

# CODE OF STUDENT CONDUCT

## Parent/Guardian Responsibilities

In accordance with Virginia law, parents are expected to

- Sign and return a statement acknowledging the receipt of the Code of Student Conduct.
- Assist the school with managing the behavior of their children

## Student Rights and Responsibilities

**Student rights and responsibilities include:** The right to have rules and procedures applied equally without regard to race, ethnicity, religion, gender, social, or national origin. Additional rights and responsibilities include:

**Right** - All of the rights expressed and guaranteed by the United States Constitution and by federal, state, and local laws.

**Responsibility** - Obey all federal, state, and local laws.

**Right** - To benefit from a school climate that provides a safe and orderly environment.

**Responsibility** - Comply with school rules at any school function and on school property, including buses and at school functions. Observe the rights of other students, school employees, and visitors. Make the appropriate persons aware of violations involving drugs, alcohol, weapons, or firearms.

**Right** - To expect that school personnel will concentrate on the business of teaching and learning.

**Responsibility** - Use all educational opportunities that are provided.

**Right** - To expect and receive courtesy, fairness, and respect from members of the school staff and other students.

**Responsibility** - Conduct him/her in a responsible manner. Comply with reasonable requests and directions given by those in authority. Respect each other.

**Right** - To review personal educational records if eighteen years of age or older

**The rights listed above do not permit a student to disrupt the educational process, to break school rules, to present a health or safety hazard, or to disregard directions given by those in authority. Individual rights end when they infringe upon the rights of others.**

## Due Process

Due Process requires that a student be given oral or written notice of the charges against him/her, an explanation of the evidence used to support the charges, and an opportunity to present his/her side of the story before privileges are denied.

Any student whose presence poses a continuing danger to persons or property, or presents an ongoing threat of disruption, may be removed from school immediately. **(Expanded definition, p. 7)**

## School Board Policy and Discipline Consequences

**The rules and consequences listed in this document demonstrate the efforts to provide a safe educational climate for all students, employees, and visitors. School Board policies regarding student discipline include the following:**

- Students will be disciplined for any misconduct that occurs (1) on school property, including a school vehicle, (2) while participating in or attending any school sponsored activity or (3) while going to and returning from school. School property is defined as any property owned, leased, or under the control of Portsmouth Public Schools.
- Discipline imposed at school does not prevent student, parent/guardian, or school employee from filing civil/criminal charges.
- A student who has been suspended or expelled may not go onto school property and may not participate in school activities.
- A student and a student's parents/guardians or a student age 18 have a right to appeal disciplinary decisions made concerning their child.
- A disciplinary appeal must initially be made to the building principal on the next school day following the disciplinary action or as soon as possible thereafter.
- **Upon request, the teacher will provide make-up work except directed teaching, for a student who is suspended.**
- Failure of a parent to assist the school with disciplining their child/children could result in court action against the student and the parent/guardian.
- The parent/guardian may be subject to legal action for students who are in violation of compulsory attendance laws

I have received and understand the Code of Student Conduct including the Acceptable Computer Use System Policy **IIBE** and the rules and consequences governing behavior for students in Portsmouth Public Schools. My signature does not mean that I agree to or waive any constitutional rights.

_____	_____	_____
Date	Student	Parent/Guardian
_____	_____	
Homeroom	Printed Name	

**This page is to be signed and returned to the appropriate person at your child's school.**





# Code of Student Conduct

## 2010-11





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## *Superintendent's Message*

The *Code of Student Conduct* is written and implemented for the benefit of all students in the Portsmouth Public School Division. The focus of our *Code of Student Conduct* is found under the heading titled "Student Rights and Responsibilities." In addition to teaching the basic academic areas, the teaching of personal responsibility and self-discipline is a critical role of our public schools. Indeed, if a student develops a strong sense of self-discipline and understanding of the value of personal responsibility, the section of this code concerning discipline is not necessary.

I encourage each parent to review the *Code of Student Conduct* every year. Within your families, discuss the benefits of self-discipline and personal responsibility. A positive and orderly classroom and school strengthen the learning process for all students.

If you have any questions about our *Code of Student Conduct*, please call Ms. Sarah C. Sugars at 393-8411 or Dr. Marie N. Shepherd at 393-8354. I look forward to working with the parents and guardians of the Portsmouth Public School Division so that we can make this the best school year ever. If we all make a strong effort to carry out our personal responsibilities to this goal, I know that we can achieve it.

Respectfully,

A handwritten signature in black ink, appearing to read "David C. Stuckwisch".

David C. Stuckwisch, Ph.D.  
Division Superintendent

**Office of the Division Superintendent**

Post Office Box 998 • Portsmouth, Virginia 23705-0998

Telephone (757) 393-8742 • Fax (757) 393-5236

[www.pps.k12.va.us](http://www.pps.k12.va.us)

## Mission

The mission of Portsmouth Public Schools is to challenge the minds, challenge the bodies, and challenge the dreams of all students while focusing on excellence.

## Introduction

Portsmouth Public Schools provides a learning environment in which each student is expected, encouraged, and assisted to reach his/her academic potential. The policies and procedures set forth in this document are designed to ensure safety, responsibility, and respect of the person and property of students, staff, and others on school property.

## Student Rights and Responsibilities

**Student rights and responsibilities include:** The right to have rules and procedures applied equally without regard to race, ethnicity, religion, gender, social, or national origin. Additional rights and responsibilities include:

**Right** – To all of the rights expressed and guaranteed by the United States Constitution and by federal, state, and local laws.

**Responsibility** - Obey all federal, state, and local laws.

**Right** – To benefit from a school climate that provides a safe and orderly environment.

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## Parent/Guardian Responsibilities

In accordance with Virginia law, parents are expected to

- Sign and return a statement acknowledging receipt of the Code of Student Conduct.
- Assist the school with managing the behavior of the children.

## **School Board Policy and Discipline Consequences**

**The rules and consequences listed in this document demonstrate the efforts to provide a safe educational climate for all students, employees, and visitors. School Board policies regarding student discipline includes the following:**

- Students may be disciplined for any misconduct that occurs: (1) on school property, including a school vehicle, (2) while participating in or attending any school sponsored activity, or (3) while going to and returning from school. School property is defined as any property owned, leased, or under the control of Portsmouth Public Schools.
- Discipline imposed at school does not prevent student, parent/guardian, or school employee from also filing civil or criminal charges.
- A student who has been suspended or expelled may not go onto school property and may not participate in school activities.
- A student and a student's parents/guardians or a student age 18 have the right to appeal disciplinary decisions made concerning the child.
- A disciplinary appeal must initially be made to the building principal on the next school day following the disciplinary action, or as soon as possible thereafter.
- **Upon request, the teacher will provide make-up work, except directed teaching for a student who is suspended.**
- Failure of a parent to assist the school with disciplining their child/children could result in court action against the student and the parent/guardian.
- The parent/guardian may be subject to legal action for students who are in violation of compulsory attendance laws.

### **Special Education Students**

Students who have been identified as having disabilities and receive services under an Individualized Education Plan or a Section 504 Plan may be suspended for up to ten (10) days in accordance with School Board Policy JGDA. For a suspension in excess of ten (10) days, the procedures outlined in School Board Policy JGDA must be followed.

### **Violation of Laws**

A student shall not participate in any criminal acts that are violations of local, state, or federal laws. If a petition or warrant has been filed or is pending against a student, the student may be required to attend an alternative education program **without regard to where the crime occurred if the student is:**

- Charged with an offense relating to the Commonwealth's laws, a violation of School Board policies on **weapons, alcohol, drugs, or intentional injury to another person.**
- Found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, **or of a crime for which the disposition ordered by a court is required to be disclosed to the Superintendent pursuant to the *Code of Virginia*.**

### **School Handbook**

Each school produces a handbook that addresses that school's individual needs and concerns. The school's handbook is a companion to the *Code of Student Conduct*.

## **Police Involvement**

The Portsmouth Police Department will be involved in school related incidents as warranted by the *Code of Virginia* and School Board Policy.

## **Persistent Disobedience**

When disciplinary consequences are considered for any infraction, the student's entire academic and behavioral history may be considered. A history of persistent disobedience may justify strict disciplinary action even if the current violation is a minor one.

## **Due Process**

Due process requires that a student be given oral or written notice of the charges against him/her; an explanation of the evidence used to support the charges, and an opportunity to present his/her side of the story before privileges are denied. Due process also includes written notification to a parent /guardian of any incident report of disruptive behavior, of any short-term out of school suspension, in school suspension/detention, or after school detention and prior to suspension of a student for a term of longer than Ten-day or expulsion. For suspensions of 10 days or less a student may appeal through the building Levels administrative process, after which an appeal may be made to the School Board. An appeal of such a short term suspension shall be on the record only. A student is entitled to a hearing before the School Board prior to either a suspension for longer than Ten-day or expulsion.

Any student whose presence poses a continuing danger to persons or property, or presents an ongoing threat of disruption, may be removed from school immediately.

