



**MONTGOMERY COUNTY PUBLIC SCHOOLS
STUDENT CODE OF CONDUCT GRADES 6-12
POLICY 7-3.1**

Safe Schools

It is the belief of the Montgomery County School Board and staff that schools should be safe havens for students within the community. Montgomery County has always had, and fully intends to maintain, schools in which children and personnel are safe. To that end, the School Board supports strong, consistent disciplinary expectations of students. The School Board and administrative staff will implement the Student Code of Conduct with this purpose in mind.

Code of Conduct Philosophy

It is the mission and legal responsibility of Montgomery County Schools to provide an education for every child in a learning environment that seeks to ensure respect for the dignity of children, families, and all employees. To that end, this Student Code of Conduct seeks to direct student behavior based on clearly defined expectations, responsibilities, and consequences. For that reason, this Student Code of Conduct is written primarily for the student audience.

Montgomery County School Board Responsibilities:

1. to provide rules of conduct for student behavior;
2. to adopt a discipline policy that is both fair and consistent in content and in application;
3. to support the Student Code of Conduct Policy and review the enforcement of the policy when necessary; and
4. to consider long-term suspensions, expulsions, and re-admittance of students who have been expelled.

School Administrator Responsibilities:

1. to ensure that all students, parents and guardians, and school personnel are familiar with this policy;
2. to assume responsibility for student discipline in the building and on school property;
3. to involve parents and students in the development of rules and regulations not covered by this policy;
4. to establish and implement rules and regulations for student conduct in his/her school, which are consistent with the Student Code of Conduct;
5. to support teachers in their obligation to maintain discipline and an atmosphere conducive to learning;
6. to enforce the conduct code consistently and fairly;
7. to ensure the delivery of responsive guidance and counseling services;
8. to report to the parents or guardians, when appropriate, about the acceptability of a student's conduct and to notify parents of disciplinary actions; and
9. to develop collaborative arrangements with families and agencies to secure resources to meet student needs.

Teacher Responsibilities:

1. to inform students of classroom behavior expectations;
2. to maintain discipline in the classroom;
3. to avoid ridicule and negative comparisons of students;
4. to confer with support personnel for possible solutions to discipline problems;
5. to report to the parents or guardians, when appropriate, about the acceptability of a student's conduct;
6. to protect the rights of other students by removing disruptive students from their class, through referral to the principal's office;
7. to enforce the rules and regulations of the school and the Student Code of Conduct; and
8. to maintain regular and open communication with parents.

Coach and Sponsor Responsibilities:

1. to set additional standards related to dress, behavior and training related to the extracurricular activity and to notify involved students, in writing, of any additional requirements;
2. to notify parents and students, in writing, that the Student Code of Conduct is in force during all school-sponsored activities, including field trips; and
3. to enforce the rules and regulations of the school and the Student Code of Conduct.

Parent or Guardian Responsibilities:

1. to cooperate with school authorities;
2. to be familiar with the Montgomery County Student Code of Conduct and to discuss the policy with the student;
3. to notify the school of any unusual behavior pattern or medical problem;
4. to maintain regular communication with the school and provide a current daytime telephone number;
5. to assume responsibility for their child's behavior and teach compliance with school rules; and
6. to monitor and require daily attendance.

Student Responsibilities:

1. to attend school daily;
2. to behave in a manner that will promote the education process;
3. to conform to the rules and regulations of the school and this Student Code of Conduct and to accept the consequences for behaviors;
4. to seek clarification from school personnel concerning the appropriateness of any action or behavior; and
5. to respect the rights of other students, staff, teachers, and administrators.

Statement of Procedures

1. **Communication of policy to students, staff, and parents:** All students, parents, and staff members will receive copies of the policy. Students and parents will be required to sign a statement indicating that they are aware of policy guidelines and sanctions for misconduct. This signed statement will be kept on file in the school office. Students will receive information about the policy from teachers and/or during student assemblies. Staff will be provided with an annual in-service regarding the student conduct policy.

Within one calendar month of the opening of school, the Montgomery County School Board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student: (i) a notice of the requirements of Virginia Code § 22.1-279.3 regarding "Parental Responsibility and Involvement Requirements," (ii) a copy of the School Board's standards of student conduct; and (iii) a copy of the Virginia compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia and that a parent shall have the right to express disagreement with a school's or the school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the School Board's standards of student conduct, the notice of the requirements of Virginia Code § 22.1-279.3, and the Virginia compulsory school attendance law. Each Montgomery County Public school shall maintain records of such signed documents.

