

STUDENTS

Procedures for Student Suspensions and Expulsions P 7-19

A. Introductory Statement

Suspension or expulsion is the final step in the Lynchburg City Schools' student disciplinary process. A suspension is the denial of access to all facilities and programs of the school division during the length of the suspension or expulsion. A short-term suspension is for 1-10 school days. A long-term suspension is in excess of 10 school days, not to exceed 365 calendar days. Expulsion is the denial of access to all facilities and programs of the Lynchburg City Schools for an indefinite period of time greater than 365 calendar days. All long-term suspensions and expulsions require approval by the school board.

B. General Categories of Offenses

Categories of behaviors that can result in suspension or expulsion follow. In completing the referral form, the principal, associate principal, or assistant principal should choose from these categories. The administrator may also include additional comments. For example, the administrator may select "Threat and Intimidation" and add, "made threatening remarks to Mr. Jones in science class."

Reference Table Offense Codes – 2008-09

The following table lists terms, definitions, and codes for offenses. The legal source or related statute is noted in the fifth column of the table. The following is a key to the abbreviations used in this column:

BOE	Board of Education	PDS	Persistently Dangerous Schools
Code of VA	Code of Virginia	SDFSCA	Safe and Drug-Free Schools and Communities Act
GFSA	Gun Free Schools Act	USC	United States Code
NCLB 2001	No Child Left Behind Act of 2001	VAC	Virginia Administrative Code
UMIRS	Uniform Management Information and Reporting System		

NOTE: Offenses used as measures for determining NCLB's "persistently dangerous schools" designation are **shaded in gray**. **Modification** **Persistently Dangerous** **New Code**
Reference Notes

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
Alcohol Use Possession Sale/ Distribution	Violating laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or consumption of intoxicating alcoholic beverages or substances represented as alcohol. Suspicion of being under the influence of alcohol	AL1 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A) SDFSCA Report 20 USC § 7116 20 USC §	Sub-Categories AC1 – Alcohol Use AC2 – Alcohol Possession AC3 – Alcohol Sale/ Distribution

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
	may be included if it results in disciplinary action.			7161 UMIRS	
Arson Actual Attempted	Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trashcan fires would be included in this category if they were contributing factors to a damaging fire.	AR1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories AS1 – Arson: Actual AS2 – Arson: Attempted AS3 – Lighted firecrackers, Cherry Bombs, or Stink-bombs that Contribute to a Damaging fire. Firecrackers or fireworks should be coded as W9P
Assault/ Battery With Firearm or Other Weapon Against Staff	An actual offensive, forceful and violent and intentional touching or striking of a staff member against his or her will, intentionally causing bodily harm through the use of a firearm or other weapon.	BA1 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.2-57 §22.1- 279.3:1(A & D) 8 VAC 20- 560-10 8 VAC 20- 131-270 SDFSCA Report 20 USC § 7116 20 USC § 7151 UMIRS	
Assault/ Battery With No Firearm or Weapon Against Staff	An actual offensive and intentional touching or striking of a staff member against his or her will, intentionally causing bodily harm without the use of a firearm or weapon.	BA2 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1- 279.3:1(A & D) 8 VAC 20- 560-10 8 VAC 20- 131-270	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
				SDFSCA Report 20 USC § 7116 UMIRS	
Assault/ Battery With Firearm or Other Weapon Against Student	An actual offensive forceful and violent and intentional touching or striking of a student against his or her will, intentionally causing bodily harm with the use of a firearm or other weapon.	BA3 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.2-57 §22.1-279.3:1(A & D) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC § 7116 20 USC § 7151 UMIRS	
Assault/ Battery With No Firearm or Weapon Against Student	An actual offensive and intentional touching or striking of a student against his or her will, or mutual participation in a fight that intentionally causes bodily harm without the use of a firearm or weapon.	BA4 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A & D) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC § 7116 UMIRS	
Assault/Battery Malicious Wounding Without a Weapon	Maliciously causing bodily injury to a person (without a weapon) with the intent to maim, disfigure, disable, or kill.	BA5 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.5-51.2 SDFSCA Report 20 USC § 7116	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
				8 VAC 20-131-270	
Attendance	Violation of state, school division, or school policy relating to attendance. Could include but not limited to: tardiness, skipping, or truancy.	A1T	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	
Bomb					See School Threat (BB1) and Weapons (WP6 and WP7)
Breaking and Entering Burglary	Unlawfully entering or attempting to enter a building or other structure with the intent to commit a crime.	BR1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories BK1 – Burglary: Actual BK2 – Burglary: Attempted
Bullying	Using repeated negative behaviors intended to frighten or cause harm. These may include, but are not limited to verbal or written threats or physical harm.	BU1	Required to be reported regardless of sanction	Code of VA §22.1-208.01(A)	
Disorderly Conduct/ Insubordinate	Unwillingness to submit to authority or refusal to respond to a reasonable request. Any act that intentionally disrupts the orderly conduct of a school function. Any behavior that substantially disrupts the orderly learning environment.	D1C D2C D3C D4C D5C D6C D8C	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories D1C – Disrespect (walking away, etc.) D2C – Defiance (refuses requests) D3C – Disruptive Demonstrations D4C – Possession of Obscene or Disruptive Literature D5C – Classroom or Campus Disruption D6C – Using Obscene or Inappropriate Language or Gestures D8C – Minor Insubordination
Drug Violations Schedule I & II Anabolic Steroid Marijuana	Violation of laws or ordinances prohibiting the manufacture, transportation, possession or consumption of marijuana, schedule I & II drugs, and anabolic Steroid-Use. Suspicion of being under the influence of marijuana may be	DR1 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC §	Sub-Categories Schedule I & II Drugs / Marijuana/Anabolic Steroid-Use and Possession DG1 – Schedule I & II Drug Use

