



# **APS Handbook & Student Code of Conduct**

**2023-24**

**ARLINGTON PUBLIC SCHOOLS, VA**

**[WWW.APSVA.US](http://WWW.APSVA.US)**

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# ABOUT APS

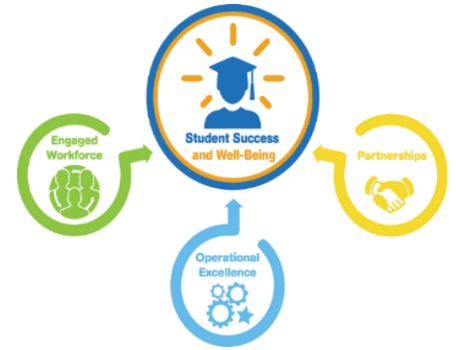
## APS MISSION AND VISION

### MISSION

To ensure all students learn and thrive in safe, healthy, and supportive learning environments.

### VISION

To be an inclusive community that empowers all students to foster their dreams, explore their possibilities, and create their futures.



## CORE VALUES

### EXCELLENCE:

Ensure all students receive an exemplary education that is academically challenging and meets their social and emotional needs.

### EQUITY:

Eliminate opportunity gaps and achieve excellence by providing access to schools, resources, and learning opportunities according to each student's unique needs.

### INCLUSIVITY:

Strengthen our community by valuing people for who they are, nurturing our diversity, and embracing the contributions of all students, families, and staff.

### INTEGRITY:

Build trust by acting honestly, openly, ethically, and respectfully.

### COLLABORATION:

Foster partnerships with families, community, and staff to support the success of our students.

### INNOVATION:

Engage in forward-thinking to identify bold ideas that enable us to be responsive to the expectations of our organization and community while cultivating creativity, critical thinking, and resourcefulness in our students.

### STEWARDSHIP:

Manage our resources to honor the community's investment in our schools; create safe, healthy, and environmentally sustainable learning environments; support civic and community engagement; and serve current and future generations.

## APS Strategic Goals

### STUDENT SUCCESS: Multiple pathways to student success

ensure that every student is challenged and engaged while providing multiple pathways for student success by broadening opportunities, building support systems and eliminating barriers. APS will eliminate opportunity gaps, so all students achieve excellence.

### **STUDENT WELL-BEING:** Healthy, safe, and supported students

create an environment that fosters the growth of the whole child. APS will nurture all students' intellectual, physical, mental, and social-emotional growth in healthy, safe, and supportive learning environments.

### **ENGAGED WORKFORCE**

Recruit, hire, and invest in a high-quality and diverse workforce to ensure APS is the place where talented individuals choose to work.

### **OPERATIONAL EXCELLENCE**

Strengthen and improve system-wide operations to meet the needs of Arlington's growing and changing community.

### **PARTNERSHIPS:** Strong, mutually supportive partnerships

develop and support strong connections among schools, families, and the community to broaden opportunities for student learning, development, and growth.

### **Connection to APS Strategic Plan: Student Well-Being: Healthy, Safe, and Supported Students**

APS is committed to creating an environment that fosters the growth of the whole child. Student measures of success go beyond academic achievement and includes student well-being and their long-term development and success. APS is working diligently in ensuring all students are healthy, safe, and supported focusing on: (1) Creating an environment that fosters the growth of the whole child and (2) Nurturing all students' intellectual, physical, mental, behavioral, and social-emotional growth in healthy, safe, and supportive learning environments.

### **SUPERINTENDENT'S CABINET**

#### **Dr. Francisco Durán**

Superintendent

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703-338-6010

#### **Catherine Ashby**

Assistant Superintendent, School & Community Relations

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#### **Kimberley Graves**

Chief of School Support

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703-228-6008

#### **Dr. Julie Crawford**

Chief of Diversity, Equity & Inclusion and Student Support

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703-228-8658

#### **Dr. Gerald R. Mann, Jr.**



Chief Academic Officer  
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703-228-6145

**Dr. John Mayo**  
Chief Operating Officer  
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703-228-6007

**Christine Smith**  
Division Counsel  
[christine.smith@apsva.us](mailto:christine.smith@apsva.us)

**Stephen Linkous**  
Chief of Staff  
[stephen.linkous@apsva.us](mailto:stephen.linkous@apsva.us)  
703-228-2497

## SCHOOL DIVISION OFFICES & ADDRESSES

Syphax Education Center, 2110 Washington Boulevard, Arlington, VA 22204  
Thurgood Marshall Building, 2847 Wilson Boulevard, Arlington, VA 22201  
Trades Center/Facilities & Operations, 2770 South Taylor Street, Arlington, VA 22206

## CENTRAL OFFICE SERVICES

Director, School Climate and Culture	703-228-2887
• Hearing Office	
• Title IX Division Coordinator	
School & Community Relations	703-228-6005
Human Resources	703-228-2726
Academics	703-228-6146
School Support	703-228-6008
Facilities & Operations	703-228-6640
English Learner Office	703-228-6092
Family & Student Engagement Office	703-228-2128
Office of Diversity Equity & Inclusion	703-228-8658
Office of Special Education	703-228-6049
Parent Resource Center	703-228-2135
Office of Student Services	703-228-6058
• School Counseling Services	
• School Psychologist Services	
• Social-Work Services	
Arlington Tiered System of Support	703-228-6088
Superintendent	703-228-6001

## EMERGENCY NUMBERS

Crisis Line  
 Department of Human Services

703-527-4077  
 703-228-1350

### SCHOOL CONTACTS

School	School Level	Principal	Principal Contact Number	Primary School Counseling Services Number
Abingdon	Elementary	David Horak	703-228-6654	705-957-3031
Arlington Science Focus	Elementary	Gina Miller	703-228-7670	703-228-8082
Arlington Traditional School	Elementary	Samuel Podbelski	703-228-6290	703-228-8558
Ashlawn	Elementary	Frances Lee	703-228-5270	703-228-8282
Barcroft	Elementary	Judy Apostolico-Buck	703-228-5838	703-228-8114
Barrett	Elementary	Catherine Han	703-228-6288	703-228-8532
Campbell	Elementary	Maureen Nesselrode	703-228-6770	703-228-8444
Cardinal	Elementary	Colin Brown	703-228-5280	703-228-8261
Carlin Springs	Elementary	Carmen De La Cruz	703-228-6645	703-228-8419
Claremont Immersion	Elementary	Dr. Liza Burrell-Aldana	703-228-2500	703-228-2506
Discovery	Elementary	Dr. Erin Russo	703-228-2685	703-228-2690
Dr. Charles R. Drew	Elementary	Tracy Gaither	703-228-5825	703-228-8138
Fleet	Elementary	Jennifer Gildea	703-228-5820	703-228-5820
Glebe	Elementary	Jamie Borg	703-228-6280	703-228-8138
Hoffman-Boston	Elementary	Helena Payne Chauvenet	703-228-5845	703-228-8603
Innovation	Elementary	Claire Peters	703-228-2700	703-228-2711 or x 2712
Jamestown	Elementary	Michelle McCarthy	703-228-5275	703-228-8361
Key (Escuela Key)	Elementary	Marleny Perdomo	703-228-4210	703-228-8481
Long Branch	Elementary	Jessica DaSilva	703-228-4220	703-228-8058
Montessori	Elementary	Catharina Genove	703-228-8871	703-228-8791
Nottingham	Elementary	Dr. Eileen Gardner	703-228-5290	703-228-2302
Oakridge	Elementary	Dr. Lynne Wright	703-228-5840	703-228-8158
Randolph	Elementary	Carlos Ramirez	703-228-5830	703-228-8188
Taylor	Elementary	Katie Madigan	703-228-6275	703-228-8584
Tuckahoe	Elementary	Dustin Barnes	703-228-5288	703-228-8305
Hamm	Middle	Ellen Smith	703-228-2910	703-228-2919
Gunston	Middle	Carolyn Jackson	703-228-6900	703-228-6912
H-B Woodlawn	Middle	Dr. Casey Robinson	703-228-6363	703-228-6379
Jefferson	Middle	Keisha Boggan	703-228-5900	703-228-5907
Kenmore	Middle	David McBride	703-228-6800	703-228-6806
Shriver Program	Middle	Dr. George Hewan	703-228-6440	703-228-6440
Swanson	Middle	Bridget Loft	703-228-5500	703-228-5535
Williamsburg	Middle	Bryan Boykin	703-228-5450	703-228-5466
Arlington Career Center	High	Margaret Chung	703-228-5800	703-228-5742

Arlington Community	High	Dr. Lori Wiggins	703-228-5350	703-228-8250
H-B Woodlawn	High	Dr. Casey Robinson	703-228-6363	703-228-6379
Langston	High	Kimberly Jackson-Davis	703-228-5295	703-228-8381
Shriver Program	High	Dr. George Hewan	703-228-6440	703-228-6440
Washington-Liberty	High	Antonio Hall	703-228-6200	703-228-6250
Wakefield	High	Peter Balas	703-228-6700	703-228-6714
Yorktown	High	Dr. Kevin Clark	703-228-5400	703-228-5398

## WHO TO CALL

### STEPS TO FOLLOW TO RESOLVE A STUDENT-RELATED CONCERN

Question or Concern	Step 1	Step 2	Step 3	Step 4
Academics/Grades	Class/Subject Teacher	Counselor	Assistant Principal	Principal
Behavior	Class/Subject Teacher	Assistant Principal	Principal	Director School Climate and Culture
Classroom Procedures	Class/Subject Teacher	Assistant Principal	Principal	
Busing/Transportation	Bus Driver	Assistant Principal	Director Transportation	Assistant Superintendent of Facilities and Operations
Extracurricular Activities/Clubs	Club Advisor	Assistant Principal	Principal	Director of Student Activities
Curriculum	Class/subject Teacher	Principal	Content Supervisor Director of Curriculum and Instruction	Chief Academic Officer
Special Education	Class/Special Education Teacher  Case Carrier	Student Support Coordinator Assistant Principal	Principal	Director of Special Education
Athletic Concerns	Coach	Director of Student Activities	Building Principal	Supervisor of Health and Physical Education
Medical Services	School Nurse	Assistant Principal	Principal	School Nurse Supervisor



## SCHOOL HOURS

**ELEMENTARY SCHOOLS:** Abingdon, Arlington Traditional School, Campbell, Carlin Springs, Claremont, Long Branch, Randolph

Full Day	Early Release
7:50 a.m. - 2:40 p.m.	7:50 a.m. - 12:20 p.m.