The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the School Board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with Virginia's compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress.

In accordance with all due process requirements in applicable Virginia law, the school principal may notify the parents of any student who violates a School Board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state: (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a

petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

No suspended student shall be admitted to the regular school program until such student and his/her parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his/her designee determines that readmission, without parent conference, is appropriate for the student.

Upon failure of a parent to comply with the provisions of Virginia Code § 22.1-279.3, the School Board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance.

2. **Prevention of misconduct:** The prevention of student misconduct will be an essential element of this policy. Decision-making skills and anger management should be modeled for students by staff members and opportunities provided for students to learn ways to solve problems in a non-violent, positive, and productive manner. Frequent contact between the school and home will be encouraged to promote home/school communication and help prevent student misconduct.
3. **Effective handling, monitoring and documentation of student misconduct:** Student misconduct will be handled as quickly and efficiently as circumstances allow and within required timelines. Teachers and staff will monitor student conduct throughout the school building, on school grounds, and during all school activities.
4. **Consistent enforcement:** Students who are guilty of violations of the policy will be dealt with consistently and fairly.
5. **Preparation for crises:** Crisis prevention, preparedness, and management will be handled with the assistance of school crisis teams.
6. **Consideration for the needs of at-risk students:** Support services, guidance services, and varied education opportunities, if appropriate, will be available for students who are at-risk for using and/or possessing alcohol and other drugs, for committing violent behavior, or for dropping out.
7. **Annual policy evaluation:** An annual evaluation of the Code of Conduct will be conducted to ensure that it addresses the current needs of the school community. This annual evaluation of the Code of Conduct will be conducted by the administration with a determination being made of whether the Code of Conduct requires revision by the School Board.

Student Code of Conduct

This policy applies to any student, K-12, who is in or on school property, in a private vehicle on school property, in attendance at school or at a school-sponsored activity including field trips. This policy also covers students going to and from school and waiting at bus stops.

It is the expectation of the School Board that all students have the right to an environment that is safe, drug free, and conducive to learning. To that end, the following outline provides a description of classifications of behaviors that are unacceptable in Montgomery County Public Schools.

1. **Absenteeism:** Tardiness, cutting/skipping class, truancy, or leaving school without the permission of the principal or his/her designee.
2. **Acting as an Accessory:** Acting as an accessory or accomplice to another person who violates any provision of the Student Code of Conduct.
3. **Bullying:** The definition of bullying developed for the Virginia Department of Education is as follows: "Repeated negative behaviors intended to frighten or cause harm that may include, but are not limited to, verbal or written threats or physical harm." Students, either individually or as part of a group, shall not harass or bully others. Behaviors associated with bullying include, but are not limited to, intimidation, taunting, name-calling, and insults. Bullying behaviors may take a variety of forms, including by electronic means such as cell phone, text message, and email. Bullying, threatening, intimidation, harassment, or any other activity characterized by targeted, intentionally hurtful behavior (verbal or nonverbal) that results in any physical, social/relational or emotional/psychological harm to another person is not tolerated in any form in any Montgomery County Public School.
4. **Bus Misbehavior:** Any behavior that interferes with the orderly transportation of pupils on a school bus. A student is expected to cooperate with the driver and follow the posted rules on the bus. Bus drivers are authorized to assign seats. Failure to comply with bus rules and directions of drivers will result in a loss of bus privileges.
5. **Cell Phones, Beepers, & Other Portable Communication Devices:** Students are not permitted to use or display such devices during regular school hours. Such devices will be considered to be "in use" if they are on (regardless of if they are on silent or set to ring), sending or receiving a call or text message or being

