whenever a student is absent, whether an excused or unexcused absence or a suspension absence, if the principal requires make-up work, a reasonable amount of time, consistent with the length of the absence, will be given to the student to make up the work missed. Upon return from absence, the student is responsible to initiate immediate action to make up the work. Upon such request of the student, the teacher is responsible for providing assignments, tests, and other work that must be made up and informing the student clearly when make-up work for which grades will be given is due. Failure to complete such make-up work within the time allowed will result in a failing grade for those assignments, tests, or other work. Make-up work turned in within the time allowed will be graded on the same basis as other work.

Tardiness

A student is tardy when he or she arrives at an assigned place after the designated time. Repeated or habitual tardiness is an undesirable personal habit and is also disruptive of the orderly instructional process; therefore, teachers or principals will take corrective action. A parent or guardian should escort a tardy student into the school and sign in the student in the main office.

Truancy

A student is truant any time he or she willfully absents himself or herself from school or from any assigned class or activity. Excessive unexcused tardies may result in a truancy referral. Truancy is a serious offense that requires stern corrective action on the part of the school and the parents. All cases of truancy will be documented and reported to parents/guardians.

Bus Conduct

Students who ride school buses are expected to conduct themselves at all times in a way that does not endanger themselves or others. Students are expected to obey all Bus Safety Rules. Improper behavior will result in temporary or even permanent denial of school bus privileges or other discipline.

Meeting the Bus

1. Parents or other responsible persons should accompany young students to and from the bus stop.
2. Students should be at their bus stop five minutes before the scheduled time for the bus to arrive. Drivers are not permitted to wait for late students.
3. While walking to a bus stop, students should walk on sidewalks, if available. If it is necessary to walk in a street or road, students should walk on the left side facing traffic coming toward them and move away from the street or road when traffic approaches. Parents should help young children cross any street or road and teach them to walk on the left side.
4. Where there is a sidewalk at the bus stop, students should wait on the sidewalk until the bus comes to a complete stop. Where there is no sidewalk, students should stand far from the edge of the road and remain there until the bus comes to a complete stop.
5. If the bus stops on the opposite side of the street or road from where students are waiting, the students must wait until the bus comes to a complete stop and the driver directs the students to cross. The students should always walk, never run, in front of the bus to cross the street or road, and they should be sure that the driver can see them at all times.
6. Pushing, shoving, or other horseplay is prohibited while walking to or waiting at a bus stop or while getting on the bus.

Conduct on the Bus

1. While on the school bus, students are expected to cooperate with the driver and obey promptly all directions and orders given by the driver. Drivers will report students who disobey them or violate rules for conduct on buses to the principal of the school. School buses are equipped with video and audio equipment to record student activity. The principal will take necessary disciplinary action which may include suspension from school for serious or continued misconduct.
2. Students should get on a school bus in an orderly manner, without crowding or pushing, and go directly to a seat and sit down. Students are encouraged to use the passenger restraint system when available. They should remain seated at all times until they are ready to get off the bus.
3. Students may not bring pets or other animals, glass containers, water pistols, radios, balloons, or weapons of any kind on school buses.
4. Books, band instruments, or other objects must never be placed in the aisle or the front of the bus. Items that cannot be held by the student during transportation are prohibited.
5. Unnecessarily loud talking or laughter should be avoided. Profane or indecent language is prohibited at all times.
6. Except in an emergency, students should not talk to the driver while the bus is in motion.
7. Students may not open windows without permission of the driver. Shouting at pedestrians and throwing objects out open windows are prohibited.
8. Students must not put their arms, legs, or heads out open windows.
9. Fighting, horseplay, and throwing objects within the bus are prohibited.

Bus Conduct





10. Tampering with doors or other bus equipment or defacing seats or other parts of the bus is prohibited. Students must pay for willful or careless damage to the bus.
11. Smoking or using any form of tobacco on the bus is prohibited.
12. Littering of any kind is not permitted.

Leaving the Bus

1. Students should remain seated until the bus comes to a complete stop.
2. Students should get off the bus in an orderly manner, allowing students in front seats to get off first. Crowding and pushing should be avoided.
3. In no case shall a kindergarten student be left unescorted at a bus stop alone after school.
4. Once off the bus, students should promptly move to a safe place away from the bus.
5. Students who have to cross a street or road should do so only in front of the bus and only after the driver has signaled that it is safe to cross.
6. Students should never attempt to retrieve an object dropped in front of or under a bus.

**Controlled
Substances**

General Bus Information

Students are expected to use the same bus to and from school each day. Riding a different bus is prohibited unless a parent/guardian sends a written request and this request is approved by the school principal. Similarly, students must get off the bus on their way home at their regular bus stop unless a parent/guardian has requested in writing that a student get off at a different bus stop and the principal has approved the request.

Complaints

School Board Policy §8-10 provides a process that allows students and parents to raise formal complaints. Parents and students with complaints should attempt to resolve their concerns first with the staff at the child's school, beginning with, where applicable, the teacher, school assistant principal, or principal. Complaint forms will be distributed annually to all parents and students and shall be accessible to parents and students at all times through individual school offices, electronically upon request from individual schools or the Superintendent's office, and via the LCPS or the school website.

Controlled Substances

Alcohol

Students shall not possess, distribute, use, or be under the influence of alcohol, alcoholic beverages, or any liquid or solid containing alcohol or alcoholic beverages while under school authority, on a school bus, on school property, or at a school-sponsored activity at any time. The term "alcohol" shall mean any intoxicating beverage within the common understanding of that term that shall include any liquid containing any alcohol regardless of volume and is not limited to the definitions set forth in the *Code of Virginia*. A breath analysis test is authorized to determine whether or not a student is under the influence of alcohol.

Middle and high school students violating this policy shall be suspended from school for seven days in addition to participation in three days of Insight Substance Abuse Education class as required by Regulation §8-35 of LCPS, "Alcohol." Additionally, all students who violate this policy for the second time shall be required to undergo evaluation for drug or alcohol use, or both, by an appropriately licensed professional with expertise in substance abuse treatment. If recommended by the evaluator, and with the consent of the student's parents/guardians, the student may be required to participate in a treatment program.

Drugs and Other Chemical Substances

Students are strictly prohibited from possessing, distributing, selling, using, or being under the influence of any drug, any chemical substance that affects the brain or nervous system, or any substance represented to be or believed to be a drug or chemical substance that affects the brain or nervous system, or from possession of any drug-related paraphernalia while under school authority, on school property, or at a school-sponsored event. Possession or distribution of counterfeit or “look-alike” drugs is also strictly prohibited and will be dealt with in the same way as possession or distribution of any other drug.

Controlled Substances

Students who violate drug policies shall be subject to disciplinary action which may include assignment to the Substance Abuse Education Program as required by Regulation §8-36 of LCPS, “Drugs”; long-term suspension from school; referral to the School Board for expulsion; or such other action as may be deemed appropriate by the Superintendent or the School Board. All violations of state law also will be reported to the police. All students who are required to attend the Substance Abuse Education Program shall be required to undergo evaluation for drug or alcohol use by an appropriately licensed professional with expertise in substance abuse treatment. If recommended by the evaluator, and with the consent of the student’s parents/guardians, the student may be required to participate in a treatment program.

Any student who brings a controlled substance, an imitation controlled substance, marijuana, imitation or look-alike marijuana, look-alike drugs, or look-alike controlled substances onto school property or to a school-sponsored activity, or who possesses one or more of these items while under school authority, shall be subject to expulsion from school in accordance with Policy §8-28 of LCPS, “Disciplinary Action by the Division Superintendent.” This policy is applicable to students of all grade levels.

Publications or other printed materials which advocate the use of illegal drugs, the abuse of legal drugs or other chemical substances, which portray such use or abuse as socially acceptable behavior, or which advertise the sale of counterfeit or “look alike” or “act alike” drugs or drug-related paraphernalia are prohibited from sale or distribution on school property. Any student selling or distributing such materials on school property shall be subject to school discipline.

See the “Medication” section for information regarding prescription and over-the-counter drugs. Student abuse of medications will be subject to disciplinary actions as described in this section.

Tobacco Use

Students shall not possess, smoke, or use tobacco products at school, on a school bus, while going to or returning from school, on school field trips, or at any school-related activity on school grounds.



Dances

Dances are a part of the extracurricular program of the school primarily for the benefit and enjoyment of students of that school. Conduct at school dances is governed by the same rules for students as apply any other time students are under school supervision. These include policies concerning behavior; dress; the possession and use of drugs, alcohol, or tobacco; and violence. Obscene or provocative dancing is also prohibited. Failure of a student or guest to comply with these rules may result in removal from the event or exclusion from future school dances.