**ELEMENTARY SCHOOLS:** Barrett, Arlington Science Focus, Ashlawn, Barcroft, Cardinal, Discovery, Dr. Charles R. Drew, Escuela Key, Fleet, Glebe, Hoffman-Boston, Innovation, Jamestown, Montessori Public School of Arlington, Nottingham, Oakridge, Taylor, Tuckahoe

Full Day	Early Release
9:00 a.m. - 3:50 p.m.	9:00 a.m. - 1:30 p.m.

**MIDDLE SCHOOLS:** Dorothy Hamm, Gunston, Jefferson, Kenmore, Swanson and Williamsburg

Full Day	Early Release
7:50 a.m. - 2:35 p.m.	7:50 a.m. - 12:05 p.m.

**HIGH SCHOOLS:** Wakefield, Washington-Liberty and Yorktown

Full Day	Early Release
8:20 a.m. - 3:10 p.m.	8:20 a.m. - 12:35 p.m.

### H-B WOODLAWN & SHRIVER PROGRAMS

Full Day	Early Release
9:00 a.m. - 3:50 p.m.	9:00 a.m. - 1:15 p.m.

### ARLINGTON CAREER CENTER

Full Day	Early Release
8:00 a.m. - 3:00 p.m.	8:00 a.m. - 12:25 p.m.

## MAKE-UP DAYS

The 2023-24 calendar includes 180 instructional days for elementary, middle and high school students. If inclement weather or unforeseeable circumstances prevent students from being in school for 180 days, the first ten days lost will not need to be made up.

## ARLINGTON SCHOOL BOARD

The Arlington School Board is composed of five members who serve overlapping four-year terms. The terms commence on January 1 of the year following the election. Citizens interested in the election process should contact the Office of Voter Registration and the Electoral Board of Arlington County at 703-228-3456.

## **SCHOOL BOARD MEETINGS**

The Arlington School Board usually meets every two weeks on Thursdays in the Board Room at the Syphax Education Center, 2110 Washington Blvd. Check the website or call the Board office for meeting times. The agenda for each School Board meeting is made public one week prior to the Board meeting and can be viewed on the BoardDocs website under the “meetings” tab.

School Board meetings are broadcast live on Comcast Cable channel 70 and Verizon FiOS channel 41; live-streamed on the APS website; and re-broadcast on Fridays at 9 p.m. and Mondays at 7:30 p.m. Citizens may view the broadcast on the APS website ([apsva.us/school-board-meetings/](https://apsva.us/school-board-meetings/)) during the meetings.

## **CONTACT THE SCHOOL BOARD**

To contact the School Board Office, call 703-228- 6015; write to the Arlington School Board, 2110 Washington Blvd., Arlington, VA 22204; or email [school.board@apsva.us](mailto:school.board@apsva.us).

## **APS DIVERSITY, EQUITY AND INCLUSION COMMITMENT AND ACCOUNTABILITY STATEMENT**

Arlington Public Schools is committed to providing inclusive learning environments for our students, families, and staff. All students in Arlington Public Schools are welcomed, valued, and shall be included and supported in all schools, classrooms, curricular, and co-curricular activities throughout Arlington Public Schools. Arlington Public Schools solicits and listens to all voices within our community, honors diversity, and values the strengths and differences of all its community members. We embrace the contributions of all students, families, and staff to ensure each student’s potential is realized. We are committed to supporting the needs of our historically and institutionally marginalized populations. We value student diversity and respect individual differences that distinguish people.

Arlington Public Schools is committed to educational excellence for students and workplace excellence for all staff, embedding equitable and inclusive practices in all aspects of the Arlington Public Schools community. Equity and inclusivity are principles that permeate our culture as a public educational institution. In order to achieve excellence, Arlington Public Schools acknowledges the historical and current impact of bias, prejudice, and discrimination, and has implemented policies and procedures that address this impact. Arlington Public Schools is committed to ensuring that student success and staff engagement are not determined by race, ability, age, ethnicity, gender, language, religion, veteran status, sexual orientation, national origin, creed, color, marital status, gender identity or expression, pregnancy status, genetic information, citizenship status, disability, and/or socioeconomic status or any other area in which people may experience discrimination.

# STUDENT CODE OF CONDUCT

## AS A STUDENT, YOU HAVE A RIGHT TO:

- A quality and engaging education in an environment that is safe, respectful, just and comfortable.
- Attend a safe, welcoming school and belong to a community that values and promotes learning alongside social and emotional skill development through a positive behavior approach.
- Expect courtesy, fairness, and respect from school staff members and other students.
- Express opinions freely through speech, assembly, petition, and other lawful means.
- Be addressed by names and pronouns that correspond to your gender identity.
- Access to facilities that correspond to your gender identity will be available to all students. Single user, gender neutral facilities will be made available to all users who seek privacy
- Advocate for change in any law, policy, or policy implementation
- Talk with your teachers, counselor, and other school staff about any concerns.
- Receive equitable consequences without discrimination.
- Report any incidents of bullying, harassment, abuse, and verbal or physical threats and know that something is being done about them.
- Access your own records, within appropriate guidelines.
- Receive student code of conduct information in your preferred language.
- Receive specialized instruction, accommodations and supports, if eligible, as determined by state and federal laws.

## AS A STUDENT YOU HAVE A RESPONSIBILITY TO:

- Attend school regularly, arrive on time, bring appropriate materials, and be prepared to participate in class and do homework.
- Do your best.
- Respect the rights, feelings, and property of other students, parents/guardians, school personnel, visitors, guests and school neighbors.
- Behave respectfully on school grounds, school buses, at bus stops, at any school-related activity, and in the classroom including virtual instruction so as not to interfere with the educational process.
- Report violations of rules or other matters of concern that impact your safety or the physical or mental well-being of others.
- Follow classroom, school, and systemwide expectations. **This includes reading and understanding the information in this handbook.**

## APS Policies & Procedures

The official policies, rules and regulations of Arlington Public Schools are contained in the Arlington Public Schools School Board Policies (SBP) and Policy Implementation Procedures (PIPs), available online at [apsva.us/school-board-policies](https://apsva.us/school-board-policies).

### ACKNOWLEDGMENT OF PARENTAL RESPONSIBILITY

APS is required by the Commonwealth of Virginia to have parents and legal guardians review the rules and regulations of their children's schools according to Virginia School Law 22.1-279.3.

The APS Handbook and Student Code of Conduct is provided to all families as a part of the Online Back to School Packet that requires families to acknowledge they are in receipt of the APS Handbook. The APS Handbook is also

available on the website at <https://www.apsva.us/registration/handbook/>.

## **ACCEPTABLE USE OF TECHNOLOGY & DEVICES**

### **APS ACCEPTABLE USE POLICY (AUP)**

Arlington Public Schools has developed a plan to ensure that students know how to use the internet safely and that they understand APS rules for the use of technology. In accordance with the Code of Virginia, all students and their parents/guardians must annually sign the APS Acceptable Use Policy (AUP). All schools are responsible for ensuring that their students have signed the AUP through StudentVUE. Parents/Guardians acknowledge they have reviewed and agreed to the AUP through the AOV process in ParentVUE. Violations of this policy can lead to legal and/or disciplinary action.

The AUP, School Board Policy Electronic Technologies Acceptable Use I-9.2.5.1, can be found on the Boarddocs website.

### **EXPECTATIONS**

- Students will use all technology responsibly.
- Students will not use the division's computer equipment and communication services for sending, receiving, viewing, or downloading illegal or inappropriate material.
- Students will only connect to the APS network using approved methods.
- Students will respect intellectual property and copyright laws.
- Students will not tamper with or alter the system in any way that disrupts the network.
- Students will report suspected computer viruses and other problems immediately.
- Students will understand that all messages and files sent, accessed or received on or through APS equipment are subject to inspection.
- Students who connect to the APS network using a personal device must comply with all applicable policies.
- Use of APS technology is for school-related instructional and APS business activities.

All students should:

- Be respectful and appropriate in comments and in written text while using the device.
- Log into their personal account(s) and only use their assigned devices.
- Be sure not to share their personal log-in with anyone else.
- Use pictures and videos, whether captured on the device or downloaded, only to benefit learning.
- Use lock screen and wallpaper images that are appropriate.
- Understand that each device is the property of APS and is intended for use only by the student to whom it is assigned.

Distribution of inappropriate images, videos, and files, whether captured on the device or downloaded, is prohibited. Student devices may be inspected at any time by APS personnel. If inappropriate content is found on the device, it will be deleted and disciplinary action may be taken by school administrators.

### **FILTERING**

APS limits exposure of inappropriate and illicit internet content to students by putting systems in place which block student's access to some websites. These restrictions are in place on all devices that APS issues, whether the student is using the device at school, at home, or in a public space. While APS makes significant efforts to filter inappropriate content, your child could reach content you feel is not appropriate. If this occurs, families are encouraged to discuss the matter with the students and report the inappropriate content to teachers or

Instructional Technology Coordinators. Purposely bypassing content filters is a violation of the APS Acceptable Use Policy.

## **USE OF SOCIAL MEDIA**

Social media is a powerful platform for engaging students and including them in conversations that affect their ability to thrive in school and life. When using social media to interact with Arlington public schools, students are expected to:

- Be polite;
- Refrain from using profanity and racial or ethnic slurs;
- Remain respectful;
- Only tag news on tweets which contain appropriate messaging;
- Remember that once a message is online, it can't be taken back;
- Only represent themselves when messaging. Creating fake APS social media accounts is not acceptable; and
- Remain truthful in their messaging.

School administrators may be notified if a student conducts themselves inappropriately when communicating with the school division or others via social media.

For individual communications between adults and students, in accordance with the Prevention of Sexual Misconduct and Abuse Policy G-2.32, "Adults must restrict one-on-one, electronic communication with individual students to accounts, systems and platforms that are provided by and accessible to Arlington Public Schools."

## **ADMINISTRATIVE PLACEMENT**

Administrative placement means placing a student in a school outside their normal school boundary. An administrative placement falls under School Board Policy J-5.3.32. Arlington Public Schools determines a student's eligibility to attend school in alignment with the Code of Virginia and according to School Board Policy J-5.3.30 Admissions. In special situations, Arlington Public Schools may admit a student or place a student in an alternate school or program.

Placements are based on aligning student needs with Arlington Public School's services. The following special circumstances are considered for Administrative Placements.

- Requests of Local Courts
- Program Continuity
- Result of Disciplinary Actions
- Inability to Access Education
- Medical or Psychological Needs
- Hardship (Includes death in family, medical illness of parent/guardian, financial difficulties).

For more information, see [apsva.us/transferring-to-another-school/#admin-placement](https://apsva.us/transferring-to-another-school/#admin-placement).

