

Additional Informational Resources

Laws, regulations, and guidelines that govern student discipline policies and practices in Virginia are available online at the Web sites listed below.

The **Code of Virginia** may be accessed online from the Virginia General Assembly, Legislative Information System at <http://leg1.state.va.us/lis.htm>

Virginia Standards of Quality are part of the Code of Virginia. See §22.1-253.13:1 through 22.1-253.13.8, Code of Virginia.

Virginia Accreditation Standards are contained in Regulations Establishing Standards for Accrediting Public Schools in Virginia. The full text can be accessed on the Virginia Department of Education Website at <http://www.doe.virginia.gov/VDOE/Accountability/soa.html>

The **Virginia Board of Education Student Conduct Policy Guidelines** may be accessed online from the Virginia Department of Education at www.doe.virginia.gov/VDOE/Instruction/Sped/stu_conduct.pdf

Students with Disabilities

Additional information on discipline policies and procedures for students with disabilities is available from A Parent's Guide to Special Education at www.doe.virginia.gov/VDOE/sped/proc_safe.pdf



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A Parent's Guide To Understanding Student Discipline Policies and Practices In Virginia Public Schools



Virginia Department of Education, Office of Student Services

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A Letter To Parents

Dear Parents,

The Virginia Department of Education has prepared this *Guide* to assist you in understanding student discipline policies and practices in Virginia'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:

- How Virginia law establishes the framework for student conduct policies and procedures
- The authority of local school boards 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. At the end of the *Guide* is a list of additional information resources.

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 school division's Student Code of Conduct. If something is unclear or concerns you, talk with your child's principal.
- Review the Student Code of Conduct 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 local 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.

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, local 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” (§22.1-253.13:7.D.3, *Code of Virginia*)
- Adopt codes of student conduct and procedures for suspension and expulsion (§22.1-279.6.B, *Code of Virginia*)
- Develop programs to prevent violence and crime on school property and at school-sponsored events. (§22.1-279.9, *Code of Virginia*)

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.” (Section 8 VAC 20-131-210.A and B and 20-131-260.C.3)

The Role of School Principals

School administrators have the responsibility for carrying out policies established by the local school board. At the school level, principals have primary responsibility for enforcing the Student Code of Conduct. They are typically authorized by local school boards 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 local school boards have the authority to establish student conduct policies and procedures, often referred to as “discipline policies.” Final administrative authority for all disciplinary matters rests with local school boards which

determine how and under what circumstances a disciplinary action may be appealed. Only a local 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 Responsibilities and Rights



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 school division's Student Code of Conduct. (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 posted in classrooms
- Show respect to other students and school staff.
- Not bring to school, use, or possess drugs, alcohol, or tobacco products
- 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, your child will receive a written copy of the Student Code of Conduct that has been approved by the local school board. If you enroll your child in a school after the beginning of a school year you and your child will receive the Student Code of Conduct as part of the enrollment process. 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.

Schools carefully review the rules and consequences with students as part of student orientations, in assemblies, and/or in classrooms. Some schools even have quizzes to test student understanding of the rules. In communities with many non-English-speaking families, codes and related discipline materials may be available in several languages.

Q.3. What are the rights and responsibilities of parents?

A.3. Virginia law states that parents have responsibilities to “assist the school in enforcing the standards of student conduct and compulsory school attendance” (§22.1-279.3, *Code of Virginia*).

Within one calendar month of the opening of school, school boards are required to send parents of each enrolled student (i) a notice of parental responsibilities, (ii) a copy of the school board’s standards of student conduct, and (iii) a copy of the compulsory school attendance law.

Parents are required to sign a form acknowledging they received the materials which include a notice that, by signing the statement of receipt, parents are not giving up rights protected by the constitutions or laws of the United States or the Commonwealth. The notice also informs parents of the right to express disagreement with a school’s or school division’s policies or decisions.

A local school board’s policy will include the conditions for requiring parent involvement and steps for taking action against parents in juvenile and domestic relations court for willful and unreasonable refusal to participate in efforts to improve the student’s behavior or school attendance.

A parent is required to provide to the school information concerning criminal convictions or delinquency adjudications for serious crimes listed in §16.1-260, *Code of Virginia* such as firearms offenses, assaults, drug-related offenses, burglary, robbery, or gang activity (§22.1-3.2.A and B, *Code of Virginia*).