Discipline

Reprimand and Counseling

A student may be reprimanded for violating a school rule. Counseling the student on the inappropriateness of his or her behavior and the reason for the school rule may also be necessary to help a student understand why his or her conduct is inappropriate or why a school rule is necessary.

Discipline

Detention

A student may be detained beyond regular school hours for violation of school rules and may be required during this time to engage in activities reasonably intended to correct his or her behavior. Only the principal or designee may detain students. Parents or guardians must be notified in advance of such detention and their responsibility to provide necessary transportation for the student.

Denial of School Privileges

A student may be denied normal school privileges for a specified period of time by the principal or designee when such denial of privileges is appropriate corrective action for the misconduct of the student.

Work Assignments

A student may be assigned non-hazardous work before or after school or during the school day when not in class or at lunch. Only the principal or designee should make work assignments, and the student must be properly supervised during any work assignment. No student shall be assigned or allowed to operate any machinery or use any tool or instrument capable of inflicting injury to the student or others. No student will be required to perform a work assignment if the parents or guardians object to such assignment. In such cases, an alternative consequence will be determined.

Removal from Class

For improper behavior in any class or activity, a student may be temporarily removed by the principal or designee or the classroom teacher and assigned to work or study in another place. The parent or guardian of any student shall be notified if a student is removed from class for an extended period of time. Further details can be found in Regulation §8-26 of LCPS, "Teacher Removal of Students from Class."

Denial of Bus Transportation

Misbehavior on a school bus is a serious offense because it endangers the safety of all persons on the bus. Students who misbehave on school buses may be denied the privilege of using school buses for a short period of time. Serious or continued misbehavior may result in longer periods or even permanent denial of transportation. The principal or designee or the director of transportation may determine denial of bus privileges. The parent/guardian of any student denied transportation will be notified.



In-School Restriction

For serious or repeated violations of school rules, a student may be assigned to in-school restriction by the principal or designee. During the period of assignment to in-school restriction, the student will be isolated from normal school activities and will be denied school privileges and participation in or attendance at school activities. The student will be assigned classwork and will be counseled on his or her behavior in school. The parent or guardian of any student assigned to in-school restriction will be notified.

Exclusion from Extracurricular Activities

A student may be excluded from participation in some or all extracurricular activities or attendance at school-sponsored events when such disciplinary action is appropriate to the misconduct of the student. Such exclusion may be for a fixed period of time or until assurance of acceptable behavior has been obtained. Principals and the Superintendent and his designees are authorized to exclude students from participation or attendance in accordance with Policy §8-29 of LCPS, "Exclusion from Extracurricular Activities."

Saturday School

A student may be assigned to Saturday school by school administrators for violating school rules and regulations. During the assignment period, students may be assigned academic work or work assignments. Students assigned to Saturday school will be under the supervision of school personnel. No transportation is provided. The parent or guardian of any student assigned to Saturday school will be notified.

Removal from School for Conduct Not Related to School Activities

As provided for by §22.1-277.2:1 of the *Code of Virginia*, the Superintendent may require any student who has been charged with an offense relating to Virginia's laws on weapons, alcohol, drugs, or intentional injury to another person or has been found guilty or not innocent of a crime relating to Virginia's laws on weapons, alcohol, drugs, or of a crime which resulted in or could have resulted in injury to others to attend an alternative education program. The term "charged" means that a petition or warrant has been filed or is pending against the student. Such alternative education programs include, but are not limited to, night school, adult education, or any other educational program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

Any student for whom the school division has received a report pursuant to §16.1-305.1 of the *Code of Virginia* of an adjudication of delinquency or a conviction may be assigned to an alternative placement.

Notification is sent to the Superintendent by the staff of the juvenile court when a student is charged with or found in violation of certain laws, as required by §16.1-260 and §16.1-305.1 of the *Code of Virginia*.

Short-Term Suspension from School by the Principal

A student may be suspended by the principal or designee for as many as 10 school days for each offense. Unless the student's presence poses a continuing danger to persons or property or is an ongoing threat of disruption, an informal hearing by the principal or designee shall be given to the student before a decision to suspend is made. In the informal hearing, the student shall be notified of the reason for possible suspension and, if denied by the student, shall be provided with an explanation of the evidence and an opportunity to explain his or her version of the incident. When any student is suspended without prior hearing, the hearing shall be held as soon as possible thereafter.



The student's parents or guardians shall be notified promptly in writing of the reason for suspension, the length of suspension, and the procedure for appeal. The procedures for short-term suspension, including rights of appeal, are contained in Policy §8-27 of LCPS, "Suspension from School by the Principal."

Disciplinary Action by the Superintendent

When, in the judgment of the Superintendent, disciplinary action beyond the authority of the school principal is required, the Superintendent shall implement one of the following disciplinary measures:

Involuntary Transfer for Adjustment Purposes. Students may be assigned to a school in an attendance area other than the one in which the student originally enrolled when normal disciplinary procedures, including short-term suspension from school, have failed to correct inappropriate behavior. Prior to involuntary transfer, the student and his or her parents/guardians will have been advised in writing on one or more occasions that such disciplinary action may be recommended by the principal if misconduct in school continues. The procedures for involuntary transfer, including rights of appeal, are contained in Policy §8-28 of LCPS, "Disciplinary Action by the Division Superintendent."

Long-Term Suspension from School. The Superintendent may suspend a student from school for a period of time longer than ten (10) school days but less than three hundred sixty-five (365) calendar days. The purpose of long-term suspension is to allow the parent or guardian the opportunity to take steps to ensure the Superintendent that the student will be able to return to school and not threaten the physical safety of students or others or further disrupt the educational environment and the education of other students. Long-term suspension is used in cases of serious misconduct or when other measures, including short-term suspension or involuntary transfer, have failed to accomplish a necessary change in student behavior. The procedures for long-term suspension, including rights of appeal, are contained in Policy §8-28 of LCPS, "Disciplinary Action by the Division Superintendent."

Expulsion by the School Board. Expulsion means any disciplinary action imposed by the School Board or a committee thereof, whereby a student is not permitted to attend school and is ineligible for readmission for three hundred sixty-five (365) calendar days after the date of such expulsion.

Students may be expelled by a committee of the School Board or the School Board and only in accordance with the procedures set forth in School Board Policy §8-28 of LCPS, "Disciplinary Action by the Division Superintendent," and the School Board hearing procedure set forth in Policy §2-27 of LCPS, "Student Discipline—Appeals and Hearings." Cause for expulsion may be any serious or repeated acts of misconduct listed on Page 24 under "Removal from School."

Students expelled by the School Board may be readmitted only by the School Board upon application for readmission to the Superintendent. Expulsion is the most severe disciplinary procedure used in trying to correct student behavior. The procedures followed in recommending expulsion from school, including the right to a hearing before the School Board, are contained in Policy §8-28 of LCPS, "Disciplinary Action by the Division Superintendent."



Students Expelled or Suspended by Another District or Private School

A student may be excluded from attendance if the student has been expelled or suspended for more than 30 days from attendance at school by a School Board or a private school, or if admission has been withdrawn by a private school, upon a finding that the student presents a danger to other students or staff. In the case of a suspension of more than 30 days, the term of the exclusion may not exceed the duration of such suspension. Upon the expiration of the exclusion period for an expulsion or withdrawal of admission, the student may re-petition the School Board for admission. Such exclusion of students from school is in accordance with the procedures of Policy §8-16 of LCPS, "Students Expelled or Suspended by Other than Loudoun County."

Disciplinary Procedures

Corrective actions will be taken against students who violate school rules and regulations. Unless School Board policies or regulations direct a specific action to be taken for an offense, the principal will determine the appropriate measure for each case. Minor infractions normally will not result in severe actions unless they are repeated and have not been corrected by lesser measures.

Each school may develop procedures consistent with School Board policies to deal with discipline problems. The principal may designate one or more members of the professional staff of the school to carry out the disciplinary powers assigned to the principal by the School Board. The principal, however, shall maintain the final authority and responsibility in matters regarding student conduct. Students shall be informed of the rules and regulations concerning student conduct and the disciplinary procedures of the school.

Students on school property other than the school they attend, or attending an event sponsored by another school, are subject to the authority of the principal or designee responsible for student conduct on that school property or at that school-sponsored event.

Students are expected to do their own work on all tests, papers, projects, or other assignments to be done on an individual basis. Students should neither turn in another student's work as their own nor give assistance to another student. Any student who turns in another student's work as his or her own or who assists or gives his or her work to another student shall be given a grade of zero on that work. The incident will be reported to the principal and the parents. Principals may also establish school rules to punish violators of this policy.