## **ADMISSION**

All students enrolled in Arlington Public Schools must reside in Arlington County for admission on a tuition-free basis. Arlington Public Schools reserves the right to periodically request proof of residency. Students in grades K–12 who move out of Arlington County after the fourth quarter begins may complete the school year without paying tuition. Students who move before the fourth quarter begins must request permission to complete the school year in Arlington as a non-resident tuition-paying student. Seniors who move out of Arlington County after the third marking period ends may be allowed to complete the school year tuition-free. State legislation passed in 2005 created a Class 4 Misdemeanor charge for knowingly making false statements concerning the residency of a child in a particular school division or school attendance zone. For more information, see School Board Policy J-5.3.30 at [apsva.us/school-board-policies](https://apsva.us/school-board-policies).

APS may postpone or refuse admission to a student who has been expelled or suspended for more than 30 days from another school district or whose private school has withdrawn admission. School officials carefully review records to recommend the best placement for the student (refer to School Board Policy J-7.4, Student Code of Conduct).

### **ALCOHOL, TOBACCO, DRUGS**

A healthy learning environment is free of alcohol, tobacco, drugs, inhalants, and look-alike or synthetic drugs. This includes prescription and nonprescription medications that a student is not authorized to have in school (see Medications). The School Board Policies prohibit the possession, use, distribution, or sale of these substances in any form on school property. Consequences vary according to the student's age, the nature and number of offenses, and Arlington County and Virginia law.

### **ASSAULT, FIGHTING**

Students who become angry or upset with anyone are encouraged to resolve conflicts peacefully. Teachers, counselors, and other school personnel can help students find civil, nonviolent ways to handle disagreements. A student who threatens to harm or physically attacks another student or staff member—or is part of a group that does this—is subject to administrative responses.

### **ATTENDANCE**

Regular school attendance is critical to students' success in school; therefore, except when ill or excused, students are expected to attend scheduled classes and other required school activities. Parents should notify the school in advance if their child will be absent from school.

#### **EXCUSED ABSENCES (ALL OTHERS ARE UNEXCUSED)**

- Illness, quarantine of student, doctor or dentist appointment
- Death in the family
- Observance of a religious holiday
- Summons to a court of law
- Suspensions
- Violent storms or state emergencies
- Severe family emergencies
- Other special cases approved by the school principal

Parents/guardians must make a verified contact with the school office or forward a written explanation of absences to the school no later than two days following the return to school. Students are expected to make up any schoolwork they miss because of absences.

State regulations require that students who are absent for 15 or more consecutive days be withdrawn from school. Parents must accompany students when they return and new enrollment forms must be completed.

If students are absent without indication of parents' awareness and support for five days, the Code of Virginia requires school staff, parents and students to jointly develop a plan to resolve the student's nonattendance. The school social worker in each school is available to assist the parents and students with school attendance problems.

### **TARDINESS (COMING TO SCHOOL LATE)**

In the elementary and middle schools, teachers will report unexcused tardiness to the school principal for



appropriate intervention. In the high schools, three unexcused tardy arrivals in one grading period equal one unexcused absence.

For more information about attendance expectations, see School Board Policy J-5.1.30.

### **ATTENDANCE-MAKE-UP WORK**

Although make-up work cannot substitute for the full classroom experience, students have the responsibility to make up missed classwork. Credit for make-up work is only given when the absence is excused. However, even without credit, the student is still responsible for making up work in order to continue to participate in the course.

### **BULLYING**

Arlington Public Schools is committed to creating a safe, caring, respectful learning environment for all students. The definition of bullying is:

Any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and the victim; and is repeated over time or causes severe emotional trauma. Bullying also includes the repeated infliction or attempted infliction of injury, discomfort, or humiliation on a student by one or more students. It is a pattern of aggressive, intentional or hostile behavior that occurs repeatedly and over time.

“Bullying” includes cyberbullying.

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

Some key elements of bullying are:

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

To learn more on how APS addresses bullying, contact your student’s school administrator and/or school counselor. For more information see School Board Policy J-6.8.1 Student Safety – Bullying/Harassment Prevention.

### **BUS CONDUCT**

APS bus transportation is an extension of the school day, and the same student behavior standards that apply in the classroom apply on the bus and at the bus stop. A driver may report a behavioral concern to the principal for a consequence, and in serious situations, bus privileges may be taken away.

### **BE RESPECTFUL**

- Students are under the supervision of the driver.
- The driver may assign seats as needed.
- Use only soft voices (no loud or vulgar language).
- Ask driver permission before opening or closing windows.
- Keep the bus clean and undamaged.
- No eating or drinking.
- Be courteous to the driver, peers, and passersby.

## **BE SAFE**

- No fighting, wrestling, or rough behavior.
- No firearms, weapons, or hazardous materials.
- Only recognized guide or assist/service animals allowed on the bus.
- Stay seated while bus is in motion.
- Cross in front or at driver designated location when exiting.
- Keep hands, arms, and head inside the bus at all times

## **BE RESPONSIBLE**

- Use the emergency door only in an emergency.
- Be at your stop at least five (5) minutes prior to bus arrival.
- Bus rules also apply to bus stops.
- Students may need written permission for an alternate stop.

## **CELL PHONES, LAPTOPS, TABLETS, OTHER PORTABLE DEVICES**

APS is committed to assisting students and staff members in creating a 21st century learning environment. To support this progress, with classroom teacher approval, students may use their personal devices (smartphones, laptops, netbooks, tablets, etc.) to access the Internet and collaborate with other students during the school day. APS is not responsible for loss or damage of students' APS issued or personal devices. Parents are responsible for damages, repair cost, and loss as described in the APS Acceptable Use Policy and Damage to Devices.

## **CHEATING, PLAGIARISM**

Deliberately copying or using the work of others (or using technology to copy the work of others) is considered cheating, plagiarism, or forgery. Students are prohibited from sharing work or discussing assessments with others. Students may be subject to consequences.

## **CRISIS ASSISTANCE**

Administrators and/or other APS staff members may be notified if it appears that a student may be in crisis. Each school has a certified counselor who can assess and support students who require short-term crisis support. Counselors will also maintain a referral listing of external counseling service providers who may be able to provide long-term support to a student or family in crisis.

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

## **DISCRIMINATION**

Discrimination is treating someone unequally based on a certain characteristic in a way that interferes with a person's education and/or academic performance. Discrimination based on a person's race, color, religion, sex, pregnancy, sexual orientation, gender identity or gender expression, age, marital status, genetic information, national origin, mental or physical disability, or protected veteran status is strictly prohibited. For more information see Policy J-2 Student Equal Educational Opportunities/Nondiscrimination.

## **DISCRIMINATORY HARASSMENT**

Discriminatory harassment is verbal, physical, written, graphic, or electronic conduct that disparages or showing hostility toward an individual or group of individuals based on a person's race, color, religion, sex, pregnancy,

sexual orientation, gender orientation or gender expression, age, genetic information, national origin or mental or physical disability and is strictly prohibited. Examples of discriminatory harassment include epithets, slurs, negative stereotyping, jokes, and written, printed, or graphic material that contains offensive, demeaning, or degrading images or comments. Discriminatory harassment creates an intimidating or offensive learning environment that interferes with a student's education and/or academic performance. For more information see Policy J-2 Student Equal Educational Opportunities/Nondiscrimination.

### **STUDENT GENDER IDENTITY NON-DISCRIMINATION**

It is important that all staff members and students recognize and respect matters of gender identity including students who identify as transgender or gender nonconforming, and such students feel comfortable expressing their gender identity. To the extent possible, schools need to consider gender neutral uniforms or dress codes for physical education classes, music ensembles, yearbook photos, honor society ceremonies, promotion ceremonies, dances, etc.

In accordance with School Board Policy J-2, APS prohibits discrimination on the basis of race, national origin, creed, color, religion, gender, age, economic status, sexual orientation, pregnancy, marital status, genetic information, gender identity or expression, and/or disability.

### **APS RESPONSE TO COMPLAINTS OF DISCRIMINATION/HARASSMENT**

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

For more information about discrimination, the APS Title IX response, the APS discrimination and sexual misconduct regulations, or to file a complaint, you may contact your school administrator via phone or in writing at the following address.

Mr. Gradis White  
2110 Washington Blvd, Arlington, Virginia 22204  
Phone 703-228-2887  
Email: gradis.white@apsva.us

### **DISRUPTION**

A student who willfully disturbs the learning environment makes it difficult for the rest of the class to stay on task and continue learning and may put others at risk. This is also true at events such as athletic competitions and field trips. Disruptive behavior includes defying staff authority, using offensive language or gestures, making threats, and fighting.

### **DRESS CODE STANDARDS**

APS has developed a systemwide dress code standard to ensure consistency within and across all schools regarding dress expectations. APS values the importance of providing equitable learning opportunities and the rights of all students while ensuring student attire does not create a hostile or intimidating atmosphere or interfere with the health and safety rights of any student. In addition, APS strives to address the marginalization of any students or any student group in all areas of school life, including the clothing worn by a student. All students should be able to dress comfortably for school while recognizing the role they play in creating a positive learning environment. This standard can aid in ensuring equitable responses and eliminating disparities in enforcement based on students' school location, race, gender, ethnicity, religion, sexual orientation, household income, gender identity or cultural observance.

By necessity, appropriate school dress is the responsibility of each student and their parents/guardians. Students may wear clothing that is comfortable for them, expresses their self-identity and adheres to their religious beliefs while meeting the values of equity and respect for all students. Clothing is defined as items worn on the body, on top of undergarments. Clothing for school requires top and bottom or a full one-piece apparel item. For safety reasons, attire such as hats and hoodies may be worn as long as the student's face is visible.

APS defines "inappropriate" as clothing that does not cover the buttocks or genitals, underwear worn without any clothes covering (visible waistbands or straps on undergarments worn under other clothing are acceptable) swimwear as standalone apparel (outside of pool areas), and clothing with language or images that are vulgar, discriminatory, derogatory, or obscene. In addition, clothing that promotes the use of weapons, illegal acts or violence, drugs, alcohol/drug paraphernalia or gang involvement may not be worn to school. Any student not complying with any of these standards will be required to correct their clothing immediately. The student's parent/ guardian will be contacted, and the student will need to change into clothing in compliance with the APS dress code standard.

## **FREEDOM OF EXPRESSION**

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

APS distributes only printed materials, surveys, and questionnaires to students, parents, and staff that are created by or on behalf of the schools, the Arlington County government, parent-teacher organizations of APS schools or Non-Profit Organizations. No other materials may be posted or distributed on school grounds. Materials produced by students as required course work (such as newspapers, yearbooks and literary magazines produced as part of a class) may be distributed under the direction and supervision of the teacher or sponsor.