- used to take, display, or send photos/videos, etc. However, students may have such items in their possession for use after school hours, during bus rides to and from school, and during athletic events
6. **Cheating:** Giving or receiving unauthorized assistance with schoolwork.
 7. **Disturbance in Class/School:** Any behavior that disrupts the learning environment. The following are examples, not an all-inclusive list: continual talking after being asked to cease, throwing objects not part of supervised school activities, use of CD/tape players or radios, cameras, recording devices, electronic games or other non-instructional articles during regular school hours, gambling, display of pornographic material, etc.
 8. **Dressing Inappropriately:** Wearing of clothes, jewelry, or other apparel that advocate violence, alcohol and other drug use and/or distribution; that represent gang activity and/or membership; that advertise obscenities; or that reflect adversely on persons due to race, gender, creed, national origin, physical, emotional, or intellectual abilities; or that are considered to be distracting or inappropriate attire.
 9. **False Alarms:** Setting off false fire alarms and making false bomb threats.
 10. **Gang Activity:** Any group activity that threatens, that is illegal and/or violent, or that portends the development of gang activity, which may include wearing gang-related apparel, inappropriate congregating, bullying, and harassment.
 11. **Hazing:** Students shall not recklessly or intentionally endanger the health or safety of a student or students or 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 Montgomery County Public School at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth's Attorney. Hazing, as defined herein, is a Class I misdemeanor, which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500.00, 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 Virginia Code § 18.2-56.
 12. **Noncompliance:** Failure to comply with the reasonable directions of a teacher or other school employee. Interference with or intimidation of school authorities is unacceptable also.
 13. **Physical Assault:** 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. Self-defense or action undertaken on the reasonable belief that it was necessary to protect oneself or some other person will be taken into consideration.
 14. **Sex Offenses:** Inappropriate activities including, but not limited to, indecent exposure, sexual assault, fondling, and obscene phone calls.
 15. **Sexual Harassment:** Any unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment.
 16. **Substance Abuse-Use and/or Possession of Alcohol, Tobacco, and Other Drugs:** The possession, use, and/or distribution of alcohol, tobacco and/or tobacco products and other drugs on school grounds, on school buses, or during school activities, on or off school property. (See the Complete Drug and Alcohol Policy).
 17. **Theft:** Unlawful seizure or possession of property (includes school, personal, or other property).
 18. **Threats:** Communicating a threat verbally or in writing, including by electronic means.
 19. **Trespassing:** Being present on school property or using school facilities without proper authority and/or permission (includes students who have been suspended or expelled.)
 20. **Vandalism:** Willful or malicious defacing of school property, including graffiti, and defacing of private property.
 21. **Improper or Unsafe Operation of a Vehicle:** Driving on school property without a valid driver's license or reckless driving on school property. Student parking on school property is a privilege that comes under the jurisdiction of the school administration.
 22. **Verbal Abuse:** Any use of profanity, obscene gesture, bullying, or other vulgar or abusive language that interferes with teaching and learning or that intentionally offends or threatens another. Abusive language includes, but is not limited to, language that demeans another's race, religion, gender, national origin, disability, intellectual ability, or other personal characteristics.
 23. **Weapons-Possession and/or Use:** Possession and use of weapons is a violation of the law as well as the Student Code of Conduct. (See the Weapons Policy below).

Corrective Actions

Except as provided under the following drug and alcohol policy and certain firearms/weapons violations, the principal or his/her designee will have the authority to determine appropriate corrective actions for the above offenses based on the individual circumstances involved in each case. Available corrective measures are listed below and are not in any particular order:

1. counseling;
2. involvement of other human service agencies, as appropriate;
3. reprimand;
4. loss of school privileges;
5. loss of bus privileges;
6. parental conferences;
7. community service;
8. tasks or restrictions assigned by the principal or his/her designee;

9. detention hall after school or before school;
10. suspension from school-sponsored activities or events prior to, during, or after the regular school day;
11. in-school supervision/suspension;
12. out-of-school suspension;
13. recommendation of placement in a specialized educational program at another site;
14. notification of legal authority when a violation of the law is suspected;
15. recommendation of long-term suspension (more than 10 days); and
16. recommendation of expulsion (indefinite period of time, in some instances a minimum of 365 days).

Multiple Incidents of Disruptive Behavior, Fighting, and/or Other Repeated Violations of the Student Code of Conduct

Students involved in multiple incidents of disruption, fighting, and/or repeated violations of the Student Code of Conduct other than truancy will be considered for recommendation to the School Board for long-term suspension or **expulsion**. This does not preclude a recommendation by the school administration for long-term suspension or **expulsion** in the case of a single serious incident.

Search and Seizure

To maintain order and protect students and school personnel, school authorities (minimum of two persons) may, with reasonable suspicion, search a student or student automobiles on school premises. Student lockers are school property and remain at all times under the control of the school. School authorities may seize any illegal, unauthorized, or contraband materials discovered in the search.