Recommendations for Parents

- Review the Student Code of Conduct and school handbook with your child to ensure that he/she understands the rules and consequences for breaking them. If something is unclear or concerns you, talk with your child’s principal.
- Read carefully the school division’s notices to you about your rights and responsibilities as a parent. If something is unclear or concerns you, be sure to talk with your child’s principal.
- If your child has been found guilty or “not innocent” of breaking a law, you must inform the school. If your child has a history of problem conduct (or poor academic performance), work closely with school personnel to select classes/programs where your child has the best opportunity for success.

Q.4. Under what circumstances can a teacher remove my child from class?

A.4. Teachers have initial authority to remove a child from a classroom for disruptive behavior. Disruptive behavior is defined as “conduct that interrupts or obstructs the learning environment” (§22.1-276.2, *Code of Virginia*).

The local school board policy will specify each of the following:

- The criteria for removal
- Requirements for reporting removals to school administrators

- Procedures for notifying parents of any incident reported
- Guidelines for alternative assignment and instruction of a student who is removed and the duration of the removal
- Procedures for return to class

When a student is removed from class, parents will be offered the opportunity to meet with the teacher and school administrators.

Recommendation for Parents

- If your child is removed from class for disruptive behavior, talk with your child to learn about their version of what occurred. Meet with the teacher and school administrator immediately to develop strategies for preventing it from happening again.

Q.5. Can my child be spanked?

A.5. No. Virginia law states, “No teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment.” Corporal punishment means inflicting physical pain on a student as a means of discipline (§22.1-279.1, *Code of Virginia*).

The law against corporal punishment does not prevent:

- “(i) the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;
- (ii) use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself;
- (iv) the use of reasonable and necessary force for self-defense or the defense of others; or
- (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.”

The definition also does not include physical pain, injury or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

Q.6. What is the difference between suspension and expulsion?

A.6. Short-term suspension, long-term suspension, and expulsion are defined in §22.1-276.01, Code of Virginia.

develops policies on self defense, the policies should define when an incident would be considered an act of self defense. The criteria used in the judicial system requires that the person claiming self defense must:

- 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
- 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 of any kind on school property or school-sponsored activities.

Recommendations for Parents

- 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.9. What happens if my child misbehaves at school?

A.9. The specific consequences will depend on the student conduct policy. In general, the more serious the offense, the more serious the consequences. It is important to remember that disciplinary actions in school are intended to *correct* behavior. Corrective disciplinary action may range from a verbal warning to expulsion from school. School administrators consider many factors in determining consequences, including the particular circumstances of an incident and whether it is a first or repeat offense.

Some examples of corrective disciplinary actions available to school administrators are listed below. These are examples only; some disciplinary actions listed may not be used by your child's school and others that are not listed may be used.

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

A.10. 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 the specific 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. These will be discussed in Questions 17, 18, and 19.

In all cases, school board policy 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.

Your child may be removed immediately from school if he or she is considered to be a danger to other students or to school property (§22.1-277.04, *Code of Virginia*).

Q.11. Will my child be able to keep up with his or her class assignments while he or she is suspended from school?

A.11. A school board may accept academic assignments completed by a student who has been suspended in accordance with conditions established by the board. Whether the work is accepted depends on the local school board policy.

Q.12. Will alternative education programs be provided to my child if he or she is expelled?

A.12. It depends on local school board policy. School boards are allowed to require students to attend alternative education under certain circumstances; however, alternative education programs are not required to be established (§22.1-277.2:1, *Code of Virginia*).

Some school divisions have provided educational services in a setting or way that is different from the regular public school, such as through computer-based learning and online courses. However, local policy determines whether any educational services are offered to a student who has been expelled. Persons 16 years of age or older who have been expelled from school may participate in the General Educational Development (GED) testing program (§22.1-254.2.A.6 and 7, *Code of Virginia*).

Q.13. What offenses can result in expulsion?

A.13. School boards are required by Virginia law to expel 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 (§22.1-277.07, *Code of Virginia*)
2. Bringing drugs, imitation drugs, or marijuana onto school property or to a school-sponsored event (§22.1-277.08, *Code of Virginia*)

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.

A school board, in accordance with §22.1-277.08 of the *Code*, may determine, based on the facts of a particular case, that special circumstances exist and another disciplinary action is appropriate.