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
Use Possession	included if it results in disciplinary action. Links to the Drug Control Acts: http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3446 (Schedule I) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3448 (Schedule II) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions)			7116 20 USC § 7161 UMIRS	DG2 – Schedule I & II Drug Possession DG7 – Marijuana Use DG8 – Marijuana Possession D20 – Anabolic Steroid/Use and Possession
Drug Violations Inhalants Look-alikes Use Possession	Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any inhalants or substances represented as drug look-alikes. Links to the Drug Control Acts: http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-247 (Definitions)	DR2 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC § 7116 20 USC § 7161 UMIRS	Sub-Categories Inhalants/Look-alikes Use, Possession D15 – Possession of Inhalants D16 – Use of Inhalants D17 – Substances Represented as Drugs (Look-alikes)
Drug Violations Prescription Theft Attempted Theft	Unlawfully taking or attempting to take the drugs prescribed for another. Links to the Drug Control Acts: http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-258.2 (Theft) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions)	DR3 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A)	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
Drug Violations Schedule I & II Anabolic Steroid Marijuana Sale/ Distribution	Unlawfully possessing with the intent to distribute, sell, or solicit any Schedule I or II drug, marijuana, or anabolic steroid. <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3446 (Schedule I) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3448 (Schedule II) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions)	DR4 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.2-248 §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC § 7116 20 USC § 7161 UMIRS	Sub-Categories Schedule I & II Drugs/ Marijuana/ Anabolic Steroid Sale/ Distribution. DG3 – Schedule I & II Drug Sale/Dist. DG9 – Marijuana Sale/ Distribution D19 – Anabolic Steroid Sale/ Distribution
Drug Violations Schedule III-VI Use Possession Sale/ Distribution Paraphernalia Possession	Unlawfully using or possessing with the intent to distribute, selling or soliciting any controlled drug or narcotic substance not specified in previous drug categories. Having equipment (paraphernalia) for use in consuming illegal drugs in one's pocket, bag, car, or locker. <u>Links to the Drug Control Acts:</u> http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3450 (Schedule III) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3452 (Schedule IV) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3454 (Schedule V) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3455 (Schedule VI) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+54.1-3466 (Definitions) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+18.2-265.1 (Paraphernalia)	DR5 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC § 7116 20 USC § 7161 UMIRS	Sub-Categories Schedule III-VI Drugs/Use/ Possession/ Sale/Distribution D10 – Other Drug Use/Overdose D11 – Other Drug Possession/ Paraphernalia Possession D12 – Other Drug Sale/Distribution

