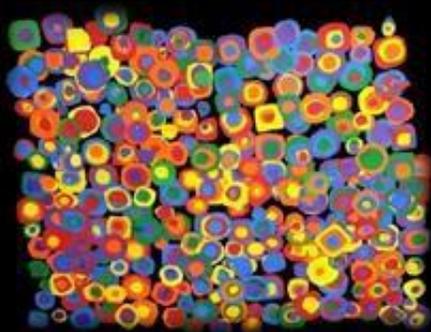


# A Parent's Guide to Understanding Student Discipline Policies and Practices In Loudoun County Public Schools



## A Letter to Parents

Dear Parents,

The Loudoun County School Board has prepared this Guide to assist you in understanding student discipline policies and practices in Loudoun County's public schools. While the Guide will be informative to all parents, it is primarily intended to answer questions frequently asked by parents whose children have violated student conduct policies and have experienced disciplinary consequences. Topics addressed include the following:

- The authority of the school board in establishing local policies and procedures
- Responsibilities of school administrators to ensure safe and secure learning environments
- Rights and responsibilities of students and of parents
- The disciplinary process related to suspension and expulsion from school

The Guide includes basic information on Virginia laws and a series of questions frequently asked by parents. Questions are in bold print. Answers are intended to be brief, understandable, and jargon-free. Many of the answers include a reference to the Code of Virginia or other resources where you may go for more detailed information. This Guide is not a substitute for a carefully reading of School Board Policies, regulations and the Student Rights and Responsibilities Handbook all of which can be found online at [www.lcps.org](http://www.lcps.org).

We hope that this Guide will encourage you to do the following:

- Support your school's efforts to provide a safe, orderly environment conducive to learning for your child and all students.
- Read carefully the Student Rights and Responsibilities Handbook (SR&R Handbook) available online ([www.lcps.org](http://www.lcps.org)). If something is unclear or concerns you, talk with your child's principal.
- Review the SR&R with your child to ensure that he or she understands the rules and possible consequences for breaking them.
- If your child breaks a rule and is disciplined, talk with your child to learn his or her version of what occurred. Meet with the teacher and school administrator immediately to talk about the incident and to develop strategies for preventing it from happening again.
- Understand that Virginia law gives the school board final administrative authority in all discipline matters.
- Work with your child's school to achieve the goal of responsible behavior. Remember, the goal of school discipline is not to punish, but to correct behavior.
- Be an advocate for your child by seeking other types of intervention, if needed.
- Disciplinary action alone may not address some problems contributing to misconduct.

Sincerely,

Eric Williams, Ed.D, Superintendent

# Ensuring Safe Learning Environments

## Virginia Laws and Regulations

The importance of ensuring that schools are safe and conducive to learning is reflected in numerous laws enacted by the Virginia General Assembly and regulations established by the Virginia Board of Education. Among other responsibilities, the school boards are required to

- Establish policies “designed to provide that public education be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.”
- Adopt codes of student conduct and procedures for suspension and expulsion.
- Develop programs to prevent violence and crime on school property and at school-sponsored events.

Regulations Establishing Standards for Accrediting Public Schools in Virginia state that principals are responsible for effective school management that promotes “a safe and secure environment in which to teach and learn.” Principals must “ensure that the school division’s student code of conduct is enforced and seek to maintain a safe and secure school environment.” Administrators must also ensure “a written procedure... for responding to violent, disruptive or illegal activities by students on school property or during school-sponsored activity.”

## The Role of School Principals

School administrators have the responsibility for carrying out policies established by the school board. At the school level, principals have primary responsibility for enforcing the SR&R and school board policy. They are authorized to impose a broad range of disciplinary actions such as in-school suspension, after-school detention, suspension of certain privileges, and out-of-school suspension for up to ten days.

## The Role of the Superintendent/Disciplinary Hearing Officer

At the school division level, the superintendent administers discipline policy. In most school divisions there is a superintendent’s designee who typically conducts disciplinary hearings, has authority to suspend for more than ten days, investigates incidents, and prepares recommendations for action by the school board. Virginia law defines the designee as a “(i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the division superintendent and who is not a school-based instructional or administrative employee” (§22.1-276.01.B, Code of Virginia).

## The Role of Local School Boards

In accordance with Virginia laws and regulations, only the school board has the authority to establish student conduct policies and procedures, often referred to as “discipline policies.” Final administrative authority for all disciplinary matters rests with the school board to determine how and under what circumstances a disciplinary action may be appealed. Only the school board has the authority to expel a student from school.