## **For Your Information**

“**School property**” means any property owned or leased by Portsmouth Public Schools and includes any Portsmouth Public Schools vehicle.

- Prior to the re-enrollment of an expelled student, the student's parent/guardian must contact, in writing, the Division Superintendent to obtain information regarding re-enrollment.
- Any student for whom the Division Superintendent has received a report pursuant to state law of an adjudication of delinquency or a conviction may be suspended or expelled from school attendance.
- Students are subject to corrective action for any misconduct that occurs off school property, when the acts lead to: (1) an adjudication of delinquency or a conviction for an offense listed in § 16.1-305.1 of the *Code of Virginia* 1950, as amended (unlawful purchase, possession or use of a weapon, homicide, felonious assault, bodily wounding, criminal sexual assault, manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, or marijuana, arson and related crimes, burglary and related offenses) or (2) a charge that would be a felony if committed by an adult.

## **CONFISCATION OF ITEMS**

Cellular telephones are not to be visible during school hours. Students found in violation will have them confiscated and returned to a parent. All cell phones, electronic devices and other confiscated items cannot be picked up for 48 hours. When the parent/guardian picks up the confiscated item they will be required to sign the General Confiscation Form acknowledging that if the same or similar item is confiscated a second time, it will be kept until the last calendar day of the school year. The school must be contacted to schedule a pick up time.

WARNING: Taking, possessing, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, sexting, emailing, etc.) may constitute a **CRIME** under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies, which result in arrest, criminal prosecution and **LIFETIME** inclusion on sexual offender registries.

## **Search and Seizure**

**Personal Searches** – School officials may search a student’s person and/or personal effects (e.g., purse, book bag, etc.) if there is reasonable suspicion that (1) a student has violated or is about to violate a law or school rule and (2) the search will yield evidence of that violation.

**Automobile Searches** – Parking on school property is a privilege, not a right. By parking on school property, a student consents to having his or her vehicle searched if school authorities have a reasonable suspicion that the vehicle is involved in a violation of a school rule or policy and that search will yield evidence of that violation.

**Locker Searches** – Student lockers are school property and are at all times under the control of the school. However, students are expected to assume full responsibility for the content of their assigned lockers at all times. School officials may, for any reason, conduct periodic inspections at any time, without student consent, and with or without a search warrant.

For a complete discussion of the Search and Seizure Policy for Portsmouth Public Schools see Appendices, pp. 41- 42 – **Search and Seizure - JFG.**

## **Student Dress Code Enforcement**

Teachers and administrators may deny class entrance to students dressed or otherwise adorned inappropriately until arrangements may be made for their proper attire. Students who are insubordinate or refuse to change the improper attire, or repeat dress code violations shall be subject to disciplinary action for violating the Code of Student Conduct.

## Rules and Consequences Summary

<b>Infraction</b>	<b>Page(s)</b>	<b>Discipline Levels (pp. 27-28)</b>
Alcohol	10	IV
Arson	10-11	IV
Assault/Assault and Battery	11	K-4 II-IV 5-12 III - IV
Attendance	12	I - III
Bomb Threats ...	12	IV
Breaking and Entering/Burglary	12-13	IV
Bullying	13	III - IV
Disorderly Conduct	13-14	II - IV
Drugs and Medication I and II	14, 15, 16	Levels I - IV Levels II – III-IV
Electronic Devices	16-17	II - IV
Extortion	17	IV
Fighting/Conflict	17-18	Elem. II – IV Secondary III - IV
Gang Activity	18	III - IV
Hazing	19	IV
Homicide	19	IV
Inciting a Riot	19-20	III - IV
Kidnapping	20	IV
Other Violations: Gambling, Misrepresentation, Etc.	20-21	Elem. I – IV Secondary II - IV
Parking Privilege	21	See Page 21
Robbery	21	III - IV
Stalking	22	IV
Sexual Offenses	22	III - IV
Technology Use Violations	23	II - IV
Threats/Verbal and Physical	24	III - IV
Tobacco Offenses	24	II - IV
Trespassing/Breach of Security	25	III - IV
Vandalism	25	III - IV
Weapons	26	Elem. III - IV Secondary IV

The range of consequences identified for each Levels of infractions **will be imposed at the discretion of the building administrator** dependent upon the severity of the offense.

## ALCOHOL

(JFC R-9)

Alcohol Use  
Alcohol Possession  
Alcohol Sale or Distribution

### **A. Use, Possession of Alcohol**

**Students shall not** use, distribute, be under the influence of, or have in their possession on school property or at any school-sponsored activities alcoholic beverages of any kind (\* *including imitation alcoholic beverages*).

## CONSEQUENCES

- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents will be notified.
- Police and juvenile authorities shall be notified.

### **Level IV**

**Students shall not** give, sell, distribute, or possess with intent to give, sell, or distribute on school property or at school-sponsored activities alcoholic beverages of any kind (\* *including imitation alcoholic beverages*).

## CONSEQUENCES

- Ten-day out of school suspension and referral to the Disciplinary hearing officer
- Parents will be notified.
- Police and juvenile authorities shall be notified.

### **Level IV**

***\*Please Note:*** For purposes of this handbook, “***imitation alcoholic beverage***” shall mean a liquid which is not an alcoholic beverage, but may have the overall appearance, color, marking, packaging and marketing, or by representations made, is intended to lead, or would tend to lead, a reasonable person to believe that such item is an alcoholic beverage.

## ARSON

(JFC)

Arson: Actual  
Arson: Attempted  
Bombs/Lighted Firecrackers/Cherry Bombs/Contributes to a fire

**Arson** is defined as the intentional burning of the property of another.

If a student has direct knowledge of arson and fails to report it, then that student has assisted in the committing or concealing of arson.

**Students shall not** commit, attempt to commit, assist in the committing of, or conceal the committing of arson on school property.

## CONSEQUENCES

- Ten-day out of school suspension and referral to the Disciplinary hearing officer
- Parents will be notified.
- Police and juvenile authorities shall be notified when appropriate..

### Level IV

## ASSAULT

(JFC R-6)

**Assault/Battery Against Staff:** Law Violations-with firearm or other weapon (aggravated assault, malicious wounding)

**Assault/Battery Against Staff:** Law Violations-with no weapon (aggravated assault, malicious wounding)

**Assault/Battery Against Student:** Law Violations-with firearm or other weapon (aggravated assault, malicious wounding)

**Assault Against Student:** Law Violations-no weapon (aggravated assault, malicious wounding)

**Assault and Battery** is defined as intentionally placing another person in reasonable fear of an immediate battery or the intentional harmful or offensive touching of another person's body without permission. **Battery may be committed with or without an instrument, device, weapon, or other object.**

**Assault and Battery by Mob** is defined as committing assault and battery on another person with the aid of one or more persons.

**Weapon** is defined as any instrument or object actually used or created for the infliction of injury or death.

**Malicious Wounding** is defined as intentionally harming another person with the intent to maim, disfigure, permanently injure, or cause a substantial likelihood of death.

**Assault and Battery on Staff** is defined as intentionally placing a staff member in reasonable fear of an immediate battery or the intentional harmful or offensive touching of a staff person's body without permission. **Battery may be committed with or without an instrument, device, weapon, or other object.**

**Students shall not** commit, attempt to commit, assist in the committing of, or conceal the committing of assault on school property.

## CONSEQUENCES

- In school suspension (up to three days)/ out of school suspension (up to seven days)
- Ten-day out of school suspension and referral to the Disciplinary hearing officer
- Parents shall be notified. .
- Police and/or juvenile authorities shall be notified.

**Grades K-4**  
**Grades 5-12**

**Levelss II - IV**  
**Levels III - IV**

## ATTENDANCE

(JFC R-2)

Class Cutting  
Leaving School Grounds w/o Permission  
Tardy to Class

- A. **Students shall not** be absent from or report late to school without prior parental permission, school permission or other valid excuse. Unexcused absence shall include, but is not limited to, leaving school premises without authorization.
- B. **Students shall not** report to class tardy without written explanation from parents, teachers or administrators.

## CONSEQUENCES

- The student will request make up assignments from teachers.
- In school suspension (up to three days)/ out of school suspension (up to seven days)
- Parents shall be notified. .

## Levels I-III

### BOMB CHEMICAL/BIOLOGICAL THREATS

(JFC R-25)

**Students shall not** make, attempt to make, or assist in the making of a bomb, chemical or biological threat against a school. A student shall not conceal, or assist in the concealing of a school threat. If a student has direct knowledge of such a threat against a school and fails to report it, then that student has assisted in the making or concealing of a school threat.

## CONSEQUENCES

- Ten day out of school suspension with a referral to the disciplinary hearing officer
- Parents shall be notified. .
- Police, fire marshal, and the juvenile authorities shall be notified.

## Level IV

### BREAKING AND ENTERING/BURGLARY

(JFC R-14)

Burglary: Actual  
Burglary: Attempted

**Breaking and Entering** is defined as the breaking and entering of a locked, closed or concealed location not open to students or the public for any purpose other than to commit a felony or a larceny.