## **FREEDOM OF RELIGION**

Schools may not conduct religious exercises nor may they support or sanction any particular religious beliefs or practices. Students have the right to observe their own religious beliefs and practices in school, provided such activities neither violate the rights of others nor disrupt or interfere with school activities.

## **GAMBLING**

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

## **GANG-RELATED ACTIVITIES**

All APS students deserve to attend school without concern for their welfare or exposure to undesirable peer pressure. Staff members are alert to students whose actions indicate they may be involved in a gang that supports intimidation or illegal activities. Indicators include wearing certain clothing and accessories associated with a particular gang, having tattoos identifying gangs and other gang-related behavior. The consequences are serious for students whose behavior creates a disruption or actively promotes gang affiliation.

## **HAZING**

The Virginia Code of Conduct prohibits hazing. Hazing means to recklessly and intentionally endanger the health or safety of students for the purpose of initiation or admission into a club or organization. Hazing is prohibited in school buildings, on school grounds or transportation, and at school-sponsored events.

## **ILLEGAL DEVICES/NON-WEAPONS**

Laser devices, fireworks, matches, and lighters are not permitted at school and other school sponsored activities.

## **MEDICATIONS AT SCHOOL**

To ensure that students take prescription and nonprescription (over the counter) medications safely, including THC-A or cannabidiol oil with authorization from a licensed practitioner, the school health nurse must administer the medications. Parents must bring the medication to the school health room for storage and provide documentation for administering it. For more information see Policy J-8.3.1 School Health Services.

## **PARENTAL RIGHT TO INFORMATION ABOUT TEACHERS**

The Every Student Succeeds Act of 2015 (ESSA) guarantees parents in Title I schools the right to request certain information about their child's teachers. The information that you have a right to request about your child's teacher is:

- a) Whether the teacher has met state qualifications and licensing criteria for the grade levels and subjects for which the teacher is responsible.
- b) Whether the teacher is teaching under emergency or other provisional status through which state qualifications for licensing have been waived.
- c) The baccalaureate degree major of certification or degree held by the teacher, and the field of discipline of the certification or degree.
- d) Whether the student is provided services by paraprofessionals and, if so, their qualifications.
- e) If you would like to receive additional information about this topic, please contact the principal of your child's school.

## **PARENTAL RIGHT TO REQUEST INFORMATION ON ASSESSMENT OPT-OUT**

All students enrolled in Virginia public schools are expected to take the applicable state tests. If parents refuse to have their student participate in one or more of the required Virginia assessments, they should be aware that their student's state assessment score report will reflect a score of "0" for any test that is refused. If you would like to receive additional information about this topic, please contact the principal of your child's school.

## **PARTICIPATION IN STUDENT ACTIVITIES**

School is more meaningful and enjoyable when a student becomes involved in activities such as clubs, teams, performing groups, yearbook, drama, student government, and safety patrols. Participation in these activities is a privilege, and students who participate are expected to put forth their best effort in being successful academically, behaviorally, and socially.

## **PLEDGE OF ALLEGIANCE, MOMENT OF SILENCE**

Students are expected, but not required, to recite the Pledge of Allegiance and to observe moment of silence each day, unless the student or his or her parents/guardians objects to participation in such exercises. Nonparticipating students are expected to sit quietly, or to stand silently, and to refrain from engaging in any disruptive or distracting activity. A student's decision to participate or not to participate should be respected by their fellow students, teachers and administrators.

## **POLICE INVOLVEMENT**

School administrators are responsible for behavior interventions for students' behavioral infractions. For more information see APS/ACPD MOU.

### **Reportable Offenses to the Police**

The Code of Virginia stipulates that principals must immediately report certain violations to the police. These violations include but are not limited to the following:

- assault and battery with a weapon;
- sexual assault, forcible entry;
- conduct that involves sale or distribution of drugs,
- threats against school; and
- conduct involving weapons, bombs, or other explosive devices.
- False alarms and bomb threats

Under these circumstances, the principal must contact law enforcement. Police notification and involvement will be treated as a serious matter and parents will be contacted as soon as possible. If police involvement is required all relevant due protections under federal, local and state law will be afforded. Efforts to contact parents shall include calls to their work, cell and/or home numbers. It is incumbent upon parents to notify their student's school if their work or home contact information changes.

Additional reports to law enforcement may include:

- Possession, posting, distributing nude images and/or videos of minors

The "Know Your Rights: Your Guide to Interacting with Law Enforcement" brochure serves as a guide for all middle and high school students on how to appropriately engage with law enforcement. It is designed to provide an educational opportunity that informs students of their rights while promoting and guiding students on positive and respectful interactions with law enforcement. For more information, visit our website.

## **PROPERTY VIOLATIONS**

APS expects students to respect school property. Damaging or threatening to damage, stealing, and vandalizing—as well as being on school property when not authorized—are subject to administrative responses.

## **RESTITUTION**

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

## **RETALIATION**

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

## **SEARCHES AND CONFISCATION OF STUDENT PROPERTY**

APS depends on students to help keep schools safe and drug-free. School officials may conduct random inspections of lockers, desks, and other areas on school property. If they have reason to believe a student has a weapon, alcohol, drugs, stolen property, or similar evidence, they may search his or her backpack, purse, pockets, outer garments, electronic device, or vehicle parked on school property. Items that do not belong at school, or are being misused, may be taken away from the student and returned to the parent. If a student refuses to have a school administrator search suspicious items, the administrator may refuse permitting the student to return to the learning environment until the matter has been addressed. For more information Policy J-6.7 Student Searches and Confiscation of Student Property.



## **Second Chance Program**

A student who has violated APS' Prohibited Substances Policy for the first time may be considered for placement in the "Second Chance" program in lieu of suspension. A student who is suspended for a violation of the Prohibited Substance Policy may still be referred to the "Second Chance" program to have the benefit of this early intervention education program. This is an intensive, restorative justice-focused, early intervention program designed to educate students and their parents about the dangers of substance use and to prevent future use. An eligible student who successfully completes the program, including all requirements for follow-up assessments and good behavior, will not be subject to suspension for that particular violation of the prohibited substance use policy. However, if a student placed in the program in lieu of suspension fails to successfully complete the program, including all requirements for follow-up meetings and assessments, that student will be suspended pursuant to School Board Policy. For more information visit the [Second Chance website](#).

## **SEXUAL MISCONDUCT (TITLE IX)**

Sexual misconduct is a broad term that encompasses a range of sex-based conduct prohibited by Title IX legislation. Title IX is a federal civil rights law that prohibits sex discrimination in schools that receive federal funding. Sexual misconduct is a form of sex-based discrimination.

Sexual misconduct includes, but is not limited to, intimate partner violence, sexual harassment, non-consensual sexual touching, sexual assault, stalking, and sexual exploitation. For more information see Policy J-2 Student Equal Educational Opportunities/Nondiscrimination.

## **STUDENTS AGED 18 AND OLDER**

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

## **VAPING**

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

E-cigarettes are known by many other names, such as e-hookahs, mods, Juul pens, or vape pens.

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

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

Vaping products are not allowed on school grounds or at school sponsored activities. Students who are found to possess, use, or distribute vaping/vapor products will be subject to administrative responses as described in Policy J-7.4, Student Code of Conduct.

For additional information, please visit <https://www.centeronaddiction.org/> or [www.cdc.gov](http://www.cdc.gov).

## **VIRGINIA HIGH SCHOOL LEAGUE ELIGIBILITY**

A student earns the privilege to participate in interscholastic athletics by meeting certain standards set by the

Virginia High School League and Arlington Public Schools. Participation is dependent on positive conduct and citizenship. Meeting the intent and spirit of League standards for a positive and equitable environment will prevent the athlete, the team, the school, and the community from being penalized. It is the responsibility of the student and parent to know the rules.

## **VISITORS**

Schools welcome parents and other visitors who want to know more about our programs, meet staff members, and tour the facilities. All visitors must adhere to the requirements, including mask wearing, outlined in our Visitor Management System in order to protect the safety of school students and staff. This process includes registering at the school office upon arrival and wearing an identification badge. Meetings and classroom visits should be arranged in advance. People who enter school buildings without reporting to the office or who disturb or interfere with school activities will be prohibited from remaining on school property and may be reported as trespassers.

## **WEAPONS**

Students are not permitted to possess any gun, knife, explosive device, ammunition, object capable of discharging projectile, or other weapon on school property. These items include starter and paint guns, tasers, knives, blades, brass knuckles, objects that look like weapons.

## **WITHDRAWAL FROM SCHOOL (DROPPING OUT OF SCHOOL)**

Students are required by Virginia Law to attend school from age 6 until their 18th birthday. Students working toward graduation may continue in the public schools through the school year (September to June) in which they reach their 20th birthday. Students receiving special education services may remain in school until age 22, if they reach age 22 after Sept. 30. Students who do not speak English as their first language and entered school in Virginia for the first time after reaching age 12 and have not reached 22 years of age on or before Aug. 1 of the school year may also remain in school. Families who move out of Arlington County should inform their child's school of their new address and telephone number. For more information, call the Office of Student Services at 703-228-6058.

# Policies Regarding Student Conduct and Disciplinary Procedures

Arlington Public Schools works to ensure all students learn and thrive in safe, healthy and supportive learning environments, that foster the growth of the whole child and nurture all students' intellectual, physical, mental, behavioral, and social-emotional growth. A range of behavioral supports, restorative practices and positive interventions, including the Arlington Tiered System of Support, are available to students to help ensure each student can take advantage of every opportunity to learn and grow.

Every effort will be made to address potential behavioral issues before any consideration of corrective action or sanction is made regarding any student experiencing difficulties with behavior. The use of positive interventions, supports, and restorative practices will be put in place whenever possible to address any behavioral issue. All administrators, teachers, and other staff members of Arlington Public Schools should carry out their responsibilities to ensure an orderly and safe environment appropriate for students' academic, behavioral, and social success. In specific circumstances, administrative responses that remove students from the classroom or school environment may be necessary. In these situations, APS' goal is to ensure students continue their education, receive appropriate educational services, learn strategies to replace inappropriate behavioral responses, and correct any harm that has been caused.

Arlington Public Schools has the responsibility to address student behaviors:

1. While on school premises;
2. While in proximity to school premises;
3. When coming to or going from school;
4. While on school-owned and operated school buses or on chartered buses;
5. While engaged in approved and supervised school activities on or off school premises, including but not limited to distance learning;
6. When the good order, safety or welfare of the school or its students is affected as a result of out of school action: and
7. When using school-issued or non-school technology when that use negatively impacts the well-being and safety of students and/or staff.