The following questions and answers are intended to help you better understand school discipline policy. The questions listed are those most frequently asked by parents when their children are involved in a disciplinary process.

# Student Rights and Responsibilities (SR&R)

## Q .1. What are my child's responsibilities at school?

A.1. At school your child must do the following:

- Attend school and get to class on time.
- Follow school conduct expectations and rules set forth in the Student Rights and Responsibilities (SR&R) Handbook and school rules. (Remember, these apply on the bus to and from school and at school-sponsored activities - even away from school and outside school hours).
- Follow individual school and classroom rules that are typically in school handbooks and in school agenda.
- Show respect to other students and school staff.
- Not bring to school, use, or possess drugs, alcohol, tobacco products, or electronic cigarettes.
- Not bring to school, use, or possess any weapon or other banned object.
- Not participate in any gang or gang-related activity.
- Not participate in fights or other forms of violence.

## Q .2. How does my child know what behavior is expected?

A.2. At the beginning of each school year, the new SR&R will be posted online at [www.lcps.org](http://www.lcps.org). In addition, the school will review it and local school rules with your child at the beginning of the year. If you enroll your child in a school after the beginning of a school year you and your child will be directed to the online SR&R as part of the enrollment process. Hard copies of the SR&R may be requested from the school if online access is limited. School rules are typically listed in school handbooks, and classroom rules are typically posted in classrooms and reviewed by teachers on the first day of school.

As mentioned, schools carefully review the rules and consequences with students as part of student orientations, in assemblies, and/or in classrooms. Some schools may even have quizzes to test student understanding of the rules.

## Q .3. What is the difference between suspension and expulsion?

A.3. Short-term suspension, long-term suspension, and expulsion are defined in §22.1-276.01, Code of Virginia.

**Short-term suspension** is defined as disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten days.

**Long-term suspension** is defined as disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

**Expulsion** is defined as disciplinary action imposed by a school board 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. Students

may apply or reapply for readmission in accordance with school board policy. The schedule for considering applications for readmission is established in Policy 8-23 (Readmission of Expelled Students), so that, if the readmission is granted, the student would be allowed to return to school within one calendar year from the expulsion.

Although the overwhelming majority of suspensions and expulsions result from acts at school or school-sponsored activities, a student may be suspended or expelled also for acts off school property when the acts lead to a court judgment of delinquency, a conviction for very serious crimes, or a charge that would be a felony if committed by an adult. These laws were enacted by the Virginia General Assembly with the intent of protecting students from others who have committed violence or other serious crimes.

**Q .4. Who has authority to suspend my child from school?**

A.4. The school principal, assistant principal, or teacher have the authority to suspend students out-of-school for up to ten days. The superintendent or designee, may suspend a student for more than ten days. Only a school board has the authority to expel a student.

Virginia law permits schools to suspend and expel students for “sufficient cause,” defined by school board policy. The SR&R Handbook as well as a number of LCPS policies and school and classroom rules list the offenses for which a student can be suspended or expelled.

**Q .5. What is the policy on self-defense?**

A.5. Policy 8-27 (Short Term Suspension from School) contains a discussion of self-defense as a factor in determining appropriate disciplinary action.

The following criteria for claiming self-defense must be shown by the student asserting:

- Be without fault in provoking or bringing on the fight or incident;
- Have reasonably feared, under the circumstances as they appeared to him or her, that he or she was in danger of harm and the aggressor took at least one overt act indicative of imminent physical danger;
- Have used no more force than was reasonably necessary to protect himself or herself from the threatened harm;
- Regardless of circumstances, students are never to possess weapons or knives of any kind on school property or school-sponsored activities;
- If reasonable means of retreat or escape are available, then the victim shall attempt to flee the altercation prior to engaging in a physical altercation; and
- The burdens of proving self-defense is on the person claiming it.

Be alert to any indication that your child may be feeling threatened and find out what is going on. Help your child to develop strategies that will enable him or her to avoid getting in trouble.

Contact your child’s principal to seek a resolution to any conditions that have made your child feel the need to defend himself or herself.

**Q .6. What happens if my child misbehaves at school?**

Some examples of corrective actions available to school administrators are listed below:

- Warning and counseling
- Parent/pupil conference
- Changes to student classroom assignment or schedule
- Student behavior contract
- Referral to student support services
- After-school or in-school detention
- Suspension of student privileges for a specified period
- Removal from class
- Initiation of child study process
- Referral to in-school intervention, mediation, or community service programs
- Short-term suspension
- Long-term suspension (only by superintendent/designee)
- Expulsion (only by school board)

School board policy may impose continued consequences after a student returns to school from suspension or expulsion. For example, there may be limitations of privileges, such as participating in sports, or requirements for community service or restitution.