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
Drug Violations Over-the-Counter Use, Possession, Sale/ Distribution	Unlawful use, distribution, sale, solicitation, purchase, possession, transportation, or importation of over-the-counter medication.	D4G D5G D6G	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories D4G – Over-the-Counter Medicine/Use D5G – Over-the-Counter Medicine/ Possession D6G – Over-the-Counter Medicine Sale/ Distribution
Electronic Devices	Using electronic devices that are deemed inappropriate in an educational setting.	C1M C2M C3M	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories C1M – Beepers C2M – Cellular Telephones C3M – Electronic Devices
Extortion	Unlawfully obtaining or attempting to obtain something of value from another by compelling the other person to deliver it by the threat or eventual physical injury or other harm to that person or person's property.	EX1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories ET1 – Extortion ET2 – Attempted Extortion
Fighting With No Injury or Minor injury	Mutual participation in a fight involving physical violence, where there are no or minor injuries. These may include, but not be limited to, the following: scrape on body (e.g., knee, elbow, hand) or minor bruising.	FA2	Required to be reported regardless of sanction	8 VAC 20-131-270 UMIRS	
Fighting/ Altercation	Confrontation, tussle, or verbal/physical aggression that does not result in injury.	F1T	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	
Gambling	Making, placing, or receiving any bet or wager of money or other thing of value dependent upon the result of the game,	G1B	Required to be reported only if sanction is suspension or	SDFSCA Report UMIRS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirement s or Related Statute	Reference Notes
	contest, or any other event with an uncertain outcome.		expulsion		
Gang Activity	Street gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary objectives or activities to commit one or more criminal or non-criminal gang activities. This includes articles of clothing that symbolize association, rituals, or activities identified by groups of students.	GA1	Required to be reported only if sanction is suspension or expulsion	Code of VA §18.2-46.1-3 UMIRS	
Harassment, Non-sexual (Physical, Verbal, or Psychological)	Repeatedly annoying or attacking a student or a group of students or other personnel which creates an intimidating or hostile educational or work environment.	HR1	Required to be reported regardless of sanction	SDFSCA Report UMIRS	
	Committing an act or acts against a student or coercing a student to commit an act that creates risk of harm to a person in order to be initiated into a student organization or class.	H1Z	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	
Homicide Against Staff With Firearm	Any death of a staff member resulting from the use of a firearm (other than accidentally self-inflicted or suicide).	HO1 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § Title 18.2 §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC § 7116 20 USC § 7151 GFSA UMIRS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
Homicide Against Student With Firearm	Any death of a student resulting from the use of a firearm (other than accidentally self-inflicted or suicide).	HO2 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § Title 18.2 8 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC § 7116 UMIRS	
Homicide Against Staff With Other Weapon	Any death of a staff member resulting from the use of a weapon (other than accidentally self-inflicted or suicide).	HO3 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § Title 18.2 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC § 7116 UMIRS	
Homicide Against Student With Other Weapon	Any death of a student resulting from the use of a weapon (other than accidentally self-inflicted or suicide).	HO4 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § Title 18.2 VAC 20-560-10 8 VAC 20-131-270 SDFSCA Report 20 USC § 7116 UMIRS	
Inciting a Riot	Unlawful use of force or violence that seriously jeopardizes the public safety, peace, or order. Three or more people acting together.	RT1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories RG1 – Inciting a Riot RG2 – Attempting To Incite a Riot
Kidnapping	Unlawfully seizing, transporting,	KI1	Required to be	BOE-PDS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
	and/or detaining a person against his/her will, or a minor without the consent of his/her custodial parent(s) or legal guardian. This category includes hostage-taking.		reported regardless of sanction	Policy Code of VA § 18.2-47	
Other Violations	Violations that are inappropriate for school behavior.	S1V S2V S3V	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories S1V – Inappropriate Personal Property (i.e. Dress Code Violation) S2V – Misrepresentation (i.e. Lying, Cheating or Plagiarism) S3V – Other School Code of Conduct Violation Not Otherwise Included
Robbery	Taking, or attempting to take, anything of value owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.	RO1	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § 18.2-58 SDFSCA Report UMIRS	Sub-Categories Robbery (Using Force) RB1 – Actual Robbery RB2 – Attempted Robbery See also Burglary/ Theft
Stalking	Engaging in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury.	ST1 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1 §18.2.60.3	
Sexual Harassment	Unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work	SX0	Required to be reported regardless of sanction	SDFSCA Report UMIRS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
	environment.				
Sexual Battery Against Staff	Sexual battery against a staff member involves in offensive or intentional threat, intimidation or ruse or physical helplessness of sexual abuse. Sexual battery is a Class I misdemeanor.	SB1 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §18.2-67.4	
Sexual Battery Against Student	Sexual battery against a student member involves in offensive or intentional threat, intimidation or ruse or physical helplessness of sexual abuse. Sexual battery is a Class I misdemeanor.	SB2 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §18.2-67.4	
Sexual Offenses Against Staff Forcible Assault	Sexual penetration (e.g., oral, anal, or vaginal) against a staff member without consent.	SX3 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § Title 18.2 §22.1-279.3:1(A) 8 8 VAC 20-560-10 SDFSCA Report 20 USC § 7116 UMIRS	
Sexual Offenses Against Student Forcible Assault	Sexual penetration (e.g., oral, anal, or vaginal) against a student without consent. This category also includes statutory rape that is defined as sexual penetration with or without the consent of a minor.	SX4 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § Title 18.2 §22.1-279.3:1(A) 8 VAC 20-560-10 SDFSCA Report 20 USC § 7116 UMIRS	
Sexual Offenses Against Staff Attempted Forcible Assault	Attempted sexual penetration (e.g., oral, anal, or vaginal) against a staff member without consent.	SX5 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA § Title 18.2 SDFSCA Report 20 USC § 7116	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
				UMIRS	
Sexual Offenses Against Student Attempted Forcible Assault	Attempted sexual penetration (e.g., oral, anal, or vaginal) against a student without consent, including statutory rape, or sexual penetration with or without the minor's consent.	SX6 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §22.1-279.3:1(A) § Title 18.2 SDFSCA Report 20 USC § 7116 UMIRS	
Sexual Offenses Without Force	Lewd behavior, indecent exposure that includes sexual intercourse, sexual contact, or other unlawful behavior or conduct intended to result in sexual gratification without force or threat. Consider age, developmentally appropriate behavior, and disability status before using this category.	SX7 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A) SDFSCA Report	
Sexual Offense Aggravated Sexual Battery	Sexually abusing a victim less than thirteen years of age or accomplishing the act against the will of the victim by force, threat, intimidation, or through the use of the victim's mental incapacity or physical helplessness, and—the victim is at least thirteen but less than fifteen years of age, or the accused causes serious bodily or mental injury to the victim, or the accused uses or threatens to use a dangerous weapon. Sexual abuse means an act committed with the intent to sexually molest, arouse, or gratify any person where the accused intentionally touches the victim's intimate parts or material directly covering such intimate parts; the accused	SX8 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §22.1-279.3:1(A) § Title 18.2 SDFSCA Report 20 USC § 7116 UMIRS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
	forces the victim to touch the victim's own or another person's intimate parts or material directly covering such intimate parts; or the accused forces another person to touch the victim's intimate parts or material directly covering such intimate parts.				
Sexual Offense Offensive Touching Against Staff	Improper physical contact against a staff that is offensive, undesirable, and/or unwanted as determined by the victim	SX1	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1	Consensual touching (e.g., kissing, walking arm-in-arm) should not be reported even though such behavior may violate a local school policy. Consider age, developmentally appropriate behavior, and disability status before using this category.
Sexual Offense Offensive Touching Against Student	Improper physical contact against a student that is offensive, undesirable, and/or unwanted as determined by the victim.	SX2	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1	Consensual touching (e.g., kissing, walking arm-in-arm) should not be reported even though such behavior may violate a local school policy. Consider age, developmentally appropriate behavior, and disability status before using this category.
School Threat Bomb Threat	Any threat (verbal, written, or electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, causing	BB1 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A) SDFSCA Report	Sub-Categories BO1 – Bomb Threat BO2 – Chemical/Biological