A student participating in APS athletics and/or co-curricular activities who violates the Arlington Public Schools Athletic/Co-Curricular Participation Agreement, Student Code of Conduct or other APS policies may, in addition to other administrative action, be suspended or expelled from participation in APS athletics and/or co-curricular activities, as determined by the appropriate APS staff member (refer to the APS Athletic/Co-Curricular Participation Agreement for more information).

## DUE PROCESS RIGHTS RELATED TO STUDENT CODE OF CONDUCT VIOLATIONS

All students have a right to adequate and meaningful due process prior to being excluded from school. Due process requires that students be given:

- oral or written notice of any accusations against them in a timely manner,
- an opportunity to explain the circumstances,
- offered the opportunity to tell their side of the story orally or in writing before the initiation of any administrative responses,
- notice of any suspension, and
- reasons for the suspension.

Students and families have the right to receive in writing the Student Code of Conduct violation, the date the student may return to school, and notice of their right to appeal. Arrangements and expectations for academic work will be addressed prior to the issuing of a suspension. Due Process is afforded to students and their families for any short-term out-of-school or long-term suspension. Students and parents/guardians shall receive written notice, available in English and in the parent/guardian preferred language of communication, of the procedures to be followed to appeal administrative responses to student behavior that involve out-of-school suspension or recommendation for expulsion.

For expulsions, students have the same due process rights to hearings as with long-term suspension, except that no expulsion is effective until approved by the School Board. The decision of the School Board is final and not appealable.

## **APS LEVELS OF INTERVENTION AND ADMINISTRATIVE RESPONSES TO STUDENT BEHAVIOR**

The APS Levels of Interventions and Responses were developed, with local and state guidance, to provide school staff and division level administrators with guidance in determining the appropriate interventions, supports, and/or responses for student behaviors.

Each of the five levels/categories represent the maximum consequence permitted for specific code violations; however, depending on the circumstances, administrators may provide an intervention, support, or response from a lesser category.

Administrators and leadership teams should engage in an investigative decision-making process to determine appropriate responses for behaviors at all levels. Any actions should always be addressed with instruction and interventions. Instruction should focus on helping students develop social-emotional competencies needed to change behaviors.

See Appendix for full details on each level, behavior codes, their categories and range of intervention responses associated with each category in support of a leveled system of intervention.

## **STUDENT SUPPORT TEAM (SST) PREVENTION AND EARLY INTERVENTION**

When students experience problematic behaviors, parents and/or staff can bring concerns to the Student Support Team (SST). This multi-disciplinary team can collaboratively identify prevention and early intervention strategies based on the unique strengths and needs of the student.

If supports and/or interventions have been implemented but sufficient progress has not been observed, then the classroom teacher or parent/guardian may make a referral to SST. The purpose of SST is to identify steps the school should take to support the student. Parents are valued members of student support teams. Parents have knowledge and perspective of their child which can significantly assist in understanding their strengths, needs, and experiences.

TOGETHER the team can develop a plan to enhance the student's success in school.

## **PHYSICAL INTERVENTIONS FOR STUDENTS IN CRISIS**

Arlington Public Schools utilizes positive behavioral interventions and supports as part of the Arlington Tiered System of Supports (ATSS) to deter situations that escalate the risk of physical restraint, as well as minimize the use of such physical restraint. Physical restraint should never be used as a disciplinary measure.

APS requires the use of positive behavioral approaches with students, so they are supported and safe without the

use of hands-on interventions to the greatest extent possible. If there is a need to manage student behaviors that place the student or others at imminent risk of physical injury, staff shall utilize the least restrictive intervention using evidence-based de-escalation techniques. Details regarding physical interventions may be found in School Board policy J-13 Physical Interventions for Students in Crisis.

## **EQUITY IN THE ADMINISTRATIVE DECISION-MAKING PROCESS**

The administrative decision-making process ensures the students' rights are respected and that all student behavior is addressed in an equitable manner. All referrals to an administrator should include communication with the family.

The administrator will:

- Determine if the behavior is an office-managed behavior (Refer to Appendix 2) If it is a teacher-managed behavior, consider the impact of unconscious bias, classroom management style, the teacher's and student's cultural or religious backgrounds, previously implemented interventions or supports, and trauma-related information. Consult with the teacher, team, school counselor, or other personnel on appropriate next steps to support the teacher in addressing the behavior.
- If it is an office managed behavior, gather information to determine the complete picture of the situation, including accounts of the event from the student(s) and any background information the student(s) is willing to share.
- Identify contributing factors and review existing academic and behavioral data and/or previous interventions.
- Refer to the regulations for students with disabilities if the student is identified as having a disability.
- Communicate with the family to inform them of the event and gather relevant background information.
- Consider whether contributing factors, data, or previous interventions indicate that a support or intervention is appropriate for the student.
- Ask, "What harm was caused?" Label the behavior using the behavior descriptors; assign the appropriate level of administrative response based on the division's leveled responses, which may include both a disciplinary sanction and/or a behavioral intervention (Appendix 1 & 2).
- Refer the student to the appropriate intervention services, if interventions are indicated.
- Determine and arrange for instructional supports needed to allow the student to continue making academic progress if a disciplinary sanction excludes the student from the regular instructional setting.
- Inform families of the results of the investigation, any disciplinary sanction, instructional supports and/or behavioral interventions that will be provided.
- Develop, if required, an action plan for student's academic and behavioral needs during school removal period.
- Provide, if a student is suspended from school, written notice of suspension to parent/guardian.
- Document all disciplinary sanctions, academic supports, and behavioral interventions.
- If required, complete related incident reporting forms including J-2 PIP 1 Form: Incident Complaint Form for Allegation of Discrimination or Harassment, J-6.8.1 PIP 1 Student Safety – Bullying-Harassment Prevention (Incident Form) or Serious Incident Report (SIR)
- Notify the Superintendent Designee and Law Enforcement as required by policy.
- Initiate any referrals to outside organizations
- Initiate a Threat Assessment, as indicated or required.
- Follow through on the recommendations from the Threat Assessment Team.

## **GUIDANCE REGARDING BEHAVIORAL ISSUES FOR STUDENTS WITH DISABILITIES**

As with all students, every effort will be made to address potential behavioral issues before any consideration of administrative responses is made regarding any student experiencing difficulties with behavior. The use of positive interventions, supports and restorative practices will be put in place whenever possible to address any behavioral

issue.

Administrative action taken with an identified student with a disability shall be administered within the context of the student's Individualized Education Program (IEP), or Section 504 Plan, considering the unique needs of the student. Whenever an administrative action involves a suspension for:

- 10 days, or
- 10 accumulated total days during a school year, or
- involves a recommendation for expulsion of an identified student with a disability,

a determination must be made as to whether there is a causal relationship between the disability and the misconduct. This Manifestation Determination must be made by a committee of knowledgeable staff such as those who would participate at an Eligibility Committee meeting. If a causal relationship is found, the administrative action, the appropriateness of the current IEP or Section 504 Plan and placement must be assessed with consideration given to program and/or placement modifications. A written statement/determination, signed by the review committee, must be placed in the student's confidential file. The IEP team may consider developing a Functional Behavior Assessment to identify specific behaviors in need of intervention, and a Behavior Management Plan to address the identified behaviors. In accordance with regulations governing the Individuals with Disabilities Education Act, expelled students with disabilities must be educated in an alternative program.

Students with disabilities are afforded additional protections under federal (IDEA, ADA) and state law. A short-term suspension is not considered a "change in placement" for special education purposes, but schools must still provide a free and appropriate education (FAPE) and strive to fulfill the IEP during this suspension. A series of short-term suspensions that form a pattern of behavior can be considered a change in placement. In most cases, students with disabilities cannot be suspended for more than ten school days for conduct that is caused by the disability. Students with disabilities who are suspended long-term or expelled are entitled to an expedited decision from a due process hearing challenging the administrative action.

Additional details regarding administrative actions involving students with disabilities are presented in Appendix 2 of this manual or the APS Student Support Manual.



# APPENDIX 1: Glossary of Terms that May Be Associated with a Disciplinary Infraction

**Alcohol use, possession, sale or distribution:** Violating laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or consumption of intoxicating alcoholic beverages or substances represented as alcohol. Suspicion of being under the influence of alcohol may be included if it results in disciplinary action.

**Altercation:** A confrontation, tussle, or verbal/physical aggression that does not result in injury

**Alternative educational program placement:** An alternative education program placement, designed to offer instruction to students for whom the regular school assignment may not be appropriate as a result of serious actions on the part of the student, may be made by the Superintendent/designee after consideration of the facts and the seriousness of the situation. The placement may range from 45 to 365 days if the student's return to his or her regular education program would pose an imminent threat of serious harm to students or staff or cause a chronic and extreme disruption of the educational process. The placement may be for 45 days or more only if the student's return to school would pose an imminent threat of serious harm to students or staff or if aggerated circumstances exist. Students will receive, as appropriate, behavioral intervention services to address the behavior violation that resulted in the alternative educational placement

**Alternative educational setting for Students with IEPs:** A school site that enables students with IEPs to receive educational services, including the services and modifications listed on their IEPs, so that the students can continue to participate in the general education curriculum and progress toward meeting their IEP goals. Students will receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address behavior violation so that it does not recur. Students with IEPs may be placed in an alternative educational setting only if a manifestation meeting is held and the behavior is determined not to be related to the student's disability. A students with an IEP may also be placed in an alternative educational setting (for no more than 45 days), after holding a suspension conference with the Superintendent/designee, if he/she engage in one of the following behaviors while at school, on school premises, or at a school function: (1) carrying or possessing a weapon; (2) knowingly possessing or using an illegal drug; (3) selling or soliciting the sale of a controlled substance; or (4) inflicting serious bodily injury on another person.

**APS Alternatives to Suspension:** a school-based, tiered intervention designed to address behavioral concerns through a proactive approach. Approaches may include, but are not limited to, the following (See Appendix 1 for more examples):

- alternative placement within schools (less than two periods)
- detention
- Saturday School
- mediation
- parent conferences
- restitution
- community service
- participation in restorative practice sessions

**Alternate instructional support (AIS) center:** A student may be removed from his or her regular schedule of classes based on disruptive behavior, when previous intervention (s) have not been successful and assigned to a program of study under supervision of a qualified staff member for a fixed period of time, ranging from one class period to less than one-half of the school day.

**Arson/Fire:** Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trashcan fires would be included in this category if they were contributing factors to a damaging fire.