**Q .7. What are my child’s rights if he or she is accused of breaking a school rule?**

A.7. At the heart of the school discipline process are requirements for “due process.”

This means that your child has the right to be treated fairly by people who are in positions of authority, such as school administrators, teachers, and the police. Your child must be told of the violation he or she is said to have committed and given an opportunity to present his or her version of what occurred. If the school administrator determines your child did, indeed, commit a violation and imposes disciplinary consequences, additional rights apply.

In all cases, School Board Policies 8-27 (Short Term Suspension from School), 8-28 (Disciplinary Action by the Division Superintendent) and 8-29 (Exclusion from Extracurricular Activities) will determine the rights and methods of appeal. Students typically do not have a right to appeal minor disciplinary consequences such as after-school detention or in-school suspension.

**Q .8. What offenses can result in expulsion?**

A.8. School boards are required by Virginia law to consider expelling students who commit two types of offenses:

1. Bringing to school firearms or other destructive devices defined in the federal Gun-Free Schools Act of 1994.
2. Bringing drugs, imitation drugs, or marijuana onto school property or to a school sponsored event. Expulsions for other types of offenses are required to be based on consideration of the following:
  - The nature and seriousness of the violation
  - The degree of danger to the school community
  - The student’s disciplinary history
  - The appropriateness and availability of an alternative education placement or program
  - The student’s age and grade level
  - The results of any mental health, substance abuse, or special education assessments
  - The student’s attendance and academic records
  - Such other matters as deemed to be appropriate.

The school board and/or superintendent may determine, based on the facts of a particular case that special circumstances exist and another disciplinary action is appropriate.

**Q .9. My child has a disability and has an IEP. Is he or she subject to the same disciplinary procedures as a child without a disability?**

A.9. A student with a disability is entitled to the same due process rights that all students are entitled to under the Code and the local school board’s disciplinary policies and procedures.

Specific information on procedural safeguards is available on the Virginia Department of Education Web site at [www.doe.virginia.gov/VDOE/sped/proc\\_safe.pdf](http://www.doe.virginia.gov/VDOE/sped/proc_safe.pdf)

**Procedure for Short-term Suspension**

The principal or assistant principal must tell the student of the charges against him or her. If the student denies them, he or she is given an explanation of the facts as known to the school and an opportunity to present his version of what occurred.

Notice to the parent may be oral or written and must include information on the length of the suspension, the availability of community-based educational options, and the student’s right to return to regular school attendance when the suspension period has expired.

As in all cases of suspension or expulsion, any student whose presence at school poses a continuing danger to persons or property or threat of disruption may be removed from school immediately.

**Appeal of Short-term Suspension**

A parent may ask in writing within 2 school days of the short-term suspension decision that it be reviewed by the superintendent or his designee. The superintendent’s or

designee's decision is final. If the committee's vote is not unanimous, then the case may be appealed to the school board by providing 5 calendar days written notice to the superintendent of your appeal.

## Disciplinary Processes and Procedures

### **Q .10. My child has been suspended from school. What do I need to know?**

A.10.As the parent of a child suspended from school, it is important to understand both the disciplinary process and the roles and responsibilities of the persons having authority in the process. Read carefully and keep any written notices you receive; the notices will contain important information about the process and the names/ titles of persons having authority in the process. Make sure you understand the following:

- The specific offense for which your child is suspended
- The length of the suspension
- The procedure for having the suspension reviewed or appealed. If something is not clear, ask for an explanation.

### **Q .11. If my child gets a short-term suspension, what does that mean?**

A.11.It means that your child will not be permitted to attend school for a period of ten school days or less. A short-term suspension may be imposed by a principal, or an assistant principal, or a designee teacher in the principal's absence.

### **Q .12. If my child gets a long-term suspension, what does that mean?**

A.12.It means that your child will not be permitted to attend school for a period of more than ten school days and less than 365 calendar days. A long-term suspension is usually imposed by the superintendent or his designee upon recommendation of a principal.

#### **Procedure for Long-term Suspension**

The student must be told of the charges against him or her. If the student denies them, he or she is given an explanation of the facts as known to the school and an opportunity to present his or her version of what occurred.

Notice to the parent (and child) must be in writing and must include information on the length of and reason for the suspension, the right to a hearing, the availability of community-based educational options, and the student's right to return to regular school attendance when the suspension period has expired or to attend an appropriate alternative education program approved by the school board during the suspension or after the suspension period expires.