Using the work of others and representing it as one's own is considered plagiarism, a form of cheating, and is similarly prohibited. Plagiarism can take various forms of not giving credit for information and ideas that are used in student work. Students should cite a source when using material from other authors, internet sites, electronic print, or texts. Key words and phrases reproduced as direct quotes should be indicated with quotation marks. Cited paraphrases and summaries that closely follow a source's wording or structure may be considered plagiarism if they do not indicate through footnotes or other means the source being cited. Plagiarism is prohibited in all



Dishonesty

Dishonesty in Assigned Work

student work, including creative writing, essays, reports, projects, and presentations, whether print, oral, electronic, musical, graphic, or video. While LCPS encourages parents and guardians to support and supervise school work completed at home, the work should be done by the student and not by the assisting parent or guardian. Whether the homework is assigned to practice a skill taught in class or to finish a project begun in class, the teacher uses homework to evaluate the student's understanding. If the student is assisted at home, the teachers do not have a reliable understanding of the student's actual level of comprehension or mastery.

Dress Code

The primary responsibility for the proper dress and grooming of students rests with the parent or guardian of each student. The school has the responsibility, however, to see that the cleanliness, dress, and grooming of students does not present a danger to the health or safety of themselves or their fellow students; does not prevent them from performing regularly required school activities; does not cause a disruption of the orderly functioning of the school; or does not cause excessive wear or damage to school property. In addition, the wearing of any article of clothing that is not appropriate, is provocative, has language that is vulgar or obscene or includes gang symbols, promotes illegal or violent conduct such as the unlawful use of weapons, has a picture of or printed matter that depicts tobacco, marijuana, other drugs, or any alcohol product is prohibited.

The principal of each school is authorized to develop and implement such regulations as are necessary to meet the responsibilities of the school as stated above.

**Equal
Opportunity**

Equal Opportunity

In compliance with Executive Order 11246, Title II of the Education Amendments of 1976, Title VI of the Civil Rights Act of 1972, Title IX Regulation Implementing Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and all other federal and state laws as well as school rules, regulations, and School Board policies, LCPS shall not discriminate on the basis of race, color, national origin, religion, age, disability, or gender in the educational program or activities.

It is the intent of LCPS to comply with both the letter and spirit of the law in making certain that discrimination does not exist in its policies, regulations, and operations. Grievance procedures for Title IX and Section 504 have been established for students, their parents, and employees who feel discrimination has been shown by the school division.

All students attending LCPS may participate in educational programs and activities including, but not limited to, health and physical education, music, and vocational and technical education. Educational programs and services will be designed to meet the varying needs of all students and will not discriminate against any individual for reasons of race, color, national origin, religion, age, disability, or gender.

Specific complaints of alleged discrimination under Title IX (gender) and Section 504 (disability) should be referred to:

- Title IX Coordinator: Dr. Mary Ann Hardebeck
Assistant Superintendent for Personnel Services
21000 Education Court, Ashburn, VA 20148
571-252-1100
- Section 504 Coordinator: John Lody
Director, Diagnostic and Prevention Services
21000 Education Court, Ashburn, VA 20148
571-252-1013



Fighting creates a serious danger to the students involved, to other students, school personnel, and school property. Fighting while under school control or supervision will not be tolerated, and disciplinary action will be taken against students who engage in or instigate fighting.

Injuries and medical bills sustained by students engaged in fighting or “horseplay” will not be paid by LCPS.

Students may exercise their right to freedom of expression through speech, peaceful assembly, petition, and other lawful means provided such expression does not cause substantial disruption. Principals may provide reasonable times and appropriate places for students to exercise this right. However, the exercise of this right may be revoked whenever it becomes disruptive to the school program or interferes with the rights of other students to pursue their studies or activities or to express their ideas, or reasonably leads the principal to forecast disruption or interference. Students may not use this right to present obscene material, to slander or defame the character of another person or persons, or to advocate the violation of any federal, state, or local laws or official school policies, rules, or regulations.

Students shall have the right to present recommendations to teachers and administrators to advocate change of any policy, rule, or regulation. Teachers and administrators shall make reasonable arrangements of time and place to hear such recommendations.

The Guidance and Counseling Program of LCPS assists students’ development in academic, career, and personal/social areas through the guidance curriculum, individual student planning and counseling, responsive services, and systems support. All aspects of the program are complementary to the efforts of parents, school staff, and the community.

The curriculum adheres to the “Standards for School Counseling Programs in Virginia Public Schools.”

- Academic counseling assists students and their parents/guardians to acquire knowledge of the curricula choices available to students, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities.
- Career counseling helps students acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational, and career opportunities.
- Personal/social counseling encourages students to develop an understanding of themselves, the rights and needs of others, how to resolve conflict, and how to define individual goals reflecting their interests, abilities, and aptitudes.

School counseling involves individual, small group, and large group contacts over a period of time. A student may meet with the counselor when he or she requests counseling; parents or guardians, teachers, administrators, and other school staff members refer the student; or the counselor initiates contact.

A positive relationship between school and home helps to foster the academic, social, and emotional growth of children. Counselors invite parents/guardians to meet with them concerning their child. Except in cases of crisis intervention, written parental permission is required for students to participate in either individual counseling (more than three sessions) or in small group multi-session counseling which focuses on specific concerns. Parental permission forms for group counseling or individual counseling to be conducted on a continuing basis will be sent home via the student except in those instances outlined in Regulation §5-6 D d(1-3) of LCPS, “Guidance and Counseling Services—Elementary, Middle, and High School.”

Fighting

Freedom of Expression

Guidance and Counseling

Fighting

A child may be included in personal/social counseling without parental consent when the school counselor and the principal of each school have certified in writing that a reasonable effort, involving at least one telephone call and one letter mailed to the parents, has been made to contact the student's parents/guardians and that no response has been received.

Parents/guardians have the option to withdraw their children from all or any portion of the Guidance and Counseling Program by directing their opt-out request in writing to the school principal. The opt-out provision excludes short duration personal/social counseling which is needed to maintain order, discipline, or a productive learning environment, or to assess instances of suspected child abuse or neglect.

Materials used in the Guidance and Counseling Program shall be made available for parent review and comment by making arrangements with the school counselor.

In accordance with the *Standards for Accrediting Schools in Virginia*, each school shall have school counselors who are personally qualified and possess the proper certification and endorsement. The use of counseling techniques beyond the scope of the professional certification or training of counselors is strictly prohibited, including hypnosis or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.

Information and records of personal/social counseling shall be kept confidential and separate from a student's scholastic records and not disclosed to third parties without prior parental consent or as otherwise provided by law.

Harassment

Harassment/Bullying

Harassment in any form, including bullying or hazing, creates a climate that is not conducive to learning and is prohibited. Harassment based upon race, religion, ethnic origin, gender, or ability will not be tolerated, and appropriate disciplinary action will be taken against any student engaging in this type of behavior.

Hazing means to recklessly or intentionally endanger the health or safety of a student or to inflict bodily injury on a student in connection with or for the purpose of initiation, admission into or affiliation with, or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student so endangered or injured participated voluntarily in the relevant activity. Section 18.2-56 of the *Code of Virginia* prohibits hazing and imposes a Class 1 misdemeanor penalty for anyone found guilty of this violation.

"Flagging" or "panting" is unacceptable behavior under any circumstance while under school authority, on a school bus, on school property, or at a school-sponsored activity. Any incident will be treated as a very serious violation and will result in severe disciplinary action.

The School Board supports the maintenance of a working and learning environment for employees and students that provides for fair and equitable treatment, including freedom from sexual discrimination and harassment. No employee or student, male or female, shall discriminate on the basis of gender; harass another employee or student by making unwelcome sexual advances or requests for sexual favors; or engage in other verbal or physical conduct of a sexual nature.