**Burglary** is defined as the breaking and entering of a locked, closed, or concealed location not open to students or the public with intent to commit a felony or larceny.

**Students shall not** break into or enter locations on school property that are not open for student or public use whether or not there is intent to steal.

**Students shall not** commit, attempt to commit, assist in the committing of, or conceal the committing of breaking and entering/burglary on school property.

### CONSEQUENCES

- Ten day out of school suspension with a referral to the Disciplinary hearing officer
- Parents will be notified.
- Police, Fire Marshal, and the juvenile authorities shall be notified

### **Level IV**

### BULLYING

**(JFC R-7)**

All students have the right to be educated in an atmosphere that is free from fear, intimidation and harassment. Bullying, teasing, hazing, or other acts of intimidation can have long-term negative effects on the emotional and educational well-being of students and are, therefore, prohibited. Bullying is defined as direct behaviors such as teasing, taunting, threatening, hitting, and stealing, which are initiated by one or more students against a victim or victims. In addition to direct attacks, bullying behaviors may also be indirect, such as spreading rumors that cause victims to be socially isolated through intentional exclusion. Such prohibited conduct includes (in addition to those bullying behaviors described above), but is not limited to, any verbal, written, electronic, physical or mental teasing, threat of bodily injury, and use of force directed toward another person for any reason.

**Students shall not** engage in behavior that can be defined as bullying on school property.

### CONSEQUENCES

- In school suspension (up to three days)/ (up to seven days) out of school suspension
- Ten-day out of school suspension and referral to the disciplinary hearing officer.
- Parents, Police, and/or juvenile authorities shall be notified, when appropriate.

### **Levels III-IV**

### Disorderly Conduct

**(JFC R-12/JFC R-4/JFC R-3)**

Disrespect/Walking Away  
Defiance/ Refuses Request  
Possession of Obscene/Disruptive Literature  
Classroom/ Campus Disruption  
Obscene/ Inappropriate Language/Gestures  
Minor Insubordination  
Disruptive Demonstrations  
Setting Off False Fire Alarms

***Disorderly conduct*** is defined as any conduct that actually is or was intended to be disruptive of any school activity, function, or process. It may include, but is not limited to: walking away, talking back, refusing reasonable requests of staff, interfering with the correction or instruction

of another student, making inappropriate noises, instigating a fight verbally or physically, talking too loudly on any school property, moving excessively in the classroom, and making inappropriate gestures.

Disorderly conduct includes using obscene or profane language, making obscene or profane gestures, possessing obscene or pornographic literature, or selling, giving, or sending obscene or pornographic literature.

Disorderly conduct also includes unlawful assemblies, setting off false fire alarms, using a fire extinguisher without permission, and falsely calling the police/911.

**Unlawful assembly** is defined as the unauthorized gathering of three or more students in a particular place on school property with either the intent or the effect of creating a fearful or intimidating climate in and around the location of the gathering or of violating any school rule.

**Students shall not** engage in conduct that is or is intended to be disruptive of any school activity, function or process, or is dangerous to the health or safety of students or others.

### CONSEQUENCES

- In school suspension(up to three days) / out of school suspension (up to seven days)
- Ten-day out of school suspension and referral to the Disciplinary hearing officer
- Parents shall be notified. when appropriate.
- Police and juvenile authorities shall be notified of a false fire alarm.

### Levels II-IV

### DRUGS AND MEDICATION

(JFCF R-10)

### PART I

#### **Use, possession, or possession with Intent to Sell Distribute Illegal Drugs: Possession of Drug Paraphernalia**

##### **A. Use or possession of drugs: possession of drug paraphernalia**

Schedule I and II Drug Use (e.g. Heroin, Cocaine, Opium, Morphine, LSD, Hallucinogenic)  
Schedule I and II Drug Possession  
Schedule I and II Drug Sale/Distribution  
Marijuana Use  
Marijuana Possession  
Other Drug Use  
Other Drug Possession  
Drug Overdose (any kind)  
Possession of Inhalants  
Use of Inhalants  
Substances Represented as Drugs (“look- a-likes”)  
Drug Paraphernalia Possession

## **Illegal drugs**

**Students shall not** possess, sell, distribute, use, be under the influence of, give, or possess with the intent to give, sell, or distribute illegal drugs on school property as defined by the laws of this Commonwealth.

## **Look-Alike/Imitation Drugs**

*Imitation drug* is defined as any item, substance, or product that intentionally or unintentionally looks like, is made to look like, or is represented as an illegal drug.

**Students shall not** possess, sell, distribute, or possess with the intent to give, sell, or distribute an imitation illegal drug on school property.

## **CONSEQUENCES**

- Ten-day out of school suspension with a referral to the Disciplinary hearing officer
- Required to undergo an evaluation for drugs/alcohol or both and participate in and satisfactorily complete an appropriate treatment/rehabilitation program at his/her own expense
- Parents, police, fire marshal, and the juvenile authorities shall be notified.

## **Levels IV**

### **B. Possession with intent to sell or distribute**

Schedule I & II Drug Sale/Distribution  
Marijuana Sale/Distribution  
Other Drug Sale/Distribution  
Substances Represented as Drugs (“look a-likes”)

## **CONSEQUENCES**

- Ten-day out of school suspension with a referral to the Disciplinary hearing officer
- Required to undergo an evaluation for drugs/alcohol or both and participate in and satisfactorily complete an appropriate treatment/rehabilitation program at his/her own expense
- Parents, police, fire marshal, and the juvenile authorities shall be notified.

## **Level IV**

## **PART II**

### **POSSESSION OR USE OF MEDICATION AND PRESCRIPTION DRUGS (JHCD/JHCD-R/JHCD-F)**

Unauthorized Over the Counter Medication Use  
Unauthorized Over the Counter Medication Possession  
Over the Counter Medication Sale/Distribution  
Theft or Attempted Theft of Student Prescription Medication

**Medication:** Students shall not possess, sell, distribute, use, be under the influence of, give, or possess with the intent to give, sell, or distribute medication—prescription or non-prescription—on school property except after complying with School Board policy.

Possession, self-administration, or sharing of a non-prescription drug is prohibited by any student in grades kindergarten through eight. A student in grades nine through twelve may possess and self-administer, but not share, non-prescription medication if all of the following criteria are met:

- Written parental permission for self-administration of specific non-prescription medication is on file with the school
- The non-prescription medication is in the original container and appropriately labeled with manufacturer’s directions
- The student’s name is affixed to the container and
- The student possesses only the amount of non-prescription medicine needed for one school day/activity

**Self-Administration of Asthma Medication and/or Auto-Injectable Epinephrine:** A student with a diagnosis of asthma or anaphylaxis, or both, is permitted to possess and self-administer inhaled asthma medications or auto-injectable epinephrine during the school day, at school-sponsored activities, or while on a school bus or other school property under conditions including, but not limited to the following:

- Written parental consent on file with the school
- Written notice from the primary care provider on file with the school

***Please Note:** “Medication” shall mean any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like. Medication shall not be brought to school by the student. A parent/guardian shall take all such items to the office of a principal or his/her designee at the start of the school day for safekeeping.*

## **CONSEQUENCES**

- Conference with student and parent/guardian
- Up to seven (7) days in school suspension
- Ten-day out of school suspension with a referral to the disciplinary hearing officer

## **Levels III – IV**

### **ELECTRONIC DEVICES**

**(JFC R-20)**

- Beepers
- Cellular Telephones
- Other Electronic Devices (radios, PDA’s, etc)

The possession of portable communication devices that are not part of the instructional program by students is prohibited. These devices include, but are not limited to: radios, beepers, tape players (e.g., electronic gaming devices), CD players, devices designed for audio taping, MP3 Players, IPOD, and any device capable of receiving or transmitting text messages.

Students are allowed to bring cellular telephones onto school property. The device must remain off and out of sight **at all times** until the end of the instructional day at which time use is

permitted. **Behaviors prohibited during the instructional day involving the cellular phone include, but are not limited to**

- a) Making calls
- b) Displaying it to others
- c) Sending messages
- d) Text messaging
- e) Taking pictures
- f) Making any noises
- g) Playing games
- h) Otherwise disrupting the learning environment for teachers, students, staff, administrators, or others on school property.

Any student found using a cellular telephone or any unapproved electronic device on school property during the instructional day shall be subject to the below stated consequences.

### **CONSEQUENCES**

- The device shall be confiscated.
- In school suspension (up to three days)/ (up to seven days) out of school suspension
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents, police and juvenile authorities shall be notified when appropriate..

### **Levels II - IV**

#### **EXTORTION**

**(JFC R-27)**

Extortion  
Attempted Extortion

**Extortion** is defined as using one's power, authority, or position to obtain funds, property, or other tangible benefit.

**Students shall not** commit extortion on school property.

### **CONSEQUENCES**

- In school suspension (up to three days)/ (up to seven days) out of school suspension
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents shall be notified. .
- Police and juvenile authorities shall be notified when appropriate..

