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All staff members of the Arlington Public Schools have authority to maintain the orderly behavior of students. Students in Arlington Public Schools are expected to demonstrate responsibility and self-discipline every day by their positive behavior at school, at school sponsored events and while going to and from school. They should understand the importance of learning and the need for mutual respect in their learning environment. For those specific students whose behavior interferes with a positive learning environment or who experience difficulty following clear expectations, disciplinary actions may be necessary. Discipline shall be imposed in a way that is proportional to the conduct that gives rise to the need for that discipline. All administrators, teachers, and other staff members of the Arlington Public Schools should carry out their disciplinary responsibilities to ensure an orderly and safe environment appropriate for student learning. Any responsible school staff member present may take such disciplinary actions as are necessary, reasonable and equitable, in accord with State law, in accord with the regulations of the School Board, and in keeping with the Student Responsibilities and Rights section of the Arlington Public Schools Handbook.

Arlington Public Schools system has authority to discipline students:

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
6. When the good order, safety or welfare of the school or its students is affected as a result of out of school actions.

It is important that the school and the home work closely together and be supportive of steps taken to bring about desired changes in conduct. It is expected that school staff will impose appropriate and fair disciplinary consequences and will communicate effectively with parents to explain the misbehavior, the actions taken, the due process procedure and the goal of working together to see positive results.

General Disciplinary Actions

While school staff has primary responsibility for discipline, certain serious student behavior, which may involve criminal activity, may involve the police. Police notification and involvement will be treated as a serious matter and every effort will be made to contact the parent, as soon as possible, if the administrator believes that student questioning by police may lead to criminal charges. Efforts to contact parents shall include calls to parent's work and /or home numbers.

Corporal punishment is prohibited by the Code of Virginia. However, physical force may be used by a staff member to protect himself or herself, another staff member or a student from injury, or in an extraordinary situation, to restrain a disruptive student, provided that the force used is reasonable under the circumstances.

Disciplinary measures more serious than detention may only be imposed by a school administrator (a principal, assistant principal, principal's designee) the Superintendent or designee as set forth in this policy.

Students shall be free from group punishment. Alleged offenders should be charged individually, but similar cases may be considered and acted on collectively.

Students shall not be deprived of their liberty, property, or right to attend school and participate in activities of the school community without due process of law. Due process requires that students be given oral or written notice of any charges against them in a timely manner and have an opportunity to explain the circumstances at the local school before the initiation of disciplinary action and receive written notice of the procedures that must be followed to appeal disciplinary actions.

Suspensions

Suspension includes temporary removal from all school activities and exclusion from school ground, including buses. A student may be suspended by a school administrator or designee for no more than 10 days or by the Superintendent or designee for fewer than 365 days. A full list of actions that may result in out-of-school suspensions will be maintained in the Policy Implementation Procedures of this policy and include actions such as bullying, misuse or inappropriate use of technology (including instant messaging), sexual harassment, gang activity, possession of look-alike weapons and other offenses.

Parents will be notified immediately of a suspension and if appropriate, the possibility of additional disciplinary action by the Superintendent or designee. This notice may be by phone, followed by written notification. If reasonable effort to make contact has failed and the school administrator determines that the student's presence poses a continuing danger to persons or property, or an ongoing threat of disruption of the school, the administrator will make alternative arrangements for supervision of the student until the parent/guardian can be reached.

General guidelines of student behavior, adopted for Arlington Public Schools as a whole, will be published in the Student Responsibilities and Rights Section of the Arlington Public Schools Handbook. The guidelines shall be distributed annually to students, parents and staff. Each school which has an additional code of behavior shall send its code to the Superintendent (or designee) by October 1 of each year.

Disciplinary Actions for Identified Students with Disabilities

Disciplinary 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, taking into account the unique needs of the student. Whenever disciplinary action involves a suspension for more than ten (10) accumulated days during a school year or involves an expulsion of an identified student with a disability, a determination must be made as to whether or not there is a causal relationship between the disability and the misconduct. This determination must be made by a knowledgeable group of persons such as those who would participate at an Eligibility Committee meeting. If a causal relationship is found, the disciplinary 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 and a written statement, signed by the review committee, must be placed in the student's confidential file. The IEP team must also develop a Functional Behavior Assessment to identify specific behavior 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.

Disciplinary Actions Appeals and Expulsion Proceedings

1. Except where otherwise indicated, students or parents/guardians who have been aggrieved by any disciplinary action or failure to take action by principal, assistant principal or principal's designee, may, within ten (10) working days of such event, file a complaint in writing with the Assistant Superintendent for Administrative Services. In the case of a suspension appeal, a hearing will be held and the Assistant Superintendent shall give a response in writing within seven (7) working days after the conclusion of the hearing. Appeals of disciplinary actions taken by Assistant Superintendent for Administrative Services or Superintendent will be governed by procedures set forth in the section of this policy governing the particular disciplinary action.
2. The decision of the Superintendent or designee will be final in cases involving disciplinary actions other than cases of more than ten (10) days or expulsion. For suspensions or alternative placements of more than ten (10) days, the Superintendent or designee's decision may be appealed to the School Board within ten (10) working days of the Superintendent or designee's decision. The School Board shall decide on an appeal within thirty (30) days of receipt of the appeal in the School Board office. The Clerk to the School Board will immediately provide a copy of any appeal to the Superintendent.
3. In deciding an appeal for suspensions or alternative placements of more than ten (10) days' duration, the School Board will follow the following procedures:

For Suspensions or alternative placements (fewer than 365 days): (Except as specifically provided below where the student's participation in the conduct is disputed.) The Superintendent or 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 will be delivered to the student or his or her parents 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 or designee's statement of reasons. The School Board will make its decision on the written record, which decision shall be final.