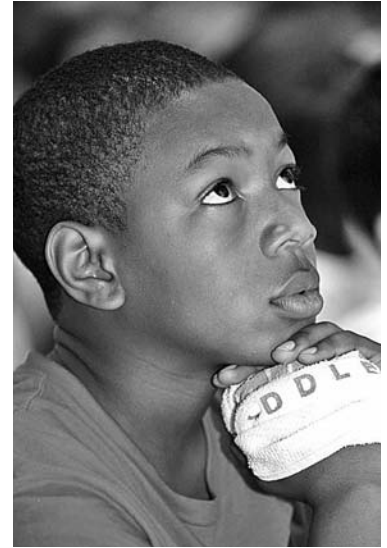
Procedures are described in Policy §7-2 of LCPS, "Sexual Discrimination/Harassment," for resolving complaints arising from alleged sexual harassment or discrimination or alleged violations of Title IX of the Educational



Amendments of 1972 (P.L. 92-318), as amended. Any employee or student who believes he or she has been subjected to sexual harassment or discrimination should file a complaint of the alleged act immediately with one of the Compliance Officers (or with his or her teacher, who shall immediately report the incident to the Compliance Officers), as follows:

- Sharon D. Ackerman
Assistant Superintendent for Instructional Services
571-252-1300
- Dr. Mary Ann Hardebeck
Assistant Superintendent for Personnel Services
571-252-1100
- E. Leigh Burden
Assistant Superintendent for Business and Financial Services
571-252-1400

An investigation of all reported incidents shall be undertaken promptly and shall be completed within thirty (30) days. The confidentiality of the reporting party will be observed, provided that it does not interfere with the investigation or with the ability to take corrective action.



Injuries

LCPS does not carry medical or accident insurance to cover students injured while at school. The school system does carry liability insurance for incidents that are determined by an authorized investigator to have been caused by gross negligence on the part of the school system. These are the only instances in which medical bills might be paid by the school system.

Optional, voluntary student accident insurance is made available for purchase on behalf of students for a nominal fee. There are various benefit plans from which to choose including school-time coverage only or 24-hour coverage for accidents year round. Additional accidental injury protection is available for football and dental accident insurance coverage.

Careful consideration should be given to purchase of voluntary student accident coverage if no other coverage is available to the student.

School authorities have a responsibility to investigate suspected violations of the law or School Board policies. Principals and their designees who have reasonable suspicion that a student is in possession of contraband, illegal or harmful articles, or substances may search the student and his or her personal property in accordance with Policy §8-2 of LCPS, "Investigations and Searches." Such searches may include use of a metal detector.

School facilities made available to students for keeping their personal belongings and school materials loaned to them remain the property of the school. A principal or designee is authorized to search any storage facility when there is reasonable suspicion that illegal or harmful materials are stored therein. Private vehicles parked on school property may also be subject to searches.

Students who refuse to cooperate with school investigations, including searches and breath analysis tests, may be subject to stern disciplinary action including involuntary transfer, suspension, or expulsion from school.

Injuries, Accidents, and Medical Bills

Investigations and Searches

Laser Pointers

Students are prohibited from possessing laser pointers while on any public school property, school bus, or attending any school function or activity. Any student found to possess a laser pointer in violation of this policy will be subject to disciplinary action and the seizure of the device by school officials.

Law Enforcement/ Police Reports

In accordance with §22.1-279.3:1 of the *Code of Virginia* and Policy §8-38 of LCPS, "Reporting of Offenses," the principal or designee shall report all incidents involving assault and battery that result in bodily injury on a school bus, on school property, or at a school-sponsored activity; sexual assault, death, shooting, stabbing, cutting, or wounding of any person or stalking of any person on a school bus, on school property, or at a school-sponsored activity; any conduct involving alcohol, marijuana, a controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity; the illegal carrying of a firearm onto school property; any illegal conduct involving firebombs, explosive materials or devices or hoax explosive devices, explosive or incendiary devices, or chemical bombs on a school bus, on school property, or at a school-sponsored activity; or any threats or false threats to bomb made against school personnel or involving school property or school buses. Assault or assault and battery without bodily injury may be reported to law enforcement authorities at the discretion of the principal. The principal or designee shall also notify the parent of any student involved in an incident as outlined above, regardless of whether disciplinary action is taken against such student. Such notice shall relate only to the relevant student's involvement and shall not include information or the names of other students involved in the incident.

Any student who commits a reportable violation shall be required to participate in such prevention and intervention activities as may be prescribed by the Superintendent or his designee.

Students violating the law may also be subject to further local, state, and federal laws associated with the violation and its ensuing consequences separate from disciplinary actions that may be determined by the school system.

Media Release

Sex Offender and Crimes against Minors Registry (SOR)

As per state law, LCPS is required to provide information to parents regarding registration of sex offenders and the availability of information on the Sex Offender Registry (SOR).

The SOR is available via the Internet pursuant to §9.1-913 of the *Code of Virginia*. The SOR homepage can be accessed by entering the following website address: <http://sex-offender.vsp.virginia.gov/sor/index.htm>.

Media Release and Photographs

Students may occasionally be photographed or videotaped during their participation in school activities. These photographs may be used to provide information to the public about LCPS programs and activities through school system publications and displays, in newspapers and other print media, on television, and in connection with school system information provided on the internet.

Parents/guardians may elect not to have their child photographed or videotaped for use in media and may further request that no individual pictures be used in the school yearbook and that the child not be a part of classroom photographs.

The "Parent/Guardian Signature Page" at the front of this booklet provides choices regarding media release photography as well as school yearbook and classroom photographs.

All medications should be administered to students at home whenever possible. If it is necessary for a student to take medication while attending school, the following procedures must be observed:

All prescription and non-prescription medication must be in the original, labeled container. Students with diabetes, asthma, or life-threatening allergies may carry medications throughout the school day with the approval of the physician and parent or guardian as indicated on the “Physician Order/Health Care Plan.” Otherwise, students are not permitted to transport medications to and from school or carry any medication while in school.

Overnight Field Trip Medications

Any prescription medication which needs to be administered on an extended day or overnight field trip must have the “Authorization for Medication Administration” form completed and signed by the parent and physician on file in the clinic. Medication for these field trips must be supplied in an original pharmacy-labeled container with the needed amount of medication for the field trip. If the child receives medication at school, no medication for the overnight field trip will be taken from the school supply.

Prescription Medication

The parent must provide the principal, school nurse, or school health clinic assistant with the medication and a completed “Authorization for Medication Administration” form. This form includes written instructions from the physician. Copies of the form are available in the school office, the clinic, and on the LCPS website

under the “Student Health Services” portion of the “Services” tab. A new “Physician Order/Health Care Plan” must be provided to the school at the beginning of each school year for medications, seizures, asthma, anaphylaxis, diabetes, or any other serious medical condition.

Parents are asked to bring in no more than a 60-day supply of prescription medicine at a time.

Any herbal or natural alternative medications (botanicals, dietary or nutritional supplements, homeopathic medicine, phytomedicinals, vitamins, and minerals) require an “Authorization of Medication Administration” form that includes dosage, time, and reason for administration signed by the physician and parent or guardian.

A 24-hour supply of the medication needed for students who must have the medicine to avoid serious health consequences (insulin, seizure medication, etc.) should be left in the school clinic in case of a prolonged school day. The medication must be in an original pharmacy-labeled container with a physician’s order on file in the clinic giving the time that the medication is to be administered in a 24-hour period.

Non-Prescription Medication

The parent must complete the “Authorization for Medication Administration” form with the non-prescription portion completed and signed by the parent or a signed note containing the information below. The medication must be in the original, labeled container that must include the following:

1. student’s name;
2. name and purpose of medication;
3. dosage and time of medication; and
4. termination date for administering medication.

Non-prescription medication will only be administered according to directions on the label. If a higher dosage is required, a signed “Authorization for Medication Administration” form from the physician must accompany the medication. Cough drops and throat lozenges are considered non-prescription medication.

In order to maintain a high standard of safety and care, medical information regarding students with health concerns is shared with school staff on an as-needed basis.

Medication

Medication



Minute of Silence

The Commonwealth of Virginia requires that each school day begin with a minute of silence. During the minute of silence, students shall remain seated and make no distracting displays.

Motor Vehicles and Parking

Student use of motor vehicles for transportation to and from school is a privilege permitted by the School Board. Parking facilities are provided at high schools for those students who must drive to school. Parking on school grounds is a privilege that may be granted by principals and may be revoked by them for failure to comply with rules and regulations governing parking privileges. Students shall submit to the principal a school parking application stating the need to drive to school, register any vehicle driven to school with the school office, and purchase a transferable school parking permit. Unlicensed motor vehicles, including mini-bikes, are prohibited from school grounds at all times.

The School Board will not be responsible for and does not provide insurance coverage for any liability or physical damage involving private motor vehicles while on or off school property.