### **Level IV**

#### **FIGHTING/CONFLICT**

**(JFC R-6)**

**Fighting:** Mutual combat between students causing serious injuries requiring medical attention

**Fighting:** Mutual combat between students with no/minor injuries that do not require medical attention

**Minor Physical Altercation:** no injury

**Mutual Combat/Fighting** is defined as voluntary participation in a one-on-one fight with another person. **Self-defense is not a valid excuse for fighting.**

**Gang fight** - for school purposes, is defined as any fight between two or more groups of two, or more students on school property.

When more than one student fights a single student, it shall be deemed as an **assault by mob**. (See assault/battery)

**Students shall not** fight on school property or at a school sponsored event.

### **CONSEQUENCES**

- In school suspension (up to three days)/ (up to seven days) out of school suspension
- Ten-day out of school suspension and referral to the Disciplinary hearing officer
- Parents shall be notified.
- Police and juvenile authorities shall be notified when appropriate.

**Elementary Levels II – IV**

**Secondary Levels III – IV**

### **GANG ACTIVITY**

**(JFCE)**

- A. **Behaviors:** Students shall not make identifiable physical gang signs, write gang-related messages, names, or symbols on school property or on their personal property that is brought to school, wear gang-related clothing or colors, speak about gang-related activities during classes, school activities, or functions, assemble unlawfully (see Unlawful Assembly under Disorderly Conduct), engage in a gang-related fight, engage in a gang-related disruption, or threaten verbally or physically any other individual on school property.

**Definitions: Gang** - for school purposes, means any group of three or more students that has any of the following attributes--initiation practices, hand signals, names, symbols, styles of dress, geographical, political, or sociological claims, occurrences of group-sponsored or initiated violations of school rules, or any other pertinent attributes—and is not sponsored, sanctioned, or approved by the School Board, Division Superintendent, or building principal while on school property to: meet, discuss membership or activities, conduct activities, show visible representation of membership, or engage in any other conduct while on school property or at a school sponsored event.

**A gang** - for school purposes, is also defined as any group of three or more students who collaborate - with or without planning and commits a violation of school district or building rules on school property or at a school sponsored event.

**Gang disruption** - for school purposes, is defined as any gathering of three or more students for the purpose of or with the actual effect of creating fear, intimidation, or unrest on school property.

### **CONSEQUENCES**

- In school suspension (up to three days)/ out of school suspension (up to seven days)
- Ten-day out of school suspension and referral to the disciplinary hearing officer

- Parents shall be notified.
- Police and juvenile authorities shall be notified when appropriate.

**Levels III – IV**

**HAZING**

(JFC R-26)

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

**Students shall not** participate in hazing on school property or in association with any school-sponsored organization, activity, or function. Students who collaborate in acts of hazing are treated as if they had actually done the hazing personally. Students who voluntarily participate in hazing may be removed from the relevant activity.

**CONSEQUENCES**

- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents, police and juvenile authorities shall be notified when appropriate.

**Level IV**

**HOMICIDE**

**JFC R-27)**

- Homicide- firearm against staff
- Homicide-firearm against student
- Homicide-other weapon against staff
- Homicide-other weapon against student

*Homicide* is defined as the intentional or unintentional killing of another human being.

**Students shall not** commit homicide on school property.

**CONSEQUENCES**

- Any student who commits homicide shall be recommended for expulsion.
- Parents, police, and juvenile authorities shall be notified.

**Level IV**

**INCITING A RIOT**

**(JFC R-27)**

- Inciting a Riot
- Attempting to Incite a Riot

**Riot** - is defined as any unlawful use--by three or more students acting together—of force or violence that seriously jeopardizes the safety, peace or order of the school.

**Inciting a riot** - is defined as when any student, alone or with others, causes or produces a riot, or directs, incites, or solicits other students who participate in a riot to engage in acts of force or violence.

**Attempt to incite a riot** is defined as the attempt of a student, alone or with others, to cause or produce a riot, or direct, incite, or solicit other students to start or participate in a riot.

**Students shall not** incite or attempt to incite a riot on school property or at a school sponsored event.

### CONSEQUENCES

- In school suspension (up to three days)/ (up to seven days) out of school suspension
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents, police and juvenile authorities shall be notified when appropriate.

### Levels III - IV

#### KIDNAPPING

(JFC R-27)

***Kidnapping or abduction*** is defined as the act of any student who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another student or staff member, with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge.

Students shall not kidnap anyone on school property or at a school sponsored event.

### CONSEQUENCES

- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents shall be notified.
- Police and juvenile authorities shall be notified when appropriate.

### Level IV

#### OTHER VIOLATIONS

(JFC R-8, 27, 16)

- Gambling
- Inappropriate Personal Property
- Misrepresentation – (altering notes, false information, cheating, plagiarism, etc.)
- Other Code of Conduct Violations not otherwise included

***Gambling*** is defined as the illegal means of making, placing or receipt of any bet or wager of money or other thing of value dependent upon the result of the game, contest, or any other event with an uncertain outcome.

**Students shall not** possess inappropriate personal property, gamble, misrepresent him/herself, or his/her work, or commit other infractions that violate the *Code of Student Conduct* on school property or at a school sponsored event.

## CONSEQUENCES

- Time out, documentation on behavior log, detention, Saturday school
- In school suspension (up to three days)/out-of-school suspension (up to seven days)
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents, police, and/or juvenile authorities shall be notified when appropriate.

**Elementary Levels I – IV**

**Secondary Levels II - IV**

## PARKING PRIVILEGE

The School Board discourages student use of private motor vehicles for transportation to and from school. However, parking facilities are provided at all high schools as a convenience to those students who drive to school.

Parking on school grounds is a privilege that may be granted by principals to students who meet the following conditions:

- The student must file a written statement with the principal of his or her need to drive a private vehicle to school and must agree to notify the principal promptly of any change in the conditions that established this need.
- The student must register any vehicle driven to school in the school office and must purchase a school parking permit for each vehicle each year.
- The parking permit must be displayed on the vehicle for which it was issued.
- **Upon arriving at school, the student must drive directly to the designated area for student parking, park the car and proceed promptly to the school building. Students may not sit in parked cars or linger in the parking area before, during, or after school.**
- Once on school grounds, the student will not be permitted to leave until school is dismissed unless permission has been obtained from the school administration.
- The student will obey traffic laws and school regulations and observe normal safety precautions at all times.

**Principals are empowered to enforce this policy and may immediately revoke the parking privileges of any student who does not comply with these regulations.**

## ROBBERY AND THEFT

(JFC R-14)

Actual Robbery  
Attempted Robbery  
Theft/School Property  
Theft/Staff Property  
Theft/Student  
Possession of Stolen Property  
Theft or Attempted Theft of Motor Vehicle

**Robbery** is defined as committing a larceny with force and/or intimidation.

**Theft (larceny)** - is defined as taking, without permission, the personal property of another person with the intent to steal without force and/or intimidation.

**Students shall not** commit robbery or larceny on school property or at school sponsored events.

## CONSEQUENCES

- In school suspension (up to three days)/out of school suspension (up to seven days)
- Ten-day out of school suspension and referral to the Disciplinary hearing officer
- Parents will be notified.
- Police and juvenile authorities shall be notified when appropriate.

## Levels III - IV

### STALKING

(JFC R-27)

**Stalking** is defined as any student who on more than one occasion engages in conduct directed at another student or staff member with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member.

**Students shall not** put others in fear of death, safety of family or household, criminal sexual assault, or bodily injury while on school property or at a school sponsored event.

### CONSEQUENCES

- Ten-day out-of-school suspension and referral to the Disciplinary hearing officer
- Parents, police and juvenile authorities shall be notified when appropriate.

## Level IV

### SEXUAL OFFENSES

(JFHA/GBA)

Offensive Sexual Touching Against Staff  
Offensive Sexual Touching Against Student  
Forcible Rape Against Staff  
Forcible Rape Against Student  
Attempted Rape Against Staff  
Sexual Offenses Without Force (includes indecent exposure, lewd behavior, and consensual sexual behavior)  
Sexual Harassment  
Sexting

**Sexual Harassment** is defined as unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment.

### **Students shall not**

- Commit any sexual offense listed above with or against any person, student, or non-student on school property or at a school sponsored event
- Take, possess, disseminate, transfer, or share obscene, pornographic, lewd, or otherwise illegal images or photographs by electronic data transfer or otherwise while on school property or at a school sponsored event.

## CONSEQUENCES

- Ten-day out of school suspension and referral to the disciplinary officer
- In school suspension (up to three days)/out of school suspension (up to seven days)
- Parents will be notified.
- Police and juvenile authorities shall be notified.

## **Levels III - IV**

**WARNING:** Taking, possessing, disseminating, transferring, or sharing of obscene, pornographic, lewd, or otherwise illegal images or photographs, whether by electronic data transfer or otherwise (commonly called texting, **sexting**, emailing, etc.) may constitute a **CRIME** under state and/or federal law. Any person taking, disseminating, transferring, or sharing obscene, pornographic, lewd, or otherwise illegal images or photographs will be reported to law enforcement and/or other appropriate state or federal agencies, which result in arrest, criminal prosecution and **LIFETIME** inclusion on sexual offender registries.