**Assault and Battery:** Voluntary fighting resulting in physical injury to another person shall be considered assault and battery.

**Assault-Physical:** Includes any physical confrontation that may result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, shoving, pushing, hitting and fighting. An actual offensive, forceful, violent and intentional touching or striking of a student against his/her will, intentionally causing bodily harm with the use of a firearm or other weapon. Includes mob assault.

**Battery:** The unlawful application of force to the person of another.

**Behavior intervention plan (BIP):** A plan that uses positive behavioral interventions and supports to address behaviors which interfere with the learning of students with disabilities or with the learning of others or that require disciplinary action.

**Behavior on school bus:** Students shall not behave in a disruptive manner or otherwise violate these standards of conduct while waiting for a school bus, while on a school bus or after being discharged from a school bus.

**Bomb threats:** Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices or hoax explosive devices or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb school personnel or school property.

**Breaking and entering (burglary):** Unlawfully entering or attempting to enter a building or other structure with the intent to commit a crime.

**Bullying:** Using repeated negative behaviors intended to frighten or cause harm. These may include, but are not limited to, verbal or written threats or physical harm, intimidation, taunting, name-calling, and insults and any combination of prohibited activities. A student, either individually or as part of a group, shall not harass or bully others either in person or by use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes verbal conduct consisting of comments regarding the race, gender, religion, physical or mental abilities, sexual orientation, or other characteristics, towards another person and /or associates of the targeted person.

**Cyberbullying:** Using information and communication technologies, such as cell phone text messages and pictures and internet e-mail, social networking websites, defamatory personal websites, and defamatory online personal polling websites to support deliberate, hostile, behavior intended to harm others.

**Change of placement:** For the purposes of discipline, means: A removal of a student from the student's current educational placement for more than 10 consecutive days; or the student is subjected to a series of removals that constitute a pattern because they accumulate to more than 10 school days in a school year.

**Cheating:** To give answers to others, copy assignments, imagery or tests from others, or look at the tests, coursework (homework and classwork), teacher materials and similar assignments of others. Defiance of the authority of school personnel: Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by Board policies and regulations.

**Destruction of Property/Vandalism:** Willfully and/or maliciously destroying, damaging or defacing public or private property without the consent of the owner or the person having custody or control of it. This category includes graffiti. Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus or at school-sponsored events.

**Destructive or explosive device:** (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device. Destructive device shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device.

**Disrespect:** Use of abusive language or behavior that is intimidating, hostile or dismissive in nature.

**Disruptive behavior:** Any act intended to be disruptive of any school activity, function or process of the school or is dangerous to the health or safety of students or others, or interrupts or obstructs the learning environment. May include persistently disruptive conduct. This definition includes conduct going to and returning from school, per Va. Code 22.1-78.

**Distribution or sale of illegal drugs or possession or distribution with intent to sell:** Students shall not manufacture, give, sell, distribute or possess with intent to give, sell or distribute marijuana, synthetic cannabinoids, or other controlled substance as defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia.

**Electronic device or cell phone misuse:** Misuse of technology or cellular device to transmit insulting, profane, racially or sexually offensive written language, or to make obscene remarks or gestures, or bully, extort or spread untruths about another student or staff member. Endangering the well-being of others: Any behavior that places a student or staff member in a situation that may endanger their health, life or welfare.

**Exclusion:** A School Board's denial of school admission to a student who has been expelled or has been placed on long-term suspension of more than 30 calendar days by another school board or private school, either in Virginia or another state.

**Expulsion:** Any disciplinary action imposed by the School Board, as provided in School Board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

**Extortion:** Unlawfully obtaining or attempting to obtain something of value from another by compelling the other person to deliver it by the threat or eventual physical injury or other harm to that person or person's property. False charges: Students or school personnel who knowingly make false charges of harassment or provide otherwise false information or accusations shall be subject to disciplinary action.

**Felony charges:** Students charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention/intervention activities.

**Fighting (both parties) with no injury or minor injury:** Mutual participation in a fight involving physical violence, where there are no, or minor, injuries. These may include, but not be limited to, the following: scrape on body (e.g., knee, elbow, hand) or minor bruising.

**Firearm:** In accordance with the Code of Virginia Section 22.1-277,07, any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4

**Forgery:** Creating, altering or using a false document with the intent to defraud or injure someone.

**Functional behavioral assessment (FBA):** A process to determine the underlying cause or functions of a student's behavior that impede the learning of the student with a disability or the learning of the student's peers. A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined by the IEP team.

**Gambling:** Making, placing, or receiving 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.

**Gang related activity:** A student shall not engage in gang activities as defined in Policy JFCE, incorporated by reference. Street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary objectives or activities to commit one or more criminal or non-criminal gang activities. This includes articles of clothing that symbolize association, rituals or activities identified by groups of students.

**Harassment, intimidation:** Repeatedly annoying or attacking a student or a group of students or other personnel which creates an intimidating or hostile educational or work environment A student shall not harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions in violation of School Board policy -Sexual Harassment/Harassment Based on Race, National Origin, Disability, Sexual Orientation, and Religion. This includes stalking behaviors.

**Hazing:** To recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity. The principal of any school at which hazing causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney. Hazing, as defined above, is a Class I misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary consequences which may be imposed under this policy. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or infants. See Va. Code sec. 18.2-56.

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

**Improper touching and/or sexual activity:** Improper physical contact against a student or staff that is offensive, undesirable and/or unwanted as determined by the victim.

**Inappropriate language:** Using inappropriate words or topics of conversation. Inciting or participating in a school disturbance: behavior, use of force or violence that seriously jeopardizes public safety, peace or order; Includes false fire alarms and inciting a riot (three or more people acting together).

**In-school suspension:** An alternative, supervised placement within the school building for a specific period of time for two or more periods.

**Insubordination:** The unwillingness to submit to authority or refusal to respond to a reasonable request or any act that intentionally disrupts the orderly conduct of a school function.

**Kidnapping:** Unlawfully seizing, transporting, and/or detaining a person against his/her will, or a minor without the consent of his/her custodial parent(s) or legal guardian. This category includes hostage-taking.

**Leaving an area/class or school grounds without permission:** Leaving class, school building or grounds, area or activity without the express permission of school staff when consent to leave is expected.

**Long-term suspension:** A disciplinary sanction by the Superintendent/designee whereby a student is not permitted to attend school for 11 to 45 school days. A student may be referred for long-term suspension if (1) his or her presence in school presents an imminent threat of serious harm to other students or staff, or (2) the student has engaged in chronic and extreme disruption of the educational process that has created a substantial barrier to learning for other students across the school day, and other available and appropriate behavioral and disciplinary interventions have been exhausted.

**Manifestation determination review:** A process to review all relevant information and the relationship between the student's disability and the behavior subject to the disciplinary action. Other violations: In addition to these specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process, or which is otherwise a violation of federal, state, or local law.

**Pattern:** Separate incidents of removal which cumulate to more than ten school days in a given school year and constitute a change of placement.

**Possession or use of weapons or other dangerous articles:** Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon, regardless of whether it is commonly accepted as such. This regulation incorporates Policy JFCD.

**Profane, obscene or abusive language or gestures:** Language, gestures, or conduct that is vulgar, profane, obscene or racially charged that disrupts the teaching and learning environment.

**Prohibited substances:** Students are prohibited from possessing or attempting to possess, using or attempting to use, consuming, procuring, distributing or purchasing any of the substances listed below.

1. Controlled substances are drugs or other substances identified under schedules I, II, III, IV or V in section 202(C) of the controlled Substances Act at 21 U.S.C. section 812(c).
2. Illegal drugs mean controlled substances but does not include a controlled substance that is legally possessed and used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substance Act or any other provision of federal law.
3. Restricted substances prohibited include but are not limited to alcohol, tobacco products and nicotine

vapor products. Inhalant products and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia and any prescription or non-prescription drug possessed in violation of this policy.

The wrongful, extreme, or improper use of an otherwise legal substance, such as sniffing glue, taking non-recommended amounts of over-the-counter medications, or taking medicine prescribed for another person are prohibited. Any possession of drug paraphernalia, including any equipment, products, and materials or any of their parts that are designed or intended for packaging, storing, repackaging, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the body a controlled substance or imitation controlled substance are also prohibited.

A controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the controlled Substances Act or under any other provision of federal law is an exemption to this policy and procedure. Students who adhere to the provisions of School Board Policy J-8.3.1, School Health Services, regarding possession or use of controlled substances or over-the-counter medications are not subject to sanctions.

**Removals:** Excluding the student from the student's current educational placement due to inappropriate behavior resulting in disciplinary action.

**Reports of conviction or adjudication of delinquency pursuant to sec. 16.1-305.1:** Any student for whom the Superintendent has received a report pursuant to Va. Code sec. 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code sec. 16.1-260 may be suspended or expelled.

**Retaliation:** Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited and will be punished.

**Robbery:** Taking, or attempting to take, anything of value owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.

**School property or range:** Any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board. This definition includes conduct going to and returning from school per Va. Code 22.1-78.

**Sanctions:** Consequence of student behavior.

**Sexual assault:** Attempted or actual sexual penetration against another person without consent.

**Sexual harassment:** Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment. The Arlington County School Board prohibits sexual harassment of any student or school personnel at school or any school-sponsored activity. Any student who believes that he or she has been subjected to sexual harassment should report the alleged act immediately to the principal, who will report the complaint to the proper authorities. If the complaint is against the principal, the student shall file the complaint with the director of school counseling at the school. Further details regarding filing the Complaint Procedure are available in School Board policy J-6.8.1 PIP-1

**Student Safety – Bullying-Harassment Prevention (Incident Form)** In accordance with federal and state laws, APS shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability, religion, gender, gender identity, gender expression or sexual orientation (2)



promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

**Short-term suspension:** The principal/designee issues a disciplinary sanction whereby a student is not permitted to attend school for a period not to exceed ten (10) school days. Students in preschool through grade three are prohibited from being suspended for more than three school days. It also applies to removals when the cumulative amount is ten school days, but not consecutive and does not constitute a pattern or change of placement.

**Stealing/Theft:** Intentionally taking the personal property of another person without consent under duress, threat or otherwise.

**Superintendent's designee:** Must be a 1) trained hearing officer, or 2) professional employee in the administrative offices of the school division who reports directly to the Superintendent or designee and who is not a school-based instructional or administrative employee.

**Tardiness:** Late arrival to school or class.

**Technology use:** Students are required to abide by the rules for use of technology. Use of hardware, software, network or telecommunications in violation of these rules is prohibited. Students shall abide by the Arlington Public Schools Responsible Computer System Use Policy.