4. For Expulsions (365 days or more): The Superintendent or designee shall provide the School Board with a complete statement of reasons for the expulsion recommendation, accompanied by the complete written record of the disciplinary proceedings within five working days of receipt of the appeal. A copy of that statement will be delivered to the student or his or her parents 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 or designee's statement of reasons. The Clerk to the School Board will notify the Superintendent and the Parents of the date for hearing before the School Board (except as specifically provided below where the student's participation in the conduct is disputed). The specific procedures to be followed in such hearing may be determined by the School Board chair, in consultation with other members of the School Board.

5. Notwithstanding the procedures set forth above, for suspensions or alternative placements of more than ten (10) days, or expulsions when the student claims he/she was not involved in the incident or conduct that led to the discipline, upon a request from the parent, the School Board will hold a hearing at which either party may present witnesses who have information relevant to the disputed information. The specific procedures to be followed in such hearing may be determined by the School Board chair, in consultation with other members of the School Board.
6. When the building-level school administrator is notified of an appeal by the parent/guardian or student (if the student is eighteen (18) years of age or older), the school administrator, in the case of suspension, shall reinstate the student in school until the appeal has been finally decided. If the school administrator determines that the reinstatement of the student would pose a danger to persons or property, or would constitute an ongoing threat of disruption to the school's educational program, the student shall not be reinstated. A student being recommended for expulsion shall not be reinstated.
7. A record of disciplinary action against a student shall not become part of the student's school record if the appeal by the student or parent/guardian is sustained.

Expulsion

When a student severely impairs the safe and supportive environment of a school, that student may be expelled.

Expulsion is the exclusion of a student from all services of Arlington Public Schools and from School Board property for a period of 365 days or more. Only the School Board has the authority to expel a student and, in the most serious cases, may expel a student permanently.

1. The Superintendent or designee shall forward his/her recommendation for expulsion to the School Board for action.
2. Students may be expelled only after written notice to the student and the parent/guardian of the student of the proposed action, the reasons for the action, and the right to a hearing before the School Board. Such notice shall be given by the Superintendent or designee and shall provide information concerning the availability of community-based educational, training, and intervention programs. The notice shall state whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the Superintendent or designee, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and

the terms or conditions of such readmission. Any alternative program that is not an APS approved program shall be at the cost of the parent. 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 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 APS. Any student expelled for more than 365 days may submit a petition for readmission to the Superintendent up to ninety (90) days in advance of the date that is one year after the effective date of the expulsion decision. The Superintendent or 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 shall make a decision within forty-five (45) days after receipt of the Petition in the Superintendent's office. When a petition for readmission is denied by the Superintendent or 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 forty-five (45) days before the date that is the one-year anniversary of the expulsion.

3. Students may be expelled in the following circumstance:

Any student who brings a firearm onto school property or to a school-sponsored activity, or is in possession of a firearm on school property or at a school sponsored activity, as prohibited by § 22.1-277 of the Code of Virginia shall be expelled from school attendance for a period of at least a year. However, the Superintendent or designee may determine, based on the facts of the particular situation that special circumstances exist and another disciplinary action is appropriate.

Any student who has brought a controlled substance, imitation controlled substance, or marijuana as defined in Code of Virginia § 22.1-277 onto school property or to a school-sponsored activity shall be expelled from school attendance. However, the Superintendent or designee may determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate.

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:

- a. The nature and seriousness of the violation;
- b. The degree of danger to the school community;

- c. The student's disciplinary history, including the seriousness and number of previous infractions;
- d. The appropriateness and availability of an alternative education placement and program;
- e. The student's age and grade level;
- f. The results of any mental health, substance abuse, or special education assessments;
- g. The student's attendance and academic records; and
- h. Such other matters, as the Superintendent deems appropriate.

Exclusion

The Superintendent or designee may determine to exclude any student who has been expelled or suspended for more than thirty (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 in 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 in another state subsequent to such expulsion, suspension, or withdrawal. The Superintendent or designee shall make a determination to exclude if he/she finds that the student presents a danger to other students or staff of the Arlington Public Schools after:

- 1. written notice to the student and his or her parent 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 or his designee.

The Superintendent's or designee's decision after a hearing shall be final unless a petition is filed with the Clerk of the School Board within fifteen (15) calendar days after the Superintendent or designee renders a decision. For Exclusions (365 days or more): The Superintendent shall provide the School Board with a complete statement of reasons for the exclusion recommendation, accompanied by the complete written record of the disciplinary proceedings within five working days of receipt of the appeal. A copy of that statement will be delivered to the student or his or her parents 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 or designee's statement of reasons. The Clerk to the School Board will notify the Superintendent or designee and the parents of the date for 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 or designee, and provide its decision to the student and parent/guardian within forty-five (45) days after receipt of the petition.

Evaluation

The Superintendent will review this policy annually to determine its effectiveness. The Superintendent periodically will solicit feedback at a minimum from the Student Advisory Board, the County Council of PTAs, the Teachers' Council on Instruction, and community groups.

References

Individuals with Disabilities Education Act
Section 504 of the Rehabilitation Act of 1973
Code of Virginia §22.1- 277 et seq.



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