## TECHNOLOGY USE VIOLATIONS

**(IIBEA/IIBEA-R)**

Unauthorized Use of Technology and/or Information  
Causing/Attempting to Cause Damage to Computer Hardware, Software, or Files  
Violations of Acceptable Usage Policy  
Violations of Internet Policy

Students of Portsmouth Public Schools are offered access to technology resources for instructional use. Through the use of technology, students have access to thousands of libraries, databases, programs, electronic equipment, and can interact with users around the world. Students are responsible for good behavior on the school's computer network just as they are in a classroom. The Student Code of Conduct applies to all students' use of technology and computer networks.

The network is provided for students to conduct research and communicate with others for educational use only. Access to network services will be given to students who are in compliance with the rules for appropriate use.

Individual users of the school system computer network are responsible for their behavior and communications over that network.

Network storage areas and any disks used with the Internet will be treated like school lockers. Network administrators may review files and communications to maintain system integrity and insure that students are using the system responsibly. The following are prohibited forms of Internet use:

- A. Accessing, sending, or displaying pornographic or obscene messages, pictures, or profane or abusive language
- B. Damaging computer networks
- C. Violating copyright laws
- D. Using another's identification or password, or trespassing in another's work
- E. Using the network for any illegal activities as defined by state or federal law

**Students shall not** use, attempt to use, or solicit help with using school-based technology in a manner that is not consistent with the Acceptable Use Policy (see appendices).

**CONSEQUENCES** For repeated violations, the student may lose permission to use the Internet or e-mail.

- In school suspension (up to three days)/out of school suspension (up to seven days)
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents, police and juvenile authorities shall be notified when appropriate.

## Levels II – IV

### **THREATS/INTIMIDATION VERBAL AND PHYSICAL**

**(JFC R-5)**

**Threatening: verbal** is defined as any student knowingly communicating, in a writing, including an electronically transmitted communication producing a visual or electronic message, a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member.

**Threatening: physical** is defined as **any student** knowingly committing any physical act that supports, substantiates, or otherwise conveys a threat to kill or do bodily injury to a person, regarding that person or any member of his family, and the threat places such person in reasonable apprehension of death or bodily injury to himself or his family member.

**Students shall not** threaten, whether verbally or physically, any person on school property or at school sponsored events.

### **CONSEQUENCES**

- In school suspension (up to three days)/out of school suspension (up to seven days)
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents, police and juvenile authorities shall be notified when appropriate.

## Levels III - IV

### **TOBACCO OFFENSES**

**(JFC R-9)**

- Tobacco Use
- Tobacco Possession
- Tobacco Sales/Distribution
- Bringing Tobacco Paraphernalia to School

**Students shall not** possess, use, sell, or distribute tobacco or tobacco products on school property or at a school sponsored event.

### **CONSEQUENCES**

- In school suspension (up to three days)/ (up to seven days) out of school suspension
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents will be notified.
- Police and juvenile authorities shall be notified when appropriate.

**Levels II - IV**  
**TRESPASSING/BREACH OF SECURITY**

**(JFC R-17)**

*Trespassing* is defined as entering or remaining upon school property without permission.

*School property* means any real property (land) owned or leased by Portsmouth Public Schools and any Portsmouth Public Schools vehicle.

*Breach of Security* is defined as opening or allowing entrance through a locked door that is to be used as an exit during an emergency.

Students are considered to be trespassing when permission to be at school or to ride the bus is revoked through oral notice by an appropriate school official, written notice, suspension, or expulsion.

Students shall not collectively or individually unlock/open an entry way to allow onto school property any person who has not properly signed in and approved by appropriate PPS staff.

**Students shall not** trespass on school property or at school sponsored events.

**CONSEQUENCES**

- In school suspension (up to three days)/out of school suspension (up to seven days)
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents, police and juvenile authorities shall be notified when appropriate.

**Levels II – IV**

**VANDALISM**

**(JFC R-11)**

**Vandalism** is defined as intentionally damaging, defacing, or destroying any real property (land or buildings) or personal property owned by Portsmouth Public Schools or any of its students, employees, or visitors.

Vandalism of School Property  
Vandalism of Private Property  
Graffiti

**Students shall not** commit vandalism on school property or at a school sponsored event.

**CONSEQUENCES**

- In school suspension (up to three days)/ (up to seven days) out of school suspension
- Ten-day out of school suspension and referral to the disciplinary hearing officer
- Parents shall be notified.
- Police and juvenile authorities shall be notified when appropriate.

**Levels III - IV**

**RESTITUTION MAY BE REQUIRED**

## WEAPONS

(JFCD R-13)

**Weapon** is defined as any instrument or object actually used or created for the infliction of injury or death.

Bringing a **handgun** to school/school event

Bringing a **rifle/shotgun to school/school event**

Bringing a **toy/look a-like gun** to school/school event

Bringing **any other weapon** which is **designed** or may be **converted** to **expel** a **projectile** by the action or any **explosive** to include **live ammunition**

Bringing a **knife** to school/school event (more than 3 inches)

**Possession or Representation** of any **destructive bomb** or **explosive (including live ammunition)**

**Use** of any **destructive bomb** or **explosive device**

Other **Firearms** (firearms other than handguns, rifles or shotguns: zip gun, starter gun, flair gun)

Possession of Other Weapon (instrument or object **created or used** to inflict harm on another individual **including any knife under (3) three inches**)

Bringing **razor blades/box cutters** to school/school event

Bringing **fireworks** to school/school event

**Students shall not** bring weapons as defined above onto school property.

**Possession of any weapon not identified as a toy is subject to a Level IV consequence.**

- Police and juvenile authorities shall be notified.

**Consequences for possession/use of weapons for which expulsion is not mandated are as follows:**

## CONSEQUENCES

- Parents shall be notified.
- Police and juvenile authorities shall be notified when appropriate.

**Elementary – Levels III - IV**

**Secondary - Level IV**

Toy weapons: are not combustible, are not designed to expel objects, or do not appear to be real.

**STUDENTS FOUND WITH WEAPONS ON SCHOOL PROPERTY SHALL BE PROSECUTED IN ACCORDANCE WITH STATE AND FEDERAL LAW.**

# DISCIPLINARY CONSEQUENCES

## Level IV – District Action/Board Action

Location	Discipline Consequence	Imposed by	Review/Appeal	Possible Interventions
Building	10-day suspension and referral to a placement hearing	Assistant Principal	Building Appeal w/ Principal	<ul style="list-style-type: none"> <li>• Revise/implement Behavior Plan</li> <li>• IEP Revision</li> <li>• Child Study/ SAP</li> <li>• Guidance Referral</li> <li>• School Social Work Referral</li> </ul> <p><b><u>For Violent offenses:</u></b> Mandatory Conflict Mediation, no contact contract, anger management, counseling</p> <p><b><u>For alcohol/drugs/tobacco:</u></b> Mandatory Substance Abuse Referral, treatment w/counseling</p>
Hearing	Placement into an alternative school – TRAEP, NDC, EXCEL	Hearing Officer	Can only be altered by School Board	
Hearing	Recommendation to School Board for long term suspension	Hearing Officer/Superintendent	School Board appeal hearing, if requested	
Hearing	Recommendation to School Board for Expulsion	Hearing Officer/Superintendent	School Board appeal hearing, if requested	
School Board	Long term suspension or Expulsion	School Board	Circuit Court if appealed within 30 days	

### Offenses for Which Level IV Is Appropriate

Alcohol with aggravating factors	Arson	Assault/Battery of staff	Assault/Battery by mob
Assault/Battery with aggravating factors	Bomb Threats	Burglary	Bullying
Drugs	Extortion	Fighting with aggravating factors	Gang activity
Hazing	Homicide	Inciting a riot	Kidnapping
Robbery	Stalking	Sexual offenses	Threats
Vandalism with aggravating factors	Weapons	Other offenses with aggravating factors	Technology Use Violations

**Aggravating factors are** (1) repeated acts of the same misbehavior, (2) extremely serious incidents of

behavior not noted above, and (3) lack of academic progress.