Q.14. Why were the police called when my child got in trouble at school?

A.14. School officials are required by Virginia law (§22.1-279.3:1.

A, *Code of Virginia*) to report the following offenses to law-enforcement agencies if these offenses occur on school property, on a school bus, or at a school-sponsored activity:

- Assault or assault and battery
- Sexual assault, death, shooting, stabbing, cutting, or wounding of any person
- Stalking of any person
- Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid, including theft of prescription medications
- Any threats against school personnel
- Illegal carrying of a firearm onto school property



- Illegal conduct involving firebombs, explosive materials or devices, hoax explosive devices, explosive or incendiary devices, or chemical bombs
- Any threats or false threats to bomb
- Any incident that would be a felony if committed by an adult.

The offenses listed above are only those *required* to be reported to law enforcement authorities. Many school officials make it a practice to report *any* act that schools think may be a violation of law. Schools and law enforcement agencies work closely to ensure safe schools; therefore, calling the police or reporting incidents to the police is a well-established practice in Virginia schools.

A student who commits an act that is a crime is not only subject to the school's disciplinary process, but also may be charged with a crime and required to go through a criminal process. This is a particularly powerful reason for helping your child to understand and abide by rules in the Student Code of Conduct.

Q.15. 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.15. According to §22.1-276.2, *Code of Virginia*, 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.

Additional rights attach for a student with a disability. 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

You may also call the Department at (804) 225-2066.



Disciplinary Processes And Procedures

Q.16. My child has been suspended from school. What do I need to know?

A.16. 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.

The answers given below to Questions 17, 18, and 19 will give more details about the disciplinary process for suspensions and expulsion.

Q.17. If my child gets a short-term suspension, what does that mean?

A.17. 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, an assistant principal, or a designee teacher in the principal's absence.

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, depending on local school board policy, 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 (§22.1-277.04, *Code of Virginia*).

Appeal of Short-term Suspension

A parent may ask for a short-term suspension decision to be reviewed by the superintendent or his designee. Local school board policy will determine whether the superintendent's decision is final or can be appealed to the school board (§22.1-277.04, *Code of Virginia*).

Q.18. If my child gets a long-term suspension, what does that mean?

A.18. 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 a disciplinary hearing officer 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 in accordance with local school board policy, 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 (§22.1-277.04, *Code of Virginia*).

Appeal of Long-term Suspension

A parent has the right to appeal a long-term suspension decision in accordance with local school board policy. The appeal may first go to the superintendent or his or her designee or to a sub-committee of the school board; final appeal is to the full school board. The appeal must be decided by the school board within 30 days (§22.1-277.05, *Code of Virginia*).

Q.19. If my child is expelled, what does that mean?

A.19. It means that your child will not be permitted to attend school for a period of 365 calendar days. Only a local 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 (§22.1-277.04, *Code of Virginia*).

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 or a sub-committee of the school board, 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 or a sub-committee of the school board, depending on local policy. The sub-committee of the school board must have at least three members and if its decision is not unanimous the parent (or child) may appeal the sub-committee's decision to the full board.

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. Students must meet any terms and conditions for readmission that were established. Depending on local policy, the application for readmission may be reviewed and acted on by the superintendent, a sub-committee of the school board, or the full school board. If the application is denied by the superintendent or the sub-committee, the student may petition the full school board for review of the denial (§22.1-277.06., *Code of Virginia*).

Q.20. My child was expelled from school. If we move to another county will he or she be able to enroll in school there?

A.20. It depends on local school board policy. A student who has been expelled or suspended for more than 30 days in one locality may be excluded from attending school in another locality upon a finding that the student presents a danger to other students or staff. If a student is prevented from entering because of a finding that the student presents a danger to other students or staff, the student and parent must be given a written notice explaining the reasons for the exclusion and the right to appeal the decision. The local school board establishes the procedures for review or appeal and determines whether the superintendent, a sub-committee of the board, or the full school board has the final authority (§22.1-277.2, *Code of Virginia*).

For a student suspended, the exclusion from the new school cannot exceed the duration of the suspension from the previous school.

An expelled student may petition for admission at the end of the period of exclusion. If the petition is rejected, the school board must identify the length of continuing exclusion and the date on which the student may petition again for admission.

It is important to be aware that Virginia law requires that, prior to admission of a student, the parent must swear or affirm as to whether the student has been expelled from a public or private school in Virginia or another state (§22.1-3.2, *Code of Virginia*).