Opt-Out for Specific Activities

The *Protection of Pupil Rights Amendment (PPRA)*, 20 U.S.C. §123h, requires LCPS to notify parents or guardians to obtain consent for, or to allow parents or guardians to opt their child out of, participating in certain school activities. These activities include a student survey, analysis, or evaluation that concerns one or more of the following eight areas:

1. political affiliations or beliefs of the student or student's parent(s);
2. mental or psychological problems of the student or the student's family;
3. sexual behavior or attitudes;
4. illegal, anti-social, self-incriminating, or demeaning behavior;
5. critical appraisals of others with whom respondents have close family relationships;
6. legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
7. religious practices, affiliations, or beliefs of the student or parents; or
8. income, other than as required by law, to determine program eligibility.

This requirement also applies to the collection, disclosure, or use of student information for marketing purposes ("marketing surveys") and certain physical exams and screenings.

At present, a schedule of activities requiring parental notice and consent or opt-out is not available for the upcoming school year. If surveys and activities are scheduled after the school year begins, LCPS will provide notification to parents or guardians, allowing them a reasonable period of time to opt their child out. Parents will also be provided an opportunity to review the survey.

Opt-Out

Parental Responsibility and Involvement Requirements

Section 22.1-279.3 of the *Code of Virginia* contains provisions addressing parental responsibility and involvement that are intended to promote proper student conduct. Through the enactment of this legislation, the General Assembly has asserted its position that parents do not relinquish their responsibility for disciplining or managing their children while they are attending public schools. Rather, parents must work in partnership with school administrators to maintain a safe and orderly school environment.

Most parents and guardians are involved with and supportive of their schools, helping to create the environment that is necessary to promote learning. Consequently, school officials recognize that they will not need to resort to the enforcement provisions in this legislation unless parents or guardians willfully and unreasonably fail to meet their responsibility as outlined below. Rather, this legislation provides schools with additional tools for involving all parents in assisting schools' maintenance of a safe school environment.

- Within one calendar month of the opening of school, the School Board must send to parents/guardians a copy of these requirements, a copy of the School Board's standards of student conduct, and a copy of the Compulsory School Attendance Law. Those are included in this booklet, *Student Rights and Responsibilities*.
- Parents/guardians must sign and return a statement acknowledging receipt of the School Board's standards of student conduct and the Compulsory School Attendance Law. In doing so, parents/guardians recognize their responsibility to assist the school in disciplining their student. This form is included at the front of this booklet.

NOTE: Parents/guardians are not precluded from expressing disagreement with the implementation of the School Board's standards of conduct through the appropriate channels. Parents continue to maintain the right to appeal a suspension or expulsion under §22.1-277 of the *Code of Virginia*.

Parental Responsibility

- Each school must maintain records of the signed statement.
- The principal is authorized to request that the student's parent or parents, if both parents have legal and physical custody of the student, or guardian(s) meet with the principal or designee to review the standards of conduct, the parent's or guardian's responsibility to participate in disciplining the student, and ways to improve the student's behavior and educational progress.
- The principal is authorized to notify the parents/guardians when the student violates a School Board policy that could result in a suspension, whether or not the administration has imposed such action. The notice must state the date and particulars of the offense, the parent's/guardian's obligation to assist the school in improving the student's behavior, and, if the student is suspended, the fact that a parent or guardian may be required to accompany the student to meet with school officials.
- Under §22.1-279.6 of the *Code of Virginia*, the principal may notify the parents/guardians of any student who violates a School Board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition.



- Suspended students may not be readmitted to the regular school program until the student and parent/guardian meet with school officials to discuss improving the student's behavior. However, the principal or designee is authorized to readmit the student without the parent/guardian conference if it is appropriate for the student.
- If parents/guardians fail to comply with these requirements, the School Board may petition the Juvenile and Domestic Relations Court to proceed against the parents/guardians for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance. The court is authorized to take the following actions:
 - Order the parents/guardians to meet with school officials, if the parents/guardians willfully and unreasonably fail to meet with the principal after such a request has been made.
 - Order the student or parents/guardians, or both, to participate in treatment or programs to improve the student's behavior, including participation in parenting counseling or a mentoring program, as appropriate, or be subject to other limitations and conditions as the court deems appropriate. In addition, the court may impose a fine of up to \$500.

Pledge of Allegiance

The Commonwealth of Virginia requires the daily recitation of the Pledge of Allegiance. The statute provides that no student shall be compelled to recite the Pledge if the student or the parent or guardian objects on religious, philosophical, or other grounds to the student's participating in this exercise. The statute further provides that students who are exempt from recitation of the Pledge shall remain quietly standing or sitting at their desks while others recite the Pledge and shall make no display that disrupts or distracts others.

Portable Communication Devices

Students are prohibited from operating beepers, cell phones, or other personal communication devices during school hours while on the grounds of any public elementary, middle, or high school. Such devices may only be operated by students before or after school hours. School officials may confiscate such devices when a student violates these provisions. Repeated violations of this policy by a student may result in disciplinary action. Student use of such devices for unlawful activities while on school property or attending any school function or activity may result in seizure of the device and disciplinary action, including expulsion. The School Board will not be responsible for any loss or damage to portable communication devices.

Portable Devices

Prohibited Behaviors

Students are expected at all times to conduct themselves in accordance with federal, state, and local laws and to obey all policies, rules, and regulations of the School Board and the local school. When a student violates a School Board policy or a school rule, the principal shall take appropriate disciplinary action in accordance with established policy and procedures. Violations of the law will be reported to law enforcement agencies and to parents or guardians of any student involved. Students who violate the law in LCPS can expect to be prosecuted in court.

Acts or Threats of Physical Violence

The use or threat of physical violence against another person will not be tolerated. Such acts or threats may result in arrest and criminal prosecution and will result in school disciplinary action, including the possibility of suspension or expulsion.

Acts or threats of physical violence include, but are not limited to, assault, battery, robbery involving force or threat, extortion, fighting, rape, use or possession of any weapon or explosive as defined by Policy §8-32 of LCPS, "Weapons," and setting off fireworks or smoke bombs. Making telephone bomb threats, or otherwise harming, intimidating, or endangering the physical well-being of any person are also included.

Disruption of the School Environment

The environment of each school must be one in which learning can flourish, the security and dignity of each person is protected, and all activities can be conducted in an orderly and productive manner. Severe disruption of this environment may result in arrest and criminal prosecution; less serious instances will be subject to school disciplinary procedures.

Acts of disruption include, but are not limited to, riotous or disorderly behavior that interrupts or disturbs the school operation; inciting others to behave in a disorderly manner; defiance of the authority of school personnel; verbal abuse or cursing of others or the use of profane, vulgar, or indecent language or conduct; interruption or disturbance of classes, assemblies, activities, or offices of the school; defacing of property with obscene or offensive words or symbols, or with racial or religious epithets; harassment or bullying or failure to leave school premises when directed to do so.

Prohibited Behaviors

Property Damage

Students are expected to give due care to school property provided for their use and education and to respect the property of others. Taking or attempting to take another person's property or school property or the damage or destruction of another person's property or school property will result in disciplinary action. Students are also required to reimburse the School Board for any breakage, destruction, or loss of school property.

The property of the school and the personal property of students and school employees must be secure. Criminal acts against property may result in arrest and prosecution; acts of a less serious nature will result in school disciplinary action.

Acts or threats against property include, but are not limited to, destruction, damaging, defacing, stealing, or setting fire to any property of the school or another person, including buildings, furniture, grounds, roadways, parking lots, signs, fences, equipment, instructional materials, automotive vehicles, or personal belongings, or the threat of such actions.

The School Board does not provide insurance coverage and will not be responsible for students' personal property brought to school. Examples of student-owned property include, but are not limited to, radios, MP3 devices, CD/DVD players,





cell phones, cameras, calculators, laptop computers, purses, wallets, clothes, jewelry, eyeglasses/contacts, books, backpacks, tools, musical instruments, athletic equipment, motor vehicles, etc. These items may be covered by the student's or parent/guardian's homeowner insurance policy, or coverage may be purchased on a voluntary basis through the insurance carrier information provided by the School Board.

Parents/guardians of students causing damage or loss of any School Board property will be assessed and invoiced for the repair or replacement cost of the damaged or lost property.

Personal Behavior

Students are expected at all times to behave in a restrained, responsible way and to conduct themselves in accordance with all laws, rules, and regulations, and in a manner that contributes to the orderly operation of the school. Personal conduct in violation of law is subject to arrest and prosecution; violation of school rules and regulations will result in school disciplinary action.