**Level – III Administrative Action (Administration – Parent/Student)**

<b>Discipline Consequence</b>	<b>Imposed by</b>	<b>Review/Appeal</b>	<b>Possible Interventions</b>
7 days out of school suspension followed by 3 days of ISS	Assistant Principal (Principal)	Building Principal	<ul style="list-style-type: none"> <li>• Revise/Implement Behavior Plan</li> <li>• IEP revision</li> <li>• Child Study</li> <li>• Guidance Referral</li> <li>• School Social Work Referral</li> <li>• Student Resource Liaison Referral</li> </ul> <p><b><u>For Violent Offenses</u></b></p> <ul style="list-style-type: none"> <li>• Conflict mediation</li> <li>• No-contact contract</li> <li>• Anger Management</li> </ul> <p><b><u>Alcohol/drugs/tobacco</u></b></p> <ul style="list-style-type: none"> <li>• Mandatory Substance Abuse Referral (nothing found on student)</li> <li>• Treatment/Counseling</li> </ul>
1-3-5-7 days out of school suspension	Assistant Principal (Principal)	Building Principal	
Up to 3 days of ISS	Assistant Principal	Building Principal	

**Offenses for Which Level – III Is Appropriate**

Assault/Battery Bullying	Attendance w/aggravating factors (hall walkers, class cutting, repeated behavior)	Disorderly Conduct	Fighting/no or minor injuries
Technology Use Violations	Tobacco	Trespassing	Other offenses with aggravating factors

**Level II – School-Based Action (Teacher/Resource-Parent/Student)**

<b>Discipline Consequence</b>	<b>Imposed By</b>	<b>Review/Appeal</b>	<b>Possible Interventions</b>
Detention/Saturday School	Teacher	Assistant Principal	<ul style="list-style-type: none"> <li>• Schedule change</li> <li>• Revise/implement Behavior plan</li> <li>• IEP revision</li> <li>• Child Study/SAP</li> <li>• Mandatory Parent Conference</li> <li>• Cluster/Guidance conference</li> <li>• Guidance Referral</li> <li>• Student Resource Referral</li> </ul>
Short-term ISS (1-2 blocks)	Assistant Principal	Assistant Principal Building Principal	

### Offenses for Which Level II Is Appropriate

Assault/Battery	Attendance	Disorderly Conduct	Electronic Devices
* Fighting /no or minor injury	Technology Use Violation	Tobacco	Trespassing
Other offenses with aggravating factors			

\* Grade Levels designation under certain offenses

### Level I Classroom-Based Action (Teacher/Parent/Student)

Discipline Consequence	Imposed By	Review/Appeal	Possible Interventions
Detention	Teacher	Assistant Principal	<ul style="list-style-type: none"> <li>• Schedule change</li> <li>• Revise/Implement Behavior Plan</li> <li>• IEP Revision</li> <li>• Child Study/SAP</li> <li>• Mandatory Parent Conference</li> <li>• Cluster/Guidance Conference</li> <li>• Guidance referral</li> <li>• Student Resource Referral</li> </ul>
Time out	Teacher	Assistant Principal	
Documentation: Behavior Log – Elem. Parent Contact Log – Middle & High School	Teacher	Assistant Principal	

### Offenses for Which Level I Is Appropriate

Attendance	Disorderly Conduct	Electronic Devices	Technology Use Violations
			Other Offenses

The range of consequences identified for each Levels of infractions **will be imposed at the discretion of the building administrator** dependent upon the severity of the offense.

# **APPENDICES**

## **SCHOOL BOARD POLICIES**

<b>JFC</b>	<b>Student Conduct</b>
<b>JFCAA-JFCAA-R</b>	<b>Student Dress Code</b>
<b>IIBE</b>	<b>Acceptable Computer Use System</b>
	<b>Computer Use Terms and Conditions</b>
<b>JFG</b>	<b>Student Search and Seizure</b>

## **GENERAL INFORMATION**

**Summary of Attendance Legislation**

**Compulsory Attendance Legislation**

**Short Term Suspension Panel Hearing Procedures**

**Disciplinary Placement Hearing**

**2010-2011 Instructional Calendar**

**General Confiscation Form**

The standards of student conduct are designed to define the basic rules and major expectations of students in the public schools of Portsmouth. It is the responsibility of the Portsmouth City School Board to adopt policy and regulations and the administration to issue regulations establishing rules of conduct for student behavior in order to protect the health, safety and welfare of its students. The local school principal has the responsibility and authority to exercise reasonable judgment in enforcing this Code of Conduct. Principals are responsible for ensuring that all students, staff members, and parents are provided the opportunity to become familiar with this policy.

The Superintendent shall issue Standards of Student Conduct, and a list of possible corrective actions for violation of the Standards of Conduct. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. The Standards of Student Conduct, a notice of the requirements of section 22.1-279.3 of the *Code of Virginia*, 1950, as amended, and a copy of the compulsory school attendance law shall be sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of the Standards of Student Conduct, the requirements of Virginia Code § 22.1-79.3, and the compulsory school attendance law shall also be sent. Parents shall be notified. that by signing the statement of receipt, parents are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school shall maintain records of the signed statements. The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or his designee to review the School Board's Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

Each student has the right to expect an educational environment in which he or she can strive to achieve his or her intellectual potential. The student is expected to attend school regularly, be diligent in his/her studies and conduct him/herself in such a way that the rights and privileges of others are not violated. The student is expected to accept and demonstrate the obligation of good citizenship to help prevent problems from happening and help solve problems if they occur.

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school attendance. Parents are also expected to maintain regular communication with school authorities, monitor and require daily attendance, and bring to the attention of the school authorities any problem that affects the student or other children in the school. It is the parents' responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

The school principal shall notify the parents of any student who violates a School Board policy or the compulsory school attendance requirements when such violation could result in the

student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (4) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision. The principal or his designee shall notify the parent of any student involved in an incident required to be reported to the Superintendent and Virginia Board of Education.

No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student. If the parent fails to comply with this requirement, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent in accordance with the requirements of the *Code of Virginia*. Students are subject to corrective action for any misconduct that occurs:

- In school or on school property;
- On a school vehicle;
- While participating in or attending any school sponsored activity or trip;
- On the way to and from school; and
- Off school property, when the acts lead to: (1) an adjudication of delinquency or a conviction for an offense listed in § 16.1-305.1 of the *Code of Virginia* 1950, as amended (unlawful purchase, possession or use of a weapon, homicide, felonious assault and bodily wounding, criminal sexual assault, manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana, arson and related crimes, and burglary and related offenses) or (2) a charge that would be a felony if committed by an adult.

Unlawful acts which will lead to police notification and may lead to suspension from classes, exclusion from activities, or expulsion include but are not limited to the following:

- Possession or use of alcohol, illegal drugs, or drug paraphernalia
- Selling drugs
- Assault/battery
- Sexual assault
- Arson
- Intentional injury (bullying, fighting)
- Theft
- Bomb threats, including false threats, against school personnel or school property
- Use or possession of explosives (see Policy JFCD)
- Possession of weapons or firearms (see Policy JFCD)
- Extortion, blackmail, or coercion
- Driving without a license on school property
- Homicide
- Burglary
- Sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation)
- Malicious mischief
- Shooting
- Any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs
- Stabbing, cutting or wounding
- Unlawful interference with school authorities including threats

- Unlawful intimidation of school authorities
- Other unlawful acts including being an accessory to any of these or other unlawful acts

Any student involved in a reportable drug or violent incident shall participate in prevention and intervention activities deemed appropriate by the Superintendent or his/her designee. Further, any student who has been found to be in possession of or under the influence of drugs or alcohol on school property or at a school sponsored activity may be required to (1) undergo evaluation for drug or alcohol abuse and (2) participate in a drug and/or alcohol treatment program if recommended by the evaluator and if the parent consents.

The Superintendent shall issue regulations listing additional actions which may be cause for corrective action and if serious enough or exhibited repeatedly may lead to suspension or expulsion.

The School Board shall biennially review the model student conduct code developed by the Board of Education to incorporate into policy a range of discipline options and alternatives to preserve a safe and non-disruptive environment for effective learning and teaching.

Adopted: September 23, 2004

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Legal Refs.: *Code of Virginia*, 1950, as amended, sections 16.1-305.1, 18.2-308.1, 18.2-308.7, 18.2-310, 18.2-322.1, 22.1-78, 22.1-200.1, 22.1-253.13:7.B.3., 22.1-277, 22.1-277.02, 22.1-277.2, 22.1-279.1, 22.1-279.3.

Cross Ref.: ECAB Vandalism

JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin,  
Disability and Religion

JGA Corporal Punishment

JGD/JGE Student Suspension/Expulsion

JGDA Disciplining Students with Disabilities

JN Student Fees, Fines and Charges

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## **STUDENT DRESS CODE POLICY**

### **Purpose**

One of the fundamental purposes of school is to provide the foundation for the creation and development of a proper attitude toward education. In order to further this purpose, it is essential to create and maintain an effective teaching and learning environment. Student attire impacts the teaching and learning environment. It can either promote a more effective educational environment, or it can disrupt the educational climate and process. Student attire that is acceptable for some social settings may not be acceptable for the educational environment of school.

In order to ensure that our students' education is conducted in an environment where safety risks, disruptions, and distractions are minimized, all students in the Portsmouth City Public Schools will adhere to the following minimal standards of dress. These requirements are in addition to any requirements imposed at individual schools that, with the approval of the School Board, adopt a Uniform Policy pursuant to other provisions of this policy manual.

The superintendent is hereby authorized to promulgate regulations consistent with the provisions of this policy.

In general, students are not to wear or carry items of apparel to school (for example, clothing, accessories, cosmetics, jewelry – including body piercing) that may interfere with the instructional process or present a health or a safety hazard to the student wearing or carrying them, or to others.