Costs for any community-based educational programs or alternative programs that are not part of the program offered by the school division are the financial responsibility of the parent.

As in all cases of suspension or expulsion, any student whose presence at school poses a continuing danger to persons or property or threat of disruption may be removed from school immediately.

### **Appeal of Long-term Suspension**

A parent has the right to appeal, in writing, a long-term suspension decision within 5 calendar days of receipt of the notice by submitting the appeal to the superintendent. The appeal will be heard by the Student Discipline Committee of the school board. The appeal must be decided by the committee within 30 days.

#### **Q .13. If my child is expelled, what does that mean?**

A.13.It means that your child will not be permitted to attend school for a period of 365 calendar days. Only the school board has the authority to expel a student.

### **Procedure for Expulsion**

The student must be told of the charges against him or her. If the student denies them, he or she is given an explanation of the facts as known to the school and an opportunity to present his or her version of what occurred.

As in all cases of suspension or expulsion, any student whose presence at school poses a continuing danger to persons or property or threat of disruption may be removed from school immediately.

The parent (and child) will be given written notice of the proposed expulsion, the reasons the expulsion is being proposed, and of the right to a hearing before the school board Student Discipline Committee, depending on local policy. Even if the parent does not exercise the right to a hearing, the school board must act on the recommendation for expulsion.

When the student is expelled, the parent will be sent a written notification of the length of the expulsion and information on the availability of community-based educational, training, and intervention programs. The notice will also state whether or not the student is eligible to return to regular school or to attend an approved alternative education program or an adult education program offered during or after the period of expulsion. The notice will also contain information about any terms or conditions of readmission to school.

Costs for any community-based educational programs or alternative programs that are not part of the program offered by the school division are the financial responsibility of the parent.

### **Appeal of Expulsion**

A parent has the right to a hearing before the school board Student Discipline Committee. The committee must have at least three members and if its decision is not unanimous the parent may appeal the committee's decision to the school board within 5 calendar days of the committee's decision. Send the written notice to the superintendent.

The school board must make a decision within 30 days (§22.1-277.06., Code of Virginia).

The laws of Virginia give local school boards final administrative authority for all disciplinary matters. No further appeal is available.

## **Petition for Readmission**

The student may apply for readmission to be effective one calendar year from the date of his or her expulsion by following the procedures in Policy 8-23 (Readmission of Expelled Students).

### **Q .14. What should I know about discipline hearings?**

A.14.A discipline hearing is an opportunity for a review of facts known about an alleged incident. It is an opportunity to learn more about the incident and to challenge any claims that you or your child think are not accurate. Even if your child admits the wrongdoing and no facts are in dispute, the hearing can be used to help make sure that the corrective disciplinary action being imposed is appropriate.

### **Q .15. What can I expect at the hearing?**

A.15. The hearing may be formal or informal, depending on how the committee chooses to conduct it. You will receive a copy of the school's evidence prior to the hearing of a long-term suspension or expulsion appeal. You can expect to hear a review of the facts known to the school personnel, the specific violation committed, and possibly the disciplinary action being recommended by the school administrator at the hearing. You (and your child) will have the opportunity to respond, to challenge any inaccuracies, and to present any other relevant evidence.

### **Q .16. What can I do to prepare for a discipline hearing?**

A.16. Some strategies for preparing for a discipline hearing are as follows:

- Review the SR&R and written policies for disciplinary actions.
- Read carefully all notices and related information that have been sent to you. If anything is unclear, be sure to ask for clarification before the hearing.
- Know the specific offense your child is alleged to have committed and how the school defines the offense.
- Do you agree with the facts being presented? Is there another explanation of what happened? Do you agree with the appropriateness of the recommended disciplinary action? If not, what do you think are appropriate disciplinary consequences?
- If you have documents to share, be sure to bring copies with you. For hearings with the Student Discipline Committee, please provide your documents in advance to the superintendent's office as soon as possible.

### **Q.17. How can I appeal the school board's final decision?**

A.17. There is no further appeal available within the school system from a unanimous decision of the Student Discipline Committee. If the Student Discipline Committee's decision is not unanimous, then it can be appealed to the school board by providing written notice to the superintendent within 5 calendar days of the decision. Virginia law gives the school board the final administrative authority for all issues related to student discipline issues. Neither the Virginia Board of Education nor the Virginia Department of Education has any legal authority to intervene in local discipline matters. Section 22.1-87 of the Code of Virginia may provide an avenue to appeal to court.