Personal behavior that is prohibited includes, but is not limited to, the following:

- use, possession, or distribution of drugs, alcohol, or other chemical substances that affect the brain or nervous system, or drug-related paraphernalia;
- being under the influence of drugs, alcohol, or other chemical substances that affect the brain or nervous system;
- gambling;
- dressing in any manner that is not appropriate, is provocative, disrupts the school, or presents a hazard to health or safety;
- damaging school property or the personal property of others;
- forgery, plagiarism, cheating, stealing, or lying;
- indecent exposure, obscene gestures or conduct, or bringing inappropriate publications or illustrations to school; and
- sexual contact between students while subject to school authority.

Section 22.1-279.4 of the *Code of Virginia* requires that local School Boards provide information to students about the laws regarding the prosecution of juveniles as adults. Essentially, the law permits juveniles to be prosecuted as adults under certain circumstances. The Office of the Attorney General has developed information provided in question and answer format. (*See Appendix B*)

Prosecution of Juveniles as Adults for Certain Crimes

Publications

Publications

Student publications, such as newspapers, literary magazines, and yearbooks are authorized at a level appropriate to the student body. The principal of the school must approve all publications.

The editorial staff and faculty advisor of each approved publication shall establish an editorial policy which promotes and guarantees responsible journalism and which must be approved by the principal. This policy shall be in accordance with the right to freedom of expression, but shall prohibit publication of material which:

- has caused, is causing, or reasonably leads the principal to forecast substantial disruption of or interference with school activities;
- endangers the health or safety of students;
- advocates the violation of any federal, state, or local law or official school policies, rules, or regulations, or is a criminal act in itself;
- tends to besmirch the memory or the private life of one who is dead or the reputation of the private life of one who is alive, or exposes any person or

group to public hatred, contempt, or ridicule, or invades the privacy of any persons, or

- is obscene in that:
 1. the average person, applying community standards, would find that it, taken as a whole, appeals to lewd interests;
 2. is patently offensive to prevailing standards in the adult community as a whole with respect to what is appropriate for students of the age group for which it is to be published;
 3. taken as a whole, is without redeeming social importance for students of this age and lacks serious literary, artistic, political, or scientific value; or
 4. violates the Virginia law on obscenity.

Student Records

A scholastic record is maintained on every student enrolled in LCPS. At a minimum, the student scholastic record contains directory information, grades, health and physical education records, discipline records, if any, and the results of standardized group testing. Any individual special evaluations (psychological, medical, educational, or social history), official records relating to special education or Section 504 of the Rehabilitation Act of 1973, and records relating to the gifted program, Title I, Head Start, and other special programs would also be included in the scholastic record.

The student scholastic record is kept at the school currently attended by the student. Files for students who have left the system are kept at the last school attended. The principal is the custodian of the scholastic record. A portion of some students' files may be maintained in the central office; the scholastic record will specify the department.

The entire contents of the student scholastic record are not retained permanently. A permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade-level, and year completed is maintained. The special education portions of records are destroyed five years from the date of graduation, transfer, or withdrawal from the school system. Individual

assessments and protocols for special education evaluations are retained for one year after such testing is administered and then destroyed by the end of the following school year. Upon request, a copy of the special education portions of students' files or test

protocols may be accessed prior to their destruction.

Provisions of the Family Educational Rights and Privacy Act (FERPA)

The *Family Educational Rights and Privacy Act* (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's scholastic record. They include the following:

- The right to inspect and review the student's scholastic record within 14 days of the day the school division receives a request for access. Parents or eligible students should submit to the school principal or appropriate school official a written request that identifies the information they wish to inspect. The principal, principal's designee, or central office administrator will make arrangements for access and notify the parent or eligible student of the time and place where the information may be inspected.
- The right to request the amendment of the information in the student's scholastic record that the parent or eligible student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights. They

Records

Records



should write to the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the school division decides not to amend the record as requested by the parent or eligible student, the school division will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

- The right to consent to disclosures of personally identifiable information contained in the student's scholastic record, except to the extent that FERPA authorizes disclosure without consent. One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the division as an administrator, supervisor, instructor, or support staff member (including health or medical staff); a person serving on the School Board; a person or company with whom the division has contracted to perform a special task (such as an attorney, auditor, medical consultant, insurer, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review a scholastic record in order to fulfill his or her professional responsibility. Upon request, LCPS discloses scholastic records without consent to officials of another school division in which a student seeks or intends to enroll.
- The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school division to comply with the requirements of FERPA. The name and address of the office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.



Release of Directory Information

The written consent of parents is required for the release of any personally identifiable data from student records, except for directory information and other exceptions as provided by law.

The following information, known as “directory information,” may be released without prior consent: names and addresses of students, e-mail addresses, telephone number, date and place of birth, dates of attendance, participation in officially recognized activities and sports, height and weight of members of athletic teams, and awards and honors received.

Parents or guardians and eligible students have the right to refuse disclosure of such data. If parents, guardians, or students wish to exercise the right to refuse release of directory information, they should write a letter to the principal of the student's school requesting that no directory information be released. The request should be mailed no later than September 17, 2010.

Release of Information to Military Recruiters

In accordance with the *No Child Left Behind Act of 2001* and the *National Defense Authorization Act*, the schools shall, upon a request made by military recruiters or an institution of higher learning, provide access to secondary school student names, addresses, and telephone listings. However, a student or parent of a student may submit a request that the student's information not be released without prior written parental consent. An opt-out form for students and parents or guardians who do not wish to have such information released is included in this booklet and must be completed and returned to the student's high school.

Records of Eighteen-Year-Old Students

Under the law, the rights of parents to scholastic records of students transfer to the student upon reaching the age of 18 years. This includes the rights of access, challenge, and control of release of data from their school records. Parents of children who are still dependents as defined in Section 152 of the Internal Revenue Code of 1954 are eligible, however, to obtain copies of their children's records.

Annual Destruction of Individual Assessments and Protocols

If a child is administered individual standardized tests during the school year, please note that it is the practice of the school division to destroy the test protocols at the end of the following school year because this information would no longer be needed to provide educational services to the child. These test protocols are maintained in the Department of Pupil Services.

A parent or guardian has the right to review and inspect the records but must make this request prior to their destruction at the end of the school year. A parent or guardian may also challenge in a hearing the decision to destroy the records. Any such requests should be directed to the Director of Diagnostic and Prevention Services, 21000 Education Court, Ashburn, VA 20148. Copyright laws may prevent parents or guardians from obtaining copies of the test protocols.

Conduct which may constitute cause for removal from school shall include, but shall not be limited to, the following:

- willful or continued disobedience of school rules and regulations or school personnel;
 - defiance of authority of any teacher, principal, or other person having authority in the school;
 - conduct that endangers or threatens the physical well-being of themselves, other students, or school personnel;
- physical assault upon another person, including fighting and nonconsensual touching;
- damaging in any way any property of the school or any person;
- theft or attempted theft of school property or the personal property of another person;
- participation in unauthorized occupancy of any part of a school building or grounds, presence on any school property in violation of a directive, or failure to leave promptly any school property after having been directed to do so by the principal or other person in charge;
- use or possession of any weapon or explosives, including fireworks, on school property;
- violation of attendance regulations, including leaving school without permission;

Removal from School

Removal from School





- cursing, verbal abuse, written abuse, bullying, intimidation, or harassment of another person by electronic means or otherwise as an individual event or a pattern;
- willful interruption or disruption of any school or part thereof;
- any threat to bomb, burn, or damage in any manner a school building or other school property, or the property of another person;
- violation of the alcohol policy;
- violation of the drug policy;
- violation of the policy on use of tobacco;
- violation of the policy on beepers or portable communication devices;
- lying or giving false information, verbally or in writing, to a school employee, including forgery or the knowing use of forged writing;
- failure to abide by restrictions or punishments of a lesser nature;
- violation of any law of the United States or the Commonwealth while on school property or of any policy for which the prescribed punishment is suspension;
- unauthorized or illegal use of, or access to, computers, software, telecommunications, and related technologies; any willful act that causes physical, financial, or other harm, or otherwise disrupts information technology;
- participation in a group, mob, or gang activity that involves inciting, intimidating, harassing, threatening, or committing an assault or other act of violence;
- disruptive behavior;
- other good and just cause; and
- other sufficient cause.

Telecommunications Acceptable Use Policy and Internet Safety

All LCPS have access to telecommunications services and, through them, an avenue to the Internet. The Internet links thousands of computer networks around the world, giving LCPS students access to a wide variety of information resources. Students in LCPS use telecommunications and the Internet to participate in learning projects outside their community, to ask questions of and consult with experts, to communicate with other students, and to locate information to meet their educational needs.

However, with access to computers and people all over the world there is an availability of material that may not be of educational value in the context of the school setting. LCPS does not condone the use of such materials and does not permit the usage of inappropriate materials in the school environment. Also, LCPS is not responsible for the accuracy or the quality of information obtained through the Internet.