Notification of Law Enforcement

Local law enforcement will be contacted in the event of, but not limited to, the following violations:

Weapons Violations	Possession, use, and/or distribution of illegal substances
Assault and Battery	Property crimes
Sex Offenses	Robbery
Bomb Threats	Threats against school personnel

Appeal Process

Before appealing a disciplinary action, parents and students are encouraged to discuss the matter with the principal. Appeals must be filed in accordance with School Board policies. Different processes may apply to different types of discipline. Corrective action will not be delayed while an appeal is pending.

Weapons Policy

Students shall not possess, handle, transport or use weapons. The School Board shall expel students for violations of this policy unless the School Board determines, based upon the facts of the particular situation that special circumstances exist and another disciplinary action is appropriate. Any weapon possessed in violation of this policy will be confiscated and may be forfeited to the Commonwealth.

The following items, in accordance with Virginia Law, are considered weapons:

1. any stun weapon;
2. any pistol, revolver, shotgun or other weapon designed or intended to propel a missile of any kind;
3. any dirk, bowie knife, switchblade knife, ballistic knife, razor, slingshot, spring stick, metal knucks, or blackjack;
4. any flailing instrument consisting of two (2) or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain;
5. any disc, or whatever configuration, having at least two (2) points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental weapon;
6. any weapon of like kind as those enumerated in items 1 through 5;
7. any weapon, including a starter gun, which will or is designed or may readily be converted to expel a projectile by the action of an explosive;
8. the frame or receiver of any weapon referenced in item 7;
9. any firearm muffler or firearm silencer;
10. any destructive device. "Destructive device" is defined as (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 other similar device, and (2) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device which is not designed or redesigned for use as a weapon, or any device

- originally designed for use as a weapon and which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; or
11. any knife having a metal blade of three (3) inches or longer.

In addition, using a knife to threaten or to cause bodily harm will result in an automatic recommendation for expulsion.

The division superintendent or his/her designee is authorized to conduct a preliminary review of any violations of this policy to determine whether long-term suspension or other discipline, rather than expulsion, is appropriate to recommend to the School Board.

Alcohol and Other Drugs

Students shall not possess a controlled substance, imitation controlled substance, marijuana, any substance used as an intoxicant (including alcohol), drug paraphernalia, or any substance which is represented by or to the student, or which the student believes to be a controlled substance, marijuana, illegal drug or substance used as an intoxicant. In addition, students shall not attend school while under the influence of any of these listed substances. Possession or being under the influence of any of these substances may result in a recommendation for long-term suspension or expulsion. However, the division superintendent is authorized to determine that special circumstances exist and to impose a ten (10)-day suspension (five days for schools on block schedule) for the first offense for possession or being under the influence of any of these substances. A second offense will result in an automatic recommendation to the School Board for expulsion by the school administration.

Distribution, attempted distribution, or the purchase of any of the substances listed above requires the school administration to make a recommendation for long-term suspension or expulsion.

Medication prescribed for an individual student must be in compliance with the medication policy.

The principal will refer all students who violate this policy to a substance abuse intervention program prior to readmission.

Alternative Education Programs

The School Board may, in accordance with the procedures set forth in applicable law, require a student to attend an alternative or regional alternative education program as provided in Virginia Code Sections 22.1-209.1:2 or 22.1-277.2:1. The principal or his designee may impose a short-term suspension upon a student who has been charged with an offense involving intentional injury, as described in subsection G of §16.1-260, to another student in the same school pending a decision as to whether to require the student to attend an alternative education program.

LEGAL REFERENCES: Code of Virginia, Sec. 22.1-78, 22.1-276.01 through 22.1-280.4, 18.2-128, 18.2-308.1, 18.2-310.

Adopted: April 2004

Revised: June 2004, August 2004, August 2007, June 2008, June 2009

Montgomery County Public Schools is an equal opportunity education institution and will not discriminate on the basis of race, color, national origin, sex, disability and/or age in its activities, programs or employment practices as required by Title VI, Title IX and Section 504.

For information regarding civil rights or grievance procedures, contact the Title IX Coordinator or the Section 504 Coordinator at 200 Junkin Street, Christiansburg, VA, 24073, telephone 540-382-5100.

For information regarding services, activities and facilities that are accessible to and usable by disabled person, contact the Director of Facilities at 540-382-5141.