**Threats or intimidation:** Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason. Unlawfully placing a staff member in fear of bodily harm through physical, verbal, written or electronic threats which immediately creates fear of harm without displaying a weapon or subjecting the person to actual physical attack.

**Trespassing:** Entering or remaining on the campus of a public school or School Board facility without authorization or invitation and with no lawful purpose for entry, including students under suspension or expulsion and unauthorized persons who enter or remain on a campus or School Board facility after being directed to leave.

**Weapons and ammunition:** Possession of any type of ammunition. Ammunition means ammunition or cartridges, cases, primers, bullets, or propellant powder designed for use in any firearm. Any device that looks like a real gun or is a toy gun (i.e., water pistols). Category also includes look-alike weapons. Possessing or bringing to school or a school-sponsored event any substance used as a weapon. The substance would include mace, tear gas, or pepper spray. Possessing knife less than three inches, razor blades, box cutters, fireworks, firecrackers, or bringing stink bombs to school or a school event. Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or another charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person. Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or other charge that exceeds the equivalency of five milliamp 60 hertz shock and used for the purpose of temporarily incapacitating a person.

# APPENDIX 2: Guidance for Students with Disabilities Regarding Discipline

## FUNCTIONAL BEHAVIOR ASSESSMENT AND BEHAVIOR INTERVENTION PLAN

Parents/guardians and teachers may ask to schedule an IEP meeting at any time if there are concerns about the student's behavior. The school or clinical psychologist, or behavior intervention specialist may also be asked to participate. The IEP team will discuss the behavior and, working with the parent/guardian, may decide:

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

## DISCIPLINE OF STUDENTS WITH AN IEP

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

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

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

## MANIFESTATION DETERMINATION REVIEW (MDR)

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

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

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

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

**Manifestation:** If the MDR team finds that the behavior was caused by, or had a direct relationship to, the disability or that the conduct was a result of a failure to implement the IEP, then the student will be returned to the same school he or she had been attending, or may be placed in another school where the same services are available unless:

- The parents/guardians and school officials agree to a change in placement. In rare circumstances, and only in cases involving drugs, weapons, or serious bodily injury, the Superintendent/designee may assign the student to an interim alternative setting for 45 days without the consent of the parent/guardian, pending the outcome of the disciplinary process, in accordance with 8VAC20-81-160 C.5.
- The school division institutes an expedited special education due process proceeding to change the student’s placement.
- The student's IEP team must conduct an FBA as soon as possible if one has not already been conducted or update the existing FBA. Based on the information in the FBA, the IEP team will develop or update a BIP.

**Not a Manifestation:** If the MDR team determines the misconduct is not a manifestation of the student’s disability, school officials may consider further disciplinary sanctions in the same manner and for the same duration as for non-disabled students. However, special education services must be provided during the period of suspension and/or expulsion to enable the student to continue participating in the general education curriculum and progress toward meeting the IEP goal.

### **SPECIAL EDUCATION DUE PROCESS**

Parents/guardians who disagree with a change in special education placement or the MDR team’s conclusions may request a local administrative review within APS. The parents/guardians may also request an expedited due process hearing through the Virginia Department of Education according to the VDOE Special Education Procedural Safeguards Requirements. Parents can access this information through the VDOE website or by contacting The VDOE Office of Dispute Resolution at 804-225-2013. While not required, APS strongly encourages parents/guardians to afford the school SYSTEM an opportunity to informally work with together to reach resolution on issues or concerns prior to pursuing an external administrative hearing process with the state. Protections for Students Not Currently Eligible for Special Education.

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

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

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

- The parents/guardians refused consent to have the student evaluated or refused services; or

- The student was evaluated and determined not to have a disability.

Note: Information from the Virginia Department of Education Regarding the suspension and/or expulsion of students with disabilities may be made to Link: Regulations Governing Special Education Programs for Children with Disabilities (2010).

#### **USE OF SECLUSION AND RESTRAINT FOR APS STUDENTS IN IEP-PLACEMENT PRIVATE SCHOOLS**

For students with disabilities assigned to a private school as a result of an IEP placement, the Virginia regulations governing the operation of private schools for students with disabilities, Administrative Code of Virginia 8VAC20-671-650, prohibits the use of seclusion and restraint except when it is necessary to protect the student or others from personal harm, injury, or death. The use of seclusion and/or restraint as a means of managing student behavior in emergencies to ensure safety in private schools for students with disabilities is governed by 8VAC20-671-660.

#### **PROTECTIONS FOR STUDENTS COVERED BY SECTION 504 PLANS**

When a principal suspends a student with a 504 plan for more than 10 days in a school year or refers the student to the Division Superintendent, the school will convene a knowledgeable committee as soon as possible, but no later than 10 days after the decision to suspend or refer to the Division Superintendent. In the event of a referral to the Division Superintendent, the results of the meeting are forwarded to the Division Superintendent for consideration at the hearing.

If this committee determines the misconduct was caused directly by the student's disability, the student may not be expelled or suspended for more than 10 days but may be placed by the Division Superintendent in a new school or program.

If the committee determines the misconduct was not caused directly by the disability, the student may be disciplined in the same manner as non-disabled peers. The student is not entitled to receive continuing educational services during any period of suspension or expulsion.

# Appendix 3: APS Policies Related to Discipline

## ALTERNATIVES TO SUSPENSION/ ADMINISTRATIVE RESPONSES

Behavioral interventions and positive support strategies include building healthy relationships among all individuals, in order to facilitate a safe and supportive school environment that provides the emotional, psychological, and physical safety needed to teach new positive behaviors. If individual interventions and collaboration with the parent have not been successful, the teacher should refer the student to a Student Support Team meeting with staff, administrator and parent/guardian to determine if an intervention plan is appropriate. Use of restorative justice practices is one example of the interventions and supports provided to students to help nurture healthy relationships, repair harm, transform conflict and promote equity. When used as an intervention measure, a restorative approach to student behavior issues changes the fundamental questions that are asked when a behavioral incident occurs. Instead of asking who is to blame and how those engaged in the misbehavior will be punished, a restorative approach identifies what needs to be done to make things right.

## DENIAL OF TRANSPORTATION

Students who are otherwise eligible for transportation may be denied such transportation by the principal or designee when the student's conduct represents a threat to the safe operation of the school bus, to the student, or to others on the bus.

Students with disabilities who receive transportation as a related service under their IEPs or as an accommodation under a Section 504 Plan and who are subject to sanctions because of misconduct on the bus, must receive an IEP review to determine if the student's actions are the result of the disability. When the behavior for which the student is to be removed from transportation service is the result of the student's disability, the student cannot be deprived of access to a special education program, and alternative transportation service will be developed.

## REMOVAL OF A STUDENT FROM CLASS

Teachers shall utilize effective strategies to manage and resolve behaviors that interfere with a positive learning environment in the classroom taking into consideration individual needs of students, identified needs detailed in IEPs and other supports available.

After these strategies have been implemented, and, if the behavior continues to disrupt the learning environment, teachers have the initial authority to temporarily remove students from class for disruptive behavior. "Disruptive behavior" means a violation of School Board policies or PIPs issued by the Superintendent governing student conduct that interrupts or obstructs the learning environment. For a teacher to remove a student from class for disruptive behavior, the following factors must be included in that decision:

1. Removal of the student from the class must be necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior
2. Interventions by the teacher and/or administrators have been attempted and failed to end the student's disruptive behavior, and
3. Notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators must have been provided to parent.

When all the above criteria have been satisfied, a teacher may remove a student from class.

## "SECOND CHANCE" PROGRAM

A student who has violated APS' Prohibited Substances Policy for the first time may be considered for placement in

the “Second Chance” program in lieu of suspension. A student who is suspended for a violation of the prohibited substance use policy may still be referred to the “Second Chance” program to have the benefit of this early intervention education program. This is an intensive, early intervention program, which includes restorative justice practices, designed to educate students and their parents about the dangers of substance use and to prevent future use. An eligible student who successfully completes the program, including all requirements for follow-up assessments and good behavior, will not be subject to suspension for that particular violation of the prohibited substance use policy. However, if a student placed in the program in lieu of suspension fails to successfully complete the program, including all requirements for follow-up meetings and assessments, that student will be suspended.

## **OUT-OF-SCHOOL SUSPENSIONS**

Suspension includes temporary removal from all school activities and exclusion from school grounds, including buses may constitute trespassing charges if threat of harm or injury is involved. A student may be suspended by a school administrator/designee for no more than 10 days or by the Superintendent/designee for up to 45 days. A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in § 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or Superintendent/ designee finds that aggravating circumstances exist, as defined by the Code of Virginia.

In all cases, contact shall be made with a parent/ guardian before a student is dismissed from school during the school day. If a student is sent home for behavioral issues during the school day or for the remainder of that day, all regulations must be followed regarding a suspension.

Depending on frequency or severity, actions which may result in out-of-school suspension, referral to Second Chance Program (for relevant school offenses), or assignment to in-school suspension for one or more periods include:

1. Failure to serve detention;
2. Disruptive use of electronic communication devices (for example: cell phones, pagers)
3. Misbehavior in buildings, on grounds, on the buses or on school sponsored activities and field trips;
4. Profane or obscene language, orally or in writing, or remarks that demean or are intended to demean a person’s race, religion, sex, creed, national origin, disability, or intellectual ability, or sexual orientation;
5. Smoking, including e-cigarettes, on school property or possession of tobacco products;
6. Possession or under the influence of a controlled substance;
7. Possession or under the influence of alcohol;
8. Forgery of notes or signatures, cheating, or plagiarism;
9. Misuse or inappropriate use of technology (Internet) including instant messaging and cyber-bullying;
10. Possession of pornographic material;
11. Sexual harassment of other students or staff;
12. Gambling;
13. Insubordination or verbal abuse;
14. Verbal abuse of student or staff;
15. Abuse or misuse of legal substances, such as over the counter non-prescription drugs and other substances;
16. Willful destruction of property (students may be required to make restitution for damaged property);
17. Activities that threaten or threats made against the physical safety of students or staff members;
18. Physical altercations or fighting;
19. Bullying, including verbal or written threats or physical harm;
20. Other violations of school rules or disruption of school activities;
21. Other disruptive behavior;

22. Gang activity, including disrupting school by use of gang symbols, hand signs, engaging in threatening behavior as a group or representing a group identified as a gang; and
23. Possession of look-alike weapons.