In using computer equipment and networks in schools for any purpose, all students need to act responsibly. Students must use appropriate language and behavior on computers and networks. Malicious behavior and unauthorized use of equipment or systems could be in violation of Policy §8-27 of LCPS, “Suspension from School by the Principal,” and subject to disciplinary action.

LCPS staff monitors student usage of Internet access. Elementary students will be fully supervised when using telecommunications services. Secondary students will be observed closely by school personnel as they use telecommunications in the school building. Electronic protection will be established when and where possible. Secondary students will acknowledge these “Acceptable Use Practices” before using telecommunications services in schools by returning an agreement form to the teacher or librarian.

When parents or guardians sign that they understand the “Telecommunications Acceptable Use Practices” of LCPS, they are agreeing that they:

- understand that Internet access is designed for educational purposes;
- recognize that it is impossible for schools to restrict access to all controversial material even with LCPS staff members monitoring students’ access;
- will not hold LCPS responsible for materials acquired on the network;
- give the student permission to access the Internet services in school; and
- understand that this privilege may be revoked if the student violates the “Telecommunications Acceptable Use Practices.”

All of the high schools in LCPS are members of the VHSL which includes athletic competition as well as various drama, debate, forensics, and academic competitions.

In order to be eligible for VHSL activities, students:

- must have been enrolled in a minimum of 5 subjects and passed 5 subjects the previous semester;
- may not repeat courses for eligibility purposes for which credit has been previously awarded;
- cannot have been enrolled in high school for more than 8 consecutive semesters;
- must not have reached the 19th birthday on or before the first day of August of the year in which they are participating; and/or
- must have completed a VHSL physical form in order to participate in athletics.

No student shall possess any weapon for any reason while under school control or supervision. The term “weapon” is construed broadly to cover and include any instrument that could injure, harm, or endanger the physical well-being of another person. The term includes, but is not limited to, the following:

Category A:

- any stun weapon;
- any pistol, shotgun, rifle, revolver, or other weapon designed or intended to propel a missile of any kind whether loaded or unloaded, whether operable or inoperable;
- any dirk, Bowie knife, switchblade, ballistic knife, any knife, except a pocket knife having a folding blade of less than 3 inches, or razor, slingshot, spring stick, brass or metal knuckles, or blackjack;
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as nunchahka, nun chuck, nunchaku, shuriken, or fighting chain;
 - any disc of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown as a throwing star or oriental dart;
- any weapons of like kind as those enumerated above;
- any weapon, including a starter gun, which will, or is designed or may readily be converted to, expel a projectile by the action of an explosive or the frame or receiver of any such weapon;
- any destructive device defined as (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket; (ii) any weapon, including shotguns; and (iii) any

Virginia High School League (VHSL)

Weapons

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combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. “Destructive device” shall not include any device which is not designed or redesigned for use as a weapon and which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device; or

- any firearm muffler or firearm silencer;
- any air rifle;
- any BB gun, including an Airsoft;
- any pneumatic gun, including a paintball gun that uses pneumatic pressure.

Category B:

- any knife, or other instrument or device, not included in Category A, having as a part thereof a blade designed to cut or a point designed to penetrate;
- any instrument or device, not included in Category A, which has as one of its designed purposes use thereof as a weapon;
- any chemical or chemical compound that produces an adverse effect on the normal functions of the human body;
- and any instrument, device, or substance, not included in Category A, which could injure, harm, endanger, or induce fear in another person, including “toy” or “look-alike” weapons.

The prohibitions set forth above shall not apply to any student who possesses:

1. such weapon or weapons as a part of the school’s curriculum or activities; or
2. a knife customarily used for food preparation or service and is being used for such purpose; or
3. such weapon or weapons as part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs; and

provided that such weapons or knives are furnished by a school official to such student immediately prior to the use thereof and collected by or returned to the school official immediately upon conclusion of the use.

Nothing contained herein shall prohibit a Junior Reserve Officers Training Corps. (JROTC) program from conducting marksmanship training when such training is a normal element of such programs; such programs may include training in the use of pneumatic guns. Such marksmanship training shall occur only at a location or locations approved by the Division Superintendent.

Any student who violates this policy with respect to a Category A weapon shall be expelled from LCPS. Notwithstanding the foregoing, given the facts of a particular case, special circumstances may exist indicating that other disciplinary action may be appropriate, and may be recommended by the Principal. The Superintendent, or the Superintendent’s designee, shall conduct a preliminary review of all cases under this policy to determine if disciplinary action other than expulsion is appropriate. If the Superintendent or the Superintendent’s designee determines that disciplinary action other than expulsion is appropriate, disciplinary action shall be taken in accordance with Policy §8-28. If the Superintendent or the Superintendent’s designee determines that expulsion is appropriate, the School Board or a committee thereof shall review this determination and nonetheless may determine that based upon the facts of a particular case, special circumstances exist indicating that other disciplinary action is

appropriate and may reverse or modify the determination of the Superintendent or the Superintendent's designee. This policy is applicable to students at all grade levels.

Any student who violates this policy with respect to a Category B weapon or any other terms of this policy shall be subject to expulsion from LCPS, or to such lesser disciplinary action, including long-term suspension, as may be deemed appropriate.

Safe Harbor

The following shall not constitute a violation of this policy:

- (a) The accidental or inadvertent possession of a weapon by such student if the student accidentally or inadvertently brought the weapon onto school property or to a school-sponsored activity, provided the student immediately reports the same to a teacher or administrator upon discovery thereof by such student and before it is discovered or seen by a teacher, administrator, or other school employee or by another student; or
- (b) The possession of a weapon by a student if such weapon was found on school property or at a school-sponsored activity by such student, provided the student immediately reports the same to a teacher or administrator and before such weapon is discovered or seen by a teacher, administrator, or other school employee or by another student.

Notwithstanding the foregoing, there may be a requirement to report such possession to law enforcement officials as provided in state law.



Referenced Documents

Appendix A

Compulsory School Attendance Law

§22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

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

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

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

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of §22.1-253.13:1 and in §22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan pursuant to subsection D, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

- B. A School Board shall excuse from attendance at school:
1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and
 2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.
- C. A School Board may excuse from attendance at school:
1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the School Board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; and
 2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.
- D. Local School Boards may allow the requirements of subsection A of this section to be met under the following conditions:

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

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

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

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

- E. A School Board may, in accordance with the procedures set forth in Article 3 (§22.1-276.01 et seq.) of Chapter 14 of this title and upon a finding that a school-aged child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of §16.1-260; (iii) suspended pursuant to §22.1-277.05; or (iv) expelled from school attendance pursuant to §22.1-277.06 or §22.1-277.07 or subsection B of §22.1-277, require the child to attend an alternative education program as provided in §22.1-209.1:2 or §22.1-277.2:1.
- F. Whenever a court orders any pupil into an alternative education program offered in the public schools, the local School Board of the school division in which the program is offered shall determine the appropriate alternative education placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

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

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

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

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

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

(Code 1950, §22-275.1; 1952, c. 279; 1959, Ex. Sess., c. 72; 1968, c. 178; 1974, c. 199; 1976, cc. 681, 713; 1978, c. 518; 1980, c. 559; 1984, c. 436; 1989, c. 515; 1990, c. 797; 1991, c. 295; 1993, c. 903; 1996, cc. 163, 916, 964; 1997, c. 828; 1999, cc. 488, 552; 2000, c. 184; 2001, cc. 688, 820; 2003, c. 119.)

Appendix B

Prosecution of Juveniles as Adults for Certain Crimes

Who is a juvenile? While a juvenile is any person under the age of 18, the provisions of this law impact only those juveniles who are 14 years of age or older (§16.1-228 and §16.1-269.1 of the *Code of Virginia*).

When is the age of the juvenile calculated? For the purposes of transferring a juvenile for trial as an adult, the court looks to the age of the child at the time the act was committed (§16.1-241 of the *Code of Virginia*).

Under what circumstances does the law permit the transfer of juveniles for trial as adults? The law permits the transfer of juveniles for trial as adults under three specified circumstances. Further, the process that is to be followed in order to make the transfer is different for each circumstance. The following is an outline of each circumstance and the procedure for transfer:

Circumstance #1: Except as provided in #2 and #3 below, a transfer can occur when a juvenile age 14 or older is charged with a crime which would be a felony if committed by an adult (§16.1-269.1 A of the *Code of Virginia*). A felony is defined as any crime that is punishable by death or confinement in a state correctional facility. There are six classes of felonies and the punishment for felonies ranges from death or imprisonment for life and a fine of not more than \$100,000 for the Class I felony to a term of imprisonment for not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both, for the Class 6 felony (§18.2-9 and §18.2-10 of the *Code of Virginia*).