PARENTAL RESPONSIBILITY AND INVOLVEMENT REQUIREMENTS NOTICE

The General Assembly has directed school divisions to make parents aware of 22.1-279.3 of the **Code of Virginia** which contains provisions addressing parental responsibility and involvement that are intended to promote proper student conduct. Through the enactment of this legislation, the General Assembly asserts that parents do not relinquish their responsibility for disciplining or managing their children while they attend public schools. Rather, parents are to work in partnership with school administrators to maintain a safe and orderly school environment.

In Montgomery County most parents are involved, support schools, and help to create the environment necessary to promote learning. Consequently, we recognize that we will not need to resort to the enforcement provisions in this legislation unless a parent **willfully and unreasonably** fails to meet the responsibilities outlined below:

1. Within one month of the opening of school, the School Board must send to parents a copy of these requirements and a copy of the Student Code of Conduct.
2. Parents must sign and return a statement acknowledging the School Board's standards of student conduct and recognizing their responsibility to assist the school in disciplining their child. The statement must acknowledge that failure to so participate could result in court action against the student and parent.
Note: Parents are not precluded from expressing, through the appropriate channels, disagreement with the implementation of the School Board's standards of conduct. Parents continue to maintain the right to appeal a suspension or expulsion under 22.1-277 of the **Code of Virginia**.
3. Each school must maintain records of the signed statement.
4. A principal is authorized to request that the student's parent meet with the principal or principal's designee to review the Student Code of Conduct and the parent's responsibility to participate in disciplining the student, and to discuss improving the student's behavior and educational process.
5. A principal is authorized to notify the parents when the student violates a School Board policy that could result in a suspension, whether or not this administration has imposed such action. The notice must state the date and particulars of the offense, the parent's obligation to assist the school in improving the student's behavior, and that if the student is suspended, the parents may be required to accompany the student to meet with school officials.
6. Suspended students may not be readmitted to the regular school program until the student and parent meet with school officials to discuss improving the student's behavior. However, the principal or designee is authorized to readmit the student without the parent conference if it is appropriate for the student.
7. If parents fail to comply with these requirements, the School Board may petition the Juvenile and Domestic Relations Court to proceed against the parents for willful and unreasonable refusal to participate in efforts to improve the student's behavior. The court is authorized to take the following actions:
 - Order the parent to meet with school officials, if the parent **willfully and unreasonably** fails to meet with the principal after such a request has been made.
 - Order the student or parents to participate in treatment or programs to improve the student's behavior, or be subject to other limitations and conditions as the court deems appropriate, and/or impose a fine of \$500, if the parent **willfully and unreasonably** fails to meet with school officials if a student is to be readmitted after a suspension, or a student is receiving a second suspension or is being expelled.

PARENT'S PERMANENT COPY

Student Name: _____

STATEMENT OF RECEIPT

As a parent, I acknowledge having received a copy of the Student Code of Conduct. I agree to cooperate with school officials in managing my child's conduct while he/she is at school, on the school bus, or in attendance at a school-sponsored activity.

I understand that I may, through appropriate channels, express my disagreement with the school division's policies or decisions. Further, I may exercise my right to appeal a suspension or expulsion as provided in Va. Code 22.1-277. By signing this Statement of Receipt, I understand that I have not waived, but have expressly reserved, my rights protected by state and federal constitutions and laws.

Should I, however, willfully and unreasonably refuse to participate in efforts to improve my child's behavior as required by Va. Code 22.1-279.3, I understand that school officials are authorized, under Va. Code 22.1-279.3 (G), to petition the Juvenile and Domestic Relations District Court.

I further understand that the Court, under 16.1-241.2 of the Code of Virginia, may upon a finding that I have willfully and unreasonably failed to cooperate, order that I do the following:

Meet to fulfill the request of the principal, to review the Student Code of Conduct and discuss my responsibility in that process;

Participate or have my child participate in programs or treatment or be subject to other limitations and conditions as the court deems appropriate for failure to meet with school officials if my child is to be readmitted after a suspension, or is receiving a second suspension or is being expelled; or

Pay a \$500 fine for failure to meet with school officials if my child is to be readmitted after a suspension, or is receiving a second suspension or is being expelled.

(Signature of Parent/Guardian)

(Date)

As a student, I acknowledge having received a copy of the Student Code of Conduct. I further acknowledge my responsibility to know and conform to the rules and regulations of the school and the Code of Conduct and to accept the consequences for my behavior.

(Signature of Student)

(Date)

Please sign and return this form to your child's school. The form will be kept on file.