Q.21. What should I know about discipline hearings?

A.21. 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.

Disciplinary hearings are the only administrative avenue for exercising due process rights. If you do not take part in hearings, you may give up opportunities to be heard and to appeal decisions with which you may disagree.

As noted in the answer to Question 16, it is important to understand the procedures for having a suspension or expulsion appealed. These procedures are established by local school board policy in accordance with requirements in the *Code of Virginia*; they contain specific requirements and timelines that must be followed. For example, the policy may require a parent appealing an action to file a notice of appeal in writing and within a specified number of days. If a parent fails to file a notice in writing and within the timeframe specified, the right to appeal may be waived. Included as a Supplement to this *Guide* is a sample school board policy with key procedural requirements and timelines highlighted. Be sure you understand the procedural requirements and timelines in your local school discipline policies.

Q.22. When will a discipline hearing be scheduled?

A.22. Timelines for scheduling discipline hearings are not prescribed in Virginia law. However, school divisions typically make every effort to schedule hearings in a matter of days. The sooner you call to inquire, the sooner the hearing can be scheduled.

Q.23. What can I expect at the hearing?

A.23. The hearing may be formal or informal, depending on how the hearing officer chooses to conduct it.

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. You (and your child) will have the opportunity to respond, to challenge any inaccuracies, and to present any other relevant evidence.

The hearing officer may make a decision at the end of the hearing or wait to send the decision to you in writing. Even if the decision is given to you orally, the hearing officer must also send you a written decision.

Q.24. What can I do to prepare for a discipline hearing?

A.24. Some strategies for preparing for a discipline hearing are as follows:

- Review the Student Code of Conduct 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 with the hearing officer, be sure to bring copies so that both you and the hearing officer will have copies.

Q.25. How can I appeal the school board’s final decision?

A.25. There is no further appeal available. Virginia law gives local school boards 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.

Q.26. How can I ensure that my child follows school rules as stated in the Student Code of Conduct?

A.26. There is probably no way that a parent can “ensure” that a child follows all rules. However, there are some strategies that will help your child make good decisions and keep you and your child’s school “on the same page” in guiding good choices. Please see the recommendations that follow.



Recommendations For Parents

The answers to questions in this *Guide* have contained numerous recommendations for parents. Here we have compiled them all and added a few more to provide a comprehensive list of recommendations, beginning with strategies for preventing problems from occurring.

Preventing problems . . .

- As a parent, you are your child's first teacher. Build a sound foundation for responsible behavior by requiring your child to follow rules at home and in other places.
- Find out who your school board member is and support your school's efforts to provide a safe, orderly environment conducive to learning for your child and all students. Stay in touch with your child's teachers and administrators so that you are aware of his or her behavior in school.
- Read carefully the school division's Student Code of Conduct. If something is unclear or concerns you, be sure to talk with your child's principal.
- Review the Student Code of Conduct with your child to ensure that he/she understands the rules and consequences for breaking them. It is important to talk with your child about making good decisions.
- Read carefully the school division's notices to you about your rights and responsibilities as a parent. If something is unclear or concerns you, talk with your child's principal.
- If your child has been found guilty or "not innocent" of breaking a law, you must inform the school. If your child has a history of problem conduct (or poor academic performance), work closely with school personnel to select classes/programs where your child has the best opportunity for success.

If problems arise . . .

- Be alert to any indication that your child may be having difficulties and find out what is going on. If your child is being bullied or made to feel threatened by another student, help your child to develop strategies that will enable him/her to avoid getting in trouble. Report the situation to your child's principal so that it can be addressed.
- 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 a reoccurrence.
- Remember, the goal of school discipline is not to punish, but to correct behavior. Work with your child's school to achieve the goal of responsible 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.

If your child is suspended. . .

- 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.
- Review the Student Code of Conduct and written policies for disciplinary actions.
- 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.

A discipline hearing is an opportunity for a review of facts known about an incident. It is an opportunity to learn more about the incident and about the school 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 is appropriate.

Some strategies for preparing for a discipline hearing are as follows:

- Read carefully all notices and related information that have been sent to you. If anything is unclear, be sure to ask for a clarification before the hearing.
- Know the specific offense your child is accused of committing and how the school defines the offense.
- Think about where you agree and disagree with the school.
 - 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 with the hearing officer, be sure to bring copies so that both you and the hearing officer will have copies.