The procedure for a transfer under Circumstance #1 is that the transfer is made upon the formal request (motion) of the Commonwealth Attorney's office. The juvenile court then holds a transfer hearing to determine (1) if there is probable cause for the charge to move forward and (2) if the child is not a proper person to remain within the jurisdiction of the juvenile court. In determining whether the child is not a proper person, the court must look at the following:

- the age of the child;
- the seriousness and the number of offenses;
- whether the child can be retained in the juvenile system long enough to be rehabilitated (which is 36 months or until age 21, whichever comes first);
- the availability of services and dispositional alternatives in both the adult and juvenile systems;
- the child's prior record;
- whether the child has previously escaped from a juvenile correctional facility;
- any degree of mental retardation or mental illness;
- the child's school record and education;
- the child's mental and emotional maturity; and
- the child's physical condition and maturity (§16.1-269.1 A of the *Code of Virginia*).

Circumstance #2: A transfer can occur when a juvenile 14 years of age or older is charged with capital murder, first or second degree murder, murder by lynching or as the result of mob action, or aggravated malicious wounding (§16.1-269.1 B of the *Code of Virginia*).

The procedure for a transfer under Circumstance #2 is that the transfer is automatic. Consequently, whenever a juvenile 14 years of age or older is charged with capital murder, first or second degree murder,

murder by lynching or as the result of mob action, or aggravated malicious wounding, he or she must be tried as an adult. The juvenile court merely holds a preliminary hearing to determine whether there is probable cause for the charge to move forward. The decision to transfer is not discretionary (§16.1-269.1 B of the *Code of Virginia*).

Circumstance #3: A transfer can occur when a juvenile 14 years of age or older is charged with the following offenses: second degree murder, if by accident while in the prosecution of some other act which is a felony; injury by mob; abduction; malicious wounding; malicious wounding of a law enforcement officer; poisoning; attempted poisoning; robbery; carjacking; rape; forcible sodomy; or object sexual penetration (§16.1-269.1 C of the *Code of Virginia*).

The procedure for a transfer under Circumstance #3 is that the transfer is made at the discretion of the Commonwealth's Attorney. Consequently, if the Commonwealth's Attorney decides to transfer the juvenile for trial as an adult, the juvenile court holds a preliminary hearing and must, if there is probable cause to move the charge forward, transfer the juvenile for prosecution as an adult (§16.1-269.1 C of the *Code of Virginia*).

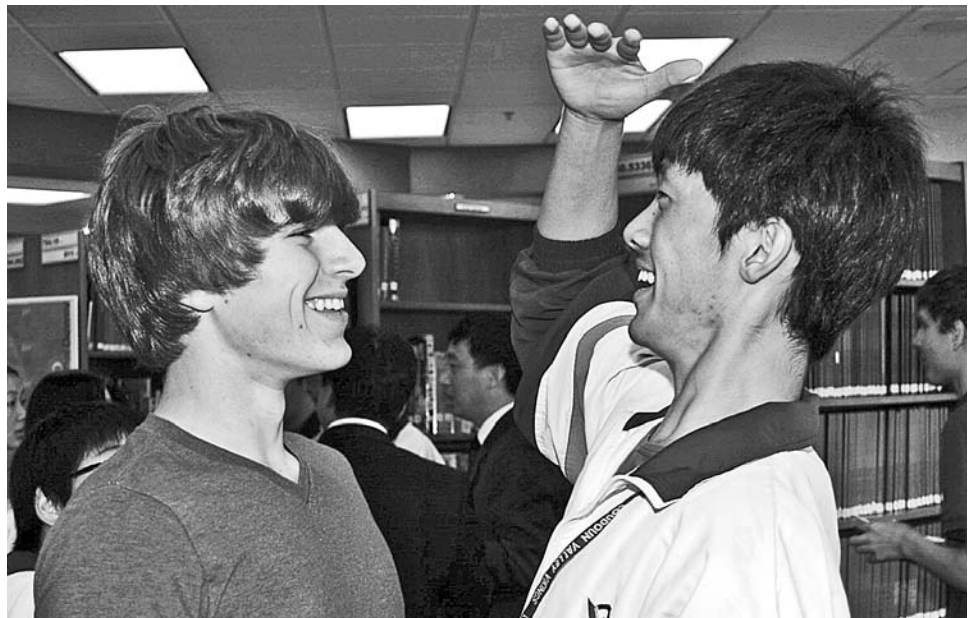
If a child is transferred for trial as an adult, what happens if he or she has also been charged with other offenses? If any one charge is transferred, then all other charges of delinquency arising out of the same act will be transferred (§16.1-269.6 C of the *Code of Virginia*).

Does the transferral impact subsequent convictions? Yes. Once a child, who is a juvenile, is convicted as an adult, all subsequent criminal offenses, of whatever nature, will be treated as adult offenses. In those instances, transfer proceedings are not required (§16.1-269.1 C of the *Code of Virginia*).

What happens when an adult is sentenced for a crime they committed as a juvenile? The juvenile court may impose an adult-type penalty up to a maximum of 12 months in jail and/or a fine up to \$2,500. Consequently, any juvenile who is tried as a juvenile, but is 18 years of age or older at sentencing, may receive an adult penalty for a conviction as a juvenile (§16.1-284 of the *Code of Virginia*).

What can happen if a juvenile is tried as an adult? There are significant differences on the impact of going through the criminal justice system as a juvenile and going through as an adult. In the traditional juvenile system, a juvenile is given additional protections because of their youth. First, issues related to the charge and conviction of a crime may be confidential and therefore may not be available to the public. Second, the juvenile's criminal record is erased, following a period of time, when the juvenile becomes an adult. Third, a juvenile who is convicted remains in the juvenile system where a judge has a lot of freedom to determine the punishment/consequence to be imposed.

In the juvenile system, the emphasis is on treatment and education. In contrast, if a juvenile is prosecuted as an adult, (1) the issues and information related to the charge and the conviction of a crime are part of the public record; (2) the information is part of an adult criminal record and is therefore never erased when the juvenile becomes an adult; and (3) the juvenile is subject to the sentencing guidelines which are imposed in the state system. These guidelines provide for minimum sentencing requirements and do not provide the judge with freedom in imposing a punishment; however, the circuit court judge does have the discretionary power to commit the juvenile to the juvenile system even if prosecuted as an adult.



This optional form should be returned to the student's high school by September 17, 2010.

Release of Directory Information to Military Recruiters

Federal public law 107-110, section 9528 of the ESEA, "No Child Left Behind Act," requires school districts to release student names, addresses, and telephone numbers to military recruiters upon their request. The law requires the school district to notify students and parents of their right to opt-out of having this information released. This notice is published and distributed each year in the Loudoun County Public Schools *Students Rights and Responsibilities*.

Opt-Out Form for Release of Directory Information to Military Recruiters

For High School Students and their Parents/Guardians

This request must be updated at the beginning of each school year.

Please complete this form and submit to the high school if you do **NOT** want to have directory information released to military recruiters. If you consent to having the information released, you do not need to submit any form.

School _____ Date _____
Please Print

Student's Legal Name _____
Please Print

Student School ID Number _____

As a student or parent/guardian of a student, you have the right to request that your child's personal information not be released to military recruiters and others.

I request that this student's name, address, and telephone number **NOT** be released to Armed Forces and Military Recruiters or Military Schools.

Signature of Student _____

Signature of Parent or Guardian _____ Date _____

This optional form should be returned to the student's high school by September 17, 2010.



**Parents and Guardians should read this booklet
and review with their children.**

**Parents and guardians are required to
read, detach, sign, and return the signature page
at the front of this booklet to the homeroom teacher or
mail it to the school by September 17, 2010.**

**High School Students:
An Optional “Opt-Out Form for Release of
Directory Information to Military Recruiters”
is located at the back of this booklet.**

PARENTS—IMPORTANT SIGNATURE CARDS ENCLOSED!

All Students: Required Signature Page

Optional for High School Students:

“Opt-Out Form for Release of Directory Information to Military Recruiters”

Parents! Please read this booklet. Within you will find:

- For **all** students, a signature page that must be filled out and returned to the school by September 17, 2010, located at the front of the booklet.
- For **High School Students**, an optional “Opt-Out Form for Release of Directory Information to Military Recruiters” located at the back of the booklet which should be returned by September 17, 2010.



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