The School Board urges parents and students to exercise sound judgment, based upon the standard of appropriateness for the school setting, when choosing clothing, jewelry, and accessories to wear or bring to school, and to recognize that items that might be appropriate attire on nights or weekends are not necessarily appropriate for the school day and the classroom.

### **Interpretation and Implementation of Policy**

The building principal/designee shall use reasonable discretion in interpreting and implementing the provisions of this policy. If a conflict arises in the interpretation of this policy, the interpretation of the building principal/designee shall be final. Principals, administrators and teachers shall use reasonable discretion in enforcing this policy.

### **Enforcement**

Teachers and administrators may deny class entrance to students dressed or otherwise adorned inappropriately until arrangements may be made for their proper attire. Students who are insubordinate or refuse to change the improper attire, or who repeat dress code violations shall be subject to disciplinary action for violating the Code of Student Conduct.

## Temporary Exceptions and Waivers

The building principal/designee and superintendent shall grant waivers where required by law to protect fundamental constitutional rights. The parent(s) or guardian(s) of a student may request a waiver from a specific provision of this policy and any related regulations where the strict enforcement of a provision would violate the student's fundamental rights. Such requests shall be in writing and addressed to the building principal/designee of the student's school. If the building principal/designee denies the request, the parent(s) or guardian(s) may appeal their decision in writing to the superintendent or his designee. There shall be no hearing in such appeals; the superintendent or his designee will review the written record only. The final decision of the superintendent or his designee shall be in writing. There shall be no appeal from the final decision.

In order to allow appropriate attire for a particular educational or school activity, the building principal/designee has the authority to grant temporary exceptions to specific provisions of this policy and related regulations. An example of such an exception might be where a specially scheduled school event required a group of students to dress unusually on a particular day.

Adopted: August 29, 2002  
Revised: September 19, 2002 to become effective January 1, 2003

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**Legal Refs.:** **Virginia Code Sections: § 22.1-253.13:7.D.3 and § 22.1-279.3A**  
§ 22.1-79 (Powers and Duties of School Boards);  
§ 22.1-253.13:7 (Standard's of Quality, Standard 7, Policy Manual), and  
§ 22.1-279.3 (Parental responsibility and involvement requirements)

Goss v. Lopez, 419 U.S. 565, 95 S. Ct. 729 (1975)  
Tinker v. Des Moines School District, 393 U.S. 503, 89 S. Ct. 733 (1969)  
Hicks v Halifax County Bd., 93 F. Supp.2d 649 (E.D.N.C./4<sup>th</sup> Cir. 1999)  
Byars v. City of Waterbury, 1999 WL 391033 (Conn. Super. Ct. 1999)  
Phoenix El. School District v. Green, 943 P2d 836 (Ariz. Ct. App. 1997)

**Cross Refs.:** **JFC Student Conduct**  
**JFC-R Standards of Student Conduct**

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**PORTSMOUTH CITY PUBLIC SCHOOLS**

## **STUDENT DRESS CODE REGULATION**

Portsmouth City Public School students shall not wear the following items:

- Clothing, pins, jewelry, accessories or other items of adornment displaying obscene, profane, derogatory, violent or gang-related messages, themes, designs or pictures;
- Clothing, pins, jewelry, accessories or other items of adornment conveying messages related to or promoting the use of alcohol, drugs, or tobacco products, or messages that promote illegal activities.
- Clothing pins, jewelry, accessories or other items of adornment depicting bawdy, salacious or sexually suggestive messages.
- Clothing that is transparent or exposes the midriff, navel or cleavage.
- Pants, skirts and/or shorts that sag below the waistline or must be held in place with the hands.
- Underwear as outer garments or clothing that exposes underwear (including, but not limited to, stretch lycra, spandex or nylon tights, leotards, biker pants, biker shorts, bathing suits, pajamas).
- Tank tops, halter tops, garments with spaghetti straps, tube tops, fishnet tops, strapless dresses, or other clothing that is not appropriate because of slits, rips or holes in the garment.
- Accessories which could in some way pose a danger to the wearer or others; and/or could be used as weapons (including, but not limited to, two-or-three finger rings, chains hanging from clothes, picks, hair chop sticks).
- Clothing that is too tight and/or is inappropriate in length as determined by the building principal/designee.

### **File: JFCAA-R (Page 2)**

- Inappropriate footwear (including, but not limited to, shower shoes and beach shoes, such as thongs, bedroom slippers, and unfastened shoes or shoes missing appropriate closures).
- Head coverings or accessories that are not related to or required by student's bona fide religious practices (including, but not limited to, stocking caps, do rags, wave caps, scarves or bandanas).
- Items that are intended for outdoor use (including, but not limited to, hats, caps, and similar head coverings, scarves, jackets and coats).

Adopted: August 29, 2002

Revised: September 19, 2002 to become effective January 1, 2003

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## Acceptable Computer Use System

## Policy IIBEA/GAB

The School Board provides a computer system, including the Internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes hardware, software, data, communication lines and devices, terminals, printers, CD-ROM devices, tape drives, servers, mainframe, and personal computers, the Internet and other internal or external networks.

All use of the Division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Any communication or material used on the computer system, including electronic mail or other files deleted from a user's account may be monitored or read by school officials.

The Division Superintendent shall establish administrative procedures, for the School Board's approval, containing the appropriate uses, ethics and protocol for the computer system. The procedures shall include:

- (1) a prohibition against use by division employees and students of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the Internet;
- (2) provisions, including the selection and operation of a technology protection measure for the division's computers having Internet access to filter or block Internet access through such computers, that seek to prevent access to:
  - (a) child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
  - (b) obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and
  - (c) material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;
- (3) provisions establishing that the technology protection measure is enforced during any use of the Division's computers by minors;
- (4) provisions establishing that the online activities of minors will be monitored;
- (5) provisions designed to protect the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;
- (6) provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful activities by minors online;
- (7) provisions prohibiting the unauthorized disclosure, use, and dissemination of personal information regarding minors.
- (8) a component on Internet safety for students that is integrated in the division's instructional program.**

Use of the School Division's computer system shall be consistent with the educational or instructional mission or administrative function of the Division as well as the varied instructional needs, learning styles, abilities and developmental Levels of students. The Division's computer system is not a public forum.

Each teacher, administrator, student and parent/guardian of each student shall sign the Acceptable Computer System Use Agreement, **GAB-E1/IIBEA-E2**, before using the Division's computer system. The failure of any student, teacher or administrator to follow the terms of the Agreement, this policy or accompanying regulation may result in loss of computer system

privileges, disciplinary action, and/or appropriate legal action.

The School Board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, the School Board will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

The Division Superintendent shall submit to the Virginia Department of Education this policy and accompanying regulation biennially.

**Adopted: July 6, 2006**

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Legal Refs: Code of Virginia, 1950, as amended,  
§§ 18.2-372, 18.2-374.1:1, 18.2-390,  
22.1-70.2, and 22.1-78.

18 U.S.C. §§ 1460, 2256.

47 U.S.C. § 254.

### **Computer System Use-Terms and Conditions**

All use of the Portsmouth City School Division's computer system shall be consistent with the School Board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes hardware, software, data, communication lines and devices, terminals, printers, CD-ROM devices, tape drives, servers, mainframe and personal computers, the Internet and any other internal or external network.

1. **Acceptable Use:** Access to the Division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the Division or (2) for legitimate school business.

2. **Privilege:** The use of the Division's computer system is a privilege, not a right.

3. **Unacceptable Use:** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes:

- Using the network for any illegal activity, including violation of copyright or other contracts, or transmitting any material in violation of any federal, state or local law
- Sending, receiving, viewing or downloading illegal material via the computer system
- Unauthorized downloading of software
- Downloading copyrighted material for unauthorized use

- Using the computer system for private financial or commercial gain.
- Wastefully using resources, such as file space.
- Gaining unauthorized access to resources or entities.
- Posting material authorized or created by another without his or her consent.
- Using the computer system for commercial or private advertising.
- Submitting, posting, publishing or displaying any obscene, profane, threatening, illegal or other inappropriate material.
- Using the computer system while access privileges are suspended or revoked.
- Vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.

4. **Network Etiquette:** Each user is expected to abide by generally accepted rules of etiquette, including the following:

- Be polite.
- Users shall not forge, intercept or interfere with electronic mail messages.
- Use appropriate language. The use of obscene, lewd, profane, threatening or disrespectful language is prohibited.
- Users shall not post personal contact information about themselves or others.
- Users shall respect the computer system's resource limits.
- Users shall not post chain letters or download large files.
- Users shall not use the computer system to disrupt others.
- Users shall not read, modify or delete data owned by others.

5. **Liability:** The School Board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Division denies any responsibility for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the School Board for any losses, costs or damages incurred by the School Board relating to or arising out of any violation of these procedures.

6. **Security:** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.

7. **Vandalism:** Intentional destruction of any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.

8. **Charges:** The School Division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone or long-distance charges.