Actions requiring immediate out-of-school suspension and referral to the police and/or fire marshal if they are violations of the law include:

1. Possession with intent to sell or distribute a controlled substance (recommendation for expulsion);
2. Sale, purchase or distribution of a controlled substance (recommendation for expulsion).
3. Possession of firearms (recommendation for expulsion);
4. Sale or distribution of alcohol;
5. Possession of other weapons (not firearms);
6. Physical assault on a member of the school staff;
7. Acting as a mob;
8. Setting fires, possession of fireworks/explosives, and
9. Other violation of the law.

#### **LENGTH OF SUSPENSIONS**

1. Level three behaviors may result in a maximum of three consecutive days out-of-school suspension.
2. Repeated level three offenses may result in a maximum of five consecutive days out-of-school suspension.
3. Level four behaviors may result in up to 10 consecutive days of out-of-school suspension.
4. Repeated level four behaviors or behaviors involving action by the police may also result in a maximum of 10 consecutive days out-of-school suspension, request for disciplinary hearing for additional suspension time, and/or a recommendation for expulsion.
5. In level five behavior situations, very serious offenses as identified in the Code of Virginia, students may be suspended up to 45 days by the Superintendent/designee. When suspending a student for more than 10 days, the following factors, identified in the Code of Virginia, shall be taken into account:
  - a. The nature and severity of the offense;
  - b. The student's academic, attendance, and disciplinary record; and
  - c. The assessment of the student's acknowledgment of violation of school regulations and the student's expressed intent with regard to future conduct will also be taken into account.
6. A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or Superintendent/designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.
7. Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.
8. Very serious offenses require local school consideration of:
  - a. Court involvement;
  - b. Alternative programs; and/or
  - c. A request from the Superintendent for the parent/guardian, student, and appropriate local school officials to meet with representatives to decide the student's future educational program.

#### **NOTIFICATION AND HEARING FOR OUT OF SCHOOL SUSPENSIONS**

Students may be suspended for 10 days or less by school administrator. Parents/guardians will be notified immediately of a suspension and if appropriate, the possibility of additional disciplinary action by the Superintendent/designee. This initial notice may be electronic or phone, followed by written notification, available in English, Spanish, Arabic, Amharic or Mongolian, and will include due process information, an explanation of the

facts as known to the school personnel and, if the student denies those facts, an opportunity to present a version of what occurred and appeal the suspension. If the student's presence at school poses an immediate or imminent danger to persons or property, or an ongoing threat of disruption, the student may be removed from school immediately and the notice, explanation of facts, and opportunity to appeal and to present the student's version shall be given as soon thereafter as is practicable. Immediate appeals of suspensions by assistant principals or designees will be reviewed by the school principals. If the parents/guardians wish to appeal the principal's decision, they will receive information regarding the Director of Administrative Services' name, title and contact information and have 10 days from the date of suspension to appeal. The student and/or parent/ guardian shall be informed of their right to appeal the decision of the Director of Administrative Services to the Superintendent/ designee.

## **APPEALS TO ADMINISTRATIVE ACTIONS**

### **SUSPENSION APPEALS**

Parents/guardians of students who have been suspended for 10 days or less will be provided information, in English, Spanish, Arabic, Aramaic and Mongolian, on the process to appeal a decision. They may file an immediate appeal with the school principal if the suspension was assigned by an assistant principal or designee. If they wish to appeal the principal's decision, they may, within 10 working days of such event, file a complaint in writing with the Director, Administrative Services. In the case of a suspension appeal, a hearing will be held and the Director, Administrative Services shall give a response in writing within seven working days after the conclusion of the hearing. Appeals of administrative actions taken will be governed by procedures set forth in the section of this policy governing the particular administrative response. Suspensions are part of a student's school record and suspensions cannot be removed from the student's record unless entered in error or reversed on appeal. The decision of the Director, Administrative Services will be final in cases involving administrative actions other than cases of suspension of more than 10 days or expulsion. Suspensions will not be activated until a final appeal decision is given.

### **LONG TERM SUSPENSION OR ALTERNATIVE PLACEMENT APPEALS**

For long-term suspensions or alternative placements of more than 10 days, the Director, Administrative Services' decision may be appealed to the Superintendent/designee and a decision will be made on the written record. The Superintendent's/ designee's decision may be appealed to the School Board within 10 working days of that decision. The School Board shall decide on an appeal within 30 days of receipt of the appeal in the School Board office. The Clerk to the School Board will immediately provide a copy the decision of any appeal to the Superintendent/ designee. For appeals of long-term out of school suspensions or alternative placements of fewer than 365 days except as specifically provided below where the student's participation in the conduct is disputed, the Superintendent/designee shall provide the School Board with a complete statement of reasons for the suspension accompanied by the complete written record of the disciplinary proceedings within five working days of receipt of the appeal. A copy of that statement, available in English, Spanish, Arabic, Aramaic or Mongolian, will be delivered to the student and/or their parent/guardian at the time it is delivered to the School Board. The student and/or parent/guardian may provide the School Board with any response to that statement of reasons within five working days of receipt of the Superintendent/designee's statement of reasons. The School Board will make its decision on the written record, which decision shall be final. A suspension or alternative placement shall not be activated until a final appeal decision is given.

### **EXPULSION**

Expulsion means any action imposed by the School Board as provided in School Board policy, whereby a student, based on the seriousness of the incident, is not permitted to attend school within the school system and is ineligible for readmission for 365 calendar days after the date of the expulsion.

Students may be expelled only after written notice, available in English, Spanish, Amharic, Arabic or Mongolian, to the student and the parent/guardian of the student of the proposed action, giving the reasons for the action, and the right to a hearing before the School Board. Such notice shall be given by the Superintendent/designee and shall



provide information concerning the availability of community-based educational training, and intervention programs. Upon the decision of the School Board, the student and parent/guardian will receive notice whether the student is eligible to return to regular school attendance, attend an appropriate alternative education program approved by the Superintendent/ designee, or attend an adult education program offered by the school system, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. Any alternative program that is not an Arlington Public Schools approved program shall be at the cost of the parent/guardian. Any notice, for a student who is expelled for more than a year, shall state that the student may petition the School Board for readmission to be effective one calendar year from the date of the expulsion, and the conditions, if any, under which such readmission may be granted.

The School Board may make students eligible to return at the end of the expulsion. The School Board delegates to the Superintendent the authority to make a decision for readmission to Arlington Public Schools. Any student expelled for more than 365 days may submit a petition for readmission to the Superintendent/designee up to ninety (90) days in advance of the date that is one year after the effective date of the expulsion decision. The Superintendent/ designee may elect to hold a hearing and shall make a decision based on information received in such a hearing (if any), written materials submitted on behalf of the student, and any additional material submitted by staff in response. The information submitted for review must meet all the requirements outlined in the letter of expulsion from School Board members. The Superintendent/designee shall make a decision within 45 days after receipt of the petition in the Superintendent's office. When a petition for readmission is denied by the Superintendent/designee, the student may petition the School Board, in writing, for review of such denial. Notice of the right to petition for readmission, as well as any conditions, will accompany the expulsion decision. The School Board may elect to engage in further review of any circumstances, provided its decision on readmission is made at least 45 days before the date that is the one-year anniversary of the expulsion.

Students shall be recommended for expulsion, following procedures stated above, for offenses that include firearms, destructive devices, drug distribution, or severe bodily injury. As stated in Code of Virginia 22.1-277.07, a recommendation for expulsion may be made for other conduct, including without limitation, conduct listed as a possible basis for suspension, based upon consideration of the following factors:

1. The nature and seriousness of the violation;
2. The degree of danger to the school community;
3. The student's Code of Conduct history, including the seriousness and number of previous incidents;
4. The appropriateness and availability of an alternative education placement and program;
5. The student's age and grade level;
6. The results of any mental health, substance abuse, or special education assessments;
7. The student's attendance and academic records; and
8. Such other matters, as the Superintendent/ designee deems appropriate.

## **EXCLUSION FROM ENROLLING IN APS**

The Superintendent/designee may determine to exclude any student who has been expelled or suspended for more than 30 days by a school board or a private school in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state. Such students may be excluded regardless of whether the student has been admitted to another school division or private school in Virginia or another state subsequent to such expulsion, suspension, or withdrawal. The Superintendent/designee shall make a determination to exclude if it is determined that the student presents a danger to other students or staff of the Arlington Public Schools after:

1. Written notice to the student and parent/guardian that the student may be subject to exclusion, the reasons therefore, and of their opportunity to participate in a hearing on such exclusion; and
2. A hearing of the case has been conducted by the Superintendent/ designee.

The Superintendent's/designee's decision after a hearing shall be final unless a petition is filed with the Clerk of the School Board within 15 calendar days after the Superintendent/designee renders a decision. For exclusions (365 days or more), the Superintendent/designee shall provide the School Board with a complete statement of reasons for the exclusion recommendation, accompanied by the complete written record of the proceedings within five working days of receipt of the appeal. A copy of that statement will be delivered to the student or their parent/guardian at the time it is delivered to the School Board. The student may provide the School Board with any response to that statement of reasons within five working days of receipt of the Superintendent/designee's statement of reasons. The Clerk to the School Board will notify the Superintendent/designee and the parent/guardian of the date for the hearing before the School Board. The specific procedures to be followed in such hearings may be determined by the School Board chair, in consultation with other members of the School Board.

The School Board shall consider the exclusion, upon the petition and any response by the Superintendent/designee and provide its decision to the student and parent/guardian within 45 days after receipt of the petition.

## **FILING A COMPLAINT**

Parents or eligible students who believe that their rights have been violated may contact the local school administrator, the Assistant Superintendent of Teaching & Learning, and/ or the Director of Administrative Services. A parent or eligible student also has the right to file a complaint with the U.S. Department of Education concerning alleged failure by Arlington Public Schools to comply with the requirements of the Family Educational Rights and Privacy Act (FERPA) or the Protection of Pupil Rights Amendment (PPRA) by writing to: Family Policy Compliance Office, U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-4605

No student shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity on the basis of race, national origin, creed, color, religion, gender, age, economic status, sexual orientation, pregnancy, marital status, genetic information, gender identity or expression, and/or disability.

Complaints of discrimination, on the basis of sex or any other listed characteristic, should be brought immediately to the attention of the principal. In addition, complaints of sex discrimination can be filed with the Department of Education Office of Civil Rights and/or the APS Title IX Coordinator.

Arlington Public Schools is committed to providing the supports and services to enable every student to achieve maximum growth by providing individualized resources, services and strategies that enable students to excel academically, socially, emotionally, and physically. Counselors, social workers, and substance abuse counselors provide specialized support to address the emotional well-being of a student. There are also related service professionals and county resources to support mental health.