Finally. . .

Understand that Virginia law gives your local school board final administrative authority in all discipline matters.

Sample Discipline Policies

It is important for parents who may wish to appeal disciplinary actions to understand the rights, requirements, and timelines contained in local policy. The following examples with important elements highlighted are provided to assist parents in identifying rights, requirements, and timelines that are typically contained in local policy.

Procedure for Appealing Out-of-School Suspension of Ten Days or Less

A decision to suspend a student may be appealed by the student's parent or legal guardian. An appeal of a suspension shall not hold the suspension in abeyance. Failure to file a written notice of appeal within the prescribed time will constitute **a waiver of the right** to appeal. A parent or legal guardian **may appeal a suspension to the principal** of the school, and then to the Superintendent's designee in the following manner:

Right to appeal waived if parent/guardian fails to file notice.

The first level of appeal is to the principal; the next level is to the Superintendent's designee.

1. A parent or legal guardian shall submit a **written letter** of appeal to the principal of the school within **two administrative working days** of notification of the suspension. The parent or legal guardian should state specifically the **reasons for the appeal** and consider the following before appealing a suspension: (1) whether the facts warrant the suspension, (2) if the consequences were appropriate for the behavior, and (3) whether the school and county procedures were followed. The **principal** shall review the suspension, all the evidence, and render a written decision as soon as possible but within **three** working days.

Parent's letter of appeal must:
- be in writing;
- be submitted within two days; and
- state specifically the reasons

The principal must:
- review the suspension and all related evidence, and
- render a written decision as soon as possible but within three working days.

2. To appeal further, the parent or legal guardian shall submit **written notice to the principal, within two administrative working days** of the principal's decision to uphold the suspension, requesting that the principal **forward** the letter of appeal and all documentation to the Superintendent's designee for review. The Superintendent's designee shall **review the information, gather additional information** or conduct a hearing, if necessary, and render a written decision. For the suspensions of ten days or less, **the decision of the Superintendent's designee shall be final.**

Parent's appeal of the principal's decision must:
- be in writing;
- be submitted to principal within two days of principal's decision; and
- request that the letter and all documentation be forwarded to the Superintendent's designee.

The Superintendent's designee must:
- review the information;
- gather additional information or conduct a hearing, if necessary;
- render a decision.
For suspensions of 10 days or less, the decision of the Superintendent's designee cannot be appealed.

The following procedure is an example only. It is provided to assist parents in identifying rights, requirements, and timelines that are typically contained in local policy.

Procedure for Appealing Out-of-School Suspension of More than Ten Days

The **Superintendent's designee** may suspend a student from school in excess of ten school days after the student and the parent or legal guardian have been provided **written notice** by the principal of the proposed action, the reason thereof, and the right to a hearing. A decision to suspend a student in excess of ten school days may be appealed by the student's parent or legal guardian. An appeal of a suspension will not hold the suspension to be temporarily set aside. A parent or legal guardian may appeal a suspension in excess of ten days to the School Board in the following manner:

The Superintendent's designee is the person who has authority to suspend a student for more than 10 days. Parents must first be provided written notice.

1. When a student has been suspended more than ten days by the Superintendent's designee, the student and the parent or legal guardian may appeal that decision to the School Board. Such an appeal must be **in writing** and must be filed within **seven calendar days** of the decision to suspend in excess of ten days. The parent or legal guardian should state specifically the **reasons for the appeal** and consider the following before appealing a suspension: (1) whether the facts warrant the suspension, (2) if the consequences were appropriate for the behavior, and (3) whether school and county procedures were followed. Failure to file a written appeal within the specified time will constitute a **waiver of right** to appeal.
2. The School Board shall, **within 30 calendar days** of the decision to suspend in excess of ten days, conduct a review of the record and render a written decision.

Parent's appeal must:
- be in writing;
- be filed within seven calendar days; and
-state specifically the reasons for the appeal.

Right to appeal waived if parent/guardian files to file an appeal..

The School Board has 30 days to:
- conduct a review of the record and
- render a written decision.

Note that this policy example does not state whether parent has the right to meet with or have a hearing before the School Board. A parent may wish to inquire about a meeting or a hearing.

Note that there are no provisions for appeal of the final decision of the School Board.