9. **Electronic Mail:** The School Division's electronic mail system is owned and controlled by the School Division. The School Division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the School Division. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users shall be held personally liable for the content of any electronic message they create. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

10. **Enforcement:** Software will be installed on the division's computers having Internet access to filter or block Internet access through such computers to child pornography and obscenity. The online activities of minors may also be monitored manually. Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by School Board policy, or legal action.

Adopted: December 19, 1996  
Revised: September 20, 2001  
Revised: November 15, 2001

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Legal Refs:

Code of Virginia, 1950, as amended, § 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

18 U.S.C. §§ 1460, 2256.

47 U.S.C. § 254.

Cross Refs:

JFC Student Conduct

JFC-R Standards of Student Conduct

## **SEARCH AND SEIZURE**

**File: JFG**

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student. Student desks and lockers are the property of the school, and may be used for the storage of permitted student belongings only. School officials retain locker combinations and reserve the right to search desks and lockers as well as to open lockers at any time for repairs. A general search of lockers or desks may be conducted to repossess school property or to locate illegal materials. A random, systemic, non-selective search of student classrooms, desks, lockers or automobiles may be conducted by school officials in accordance with a pre-determined search formula. Students are responsible for the content of their assigned locker at all times. The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials should be notified.

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

### **PERSONAL SEARCHES**

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

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

A pat down search of a student may only be conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present.

Strip searches may only be used when an extremely serious situation exists requiring immediate action. Such a search should be used only in the context of imminent threat of death or great bodily injury to a person or persons. If a strip search is necessary the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the superintendent or his designee, unless the health or safety of the student is endangered by the delay.

## **LOCKER SEARCHES**

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

## **AUTOMOBILE SEARCHES**

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

## **SEIZURE OF ILLEGAL MATERIALS**

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

## **COMPUTER SEARCHES**

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

## **CONSENT SEARCHES**

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

## **SEIZURE OF ILLEGAL MATERIALS**

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

Adopted: June 24, 2004

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Legal Refs.: *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

Constitution of the United States, Amendment IV.

Constitution of Virginia, Article I, section 10.

*Code of Virginia*, 1950, as amended, section 22.1-279.7.

Board of Education Guidelines for Student Searches in Public Schools, (12/21/99).

Cross Refs.: IBEA Acceptable Computer System Use

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## Summary of Attendance Legislation

### **22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.**

Every school board shall have power to appoint one or more attendance officers, who shall be charged with the enforcement of the provisions of this article. Where no attendance officer is appointed by the School Board, the division superintendent shall act as Attendance Officer. Whenever any pupil fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the pupil's absence shall be made by the attendance officer, other school personnel, or volunteers organized by the school administration for this purpose. Any such volunteer shall not be liable for any civil damages for any acts or omissions resulting from making such reasonable efforts to notify parents and obtain such result of gross negligence or willful misconduct. This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law or to affect any claim occurring prior to the effective date of this law. School divisions are encouraged to use non-instructional personnel for this notice.

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the pupil's parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, by the attendance officer to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The attendance officer, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance.

If the pupil is absent an additional day after the direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, the attendance officer shall schedule a conference within ten school days with the pupil, his parent, and school personnel, which conference may include other community service providers, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than fifteen school days after the sixth absence. Upon the next absence by such pupil without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the school principal or his designee shall enforce the provisions of this article by either or both of the following (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in 16.1-228 or (ii) instituting proceeding against the parent pursuant to 18.2-371 or 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody pursuant to 20-124.2, and the school has received notice of such order, both Parents shall be notified. at the last known addresses of the parents.

Nothing in this section shall be construed to limit in any way the authority of any attendance officer or division superintendent to seek immediate compliance with the compulsory school attendance law as set forth in this article.

**§ 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. However, the requirements of this section shall (a) be satisfied for those persons 16 through 18 years of age who are housed in adult correctional facilities when such persons are actively pursuing a general educational development (GED) certificate but are not enrolled in an individual student alternative education plan pursuant to subsection D and (b) not apply to any child who has obtained a high school diploma, its equivalent, or a certificate of completion or who has otherwise complied with compulsory school attendance requirements as set forth in this article.



## General Confiscation Form

**Please Print.**

**School** \_\_\_\_\_

**Student's Name/Number** \_\_\_\_\_

**Date of Confiscation** \_\_\_\_\_

**Person Responsible for Confiscation** \_\_\_\_\_  
Name/Title

**Length of Confiscation** \_\_\_\_\_

### Description of Confiscated Item

- Type \_\_\_\_\_
- Color \_\_\_\_\_
- Serial Number/Identifying Characteristics \_\_\_\_\_
- Product Name \_\_\_\_\_
- Tag Number \_\_\_\_\_

## RECEIPT OF RETURNED ITEMS

This is my child's first violation of Portsmouth Public School Division's cell phone policy, possession of electronic device policy, and/or dress code policy. I understand that a violation of these policies has resulted in confiscation of the item(s) that were prohibited.

I am picking up the confiscated item(s) with the understanding that another violation involving the same or similar item will result in the item(s) being confiscated and held until the last calendar day of the school year.

Student \_\_\_\_\_

Parent/Guardian \_\_\_\_\_

Administrator/Designee \_\_\_\_\_

**Short-Term Suspension  
Panel Hearing Procedures**

1. The chairperson will bring the hearing to order, make necessary introductions, and determine who should attend the meeting. The student may be represented by a person of his or her choice. Student witnesses must be accompanied by a parent or guardian or have written permission to be taken from class and to appear before the panel. Any person wishing to use student witnesses will be responsible for complying with the stipulation.
2. The chairperson will outline the procedures to be followed by the panel and will state the panel's primary responsibilities.
3. The chairperson will call for clarifying statements first from the principal or his designee and then from the student, parent or guardian, or representative.
4. The panel will hear witnesses and evidence presented first by the principal or his designee and then by the student, parent or guardian, or representative. All testimony and evidence must be presented in front of the panel and the parties involved.
5. The parties shall have the right to ask questions of any witnesses concerning any testimony or evidence presented. The panel shall have the discretion to require that all questions be addressed to the chairperson rather than to the witnesses directly.
6. After all the evidence has been presented and there are no further questions, the chairperson will allow for closing statements, first from the principal or his designee and then from the student, parent or guardian, or representative.
7. The chairperson will adjourn the hearing.
8. The chairperson will then prepare a written recommendation and send it to the student, parent or guardian or representative, the principal or his designee, and the appropriate Director of Instruction.
9. Either party may appeal the panel's recommendations to the Superintendent or his designee for a review of the panel's recommendations within five (5) calendar days of the date of the written recommendation.

## **Disciplinary Placement Hearing Process**

### **Purpose**

The disciplinary placement hearing is an administrative process to determine appropriate placement or further disciplinary action for students who have committed infractions resulting in Levels four consequences (alternative placement, long-term suspension or expulsion).

### **Format**

- The school administration will present evidence that the student committed the offense(s) listed on the suspension; this evidence will include witnesses, witness statements and other school documents.
- The student will have an opportunity to present his/her side of the case, including witnesses and/or other relevant evidence.
- The student may be represented by an attorney, an advocate, or other interested party, but the student's parent/guardian must be present.
- If the parent/guardian and/or student fail to attend a decision will be rendered in their absence.
- After listening to the evidence the committee will render a decision.
- The hearing will last approximately 20 minutes.

### **Outcomes**

The possible outcomes are

- Return to school of origin with no further disciplinary action.
- Return to school of origin on a behavioral contract for a specified time period.
- Assigned to an age-appropriate alternative school.
- A recommendation to the Superintendent of Schools for long-term suspension or expulsion.

### **Appeals**

If recommended to the Superintendent of Schools for long-term suspension or expulsion the parent/ guardian and student have a legal right of appeal the decision of the Placement Committee.

# **Portsmouth City School Board**

Mr. James E. Bridgeford, *Board Chairman*  
Dr. Elizabeth Daniels, *Vice-Chair*

Mr. James M. Hewitt IV  
Mr. Edward P. "Ned" McCabe  
Mr. B. Keith Nance, Sr.  
Mr. Claude C. Parent, Jr.  
Rev. Ernest L. Reid, Jr.  
Dr. Mark M. Whitaker  
Mrs. Costella B. Williams



## **Superintendent's Cabinet**

**Dr. David C. Stuckwisch**  
*Division Superintendent*

**Dr. Patricia H. Fisher**  
*Assistant Superintendent for Curriculum  
and Instructional Support Services*

**Mr. Dan Pendarvis**  
*Assistant Superintendent for Budget and Planning*

**Mr. Joseph L. Wiggins**  
*Director of Communications*

**Dr. Margaret R. Buxton**  
*Director of Human Resources*

**Mrs. Nita R. Mensia-Joseph**  
*Director of Operations*

Dr. Marie N. Shepherd, Director, Office of Student Services  
Ms. Sarah C. Sugars, Coordinator, Youth-Risk Prevention Services  
The Department of Curriculum and Instruction