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
(Threat of Destruction or Harm)	damage to a school building or school property, or harming students or staff. Intentionally making a false report of potential harm from dangerous chemicals or biological agents.			UMIRS	Threat BO3 – Terrorist Threat BO4 – Setting off False Fire Alarm
Technology Use Violations/ Use	Unauthorized violations of technology use according to the Acceptable Usage Policy.	T1C T2C T3C T4C	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	<u>Sub-Categories</u> T1C – Unauthorized Use of Technology or Information T2C –Causing/ Attempting to Cause Damage to Computer Hardware, Software or Files T3C – Violations of Acceptable Usage Policy T4C – Violations of Internet Policy
Threat/ Intimidation Against Staff	Unlawfully placing a staff member in fear of bodily harm through physical, verbal, written or electronic threats which immediately creates fear of harm without displaying a weapon or subjecting the person to actual physical attack. Consider age, developmentally appropriate behavior, and disability status before using this category.	T11 Required to be reported to law enforcement	Required to be reported regardless of sanction	Code of VA §22.1-279.3:1(A) SDFSCA Report UMIRS	Also see Harassment-Non Sexual/ Hazing/School Threat/ Bullying
Threat/ Intimidation Against Student	Unlawfully placing a student in fear of bodily harm through physical, verbal, written or electronic threats without displaying a weapon or	T12 Required to be reported to law enforcement	Required to be reported regardless of sanction	SDFSCA Report UMIRS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
	subjecting the person to actual physical attack. Consider age, developmentally appropriate behavior, and disability status before using this category.				
Theft Offenses (No Force)	Unlawfully taking, carrying, leading, or riding away property from the possession of another person. May include pocket picking, purse snatching, theft from building, theft of electronic data, theft from motor vehicle, or from coin-operated machines.	TH1	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories Theft Offenses (except motor vehicle) TF1 – Theft of School Property TF2 – Theft of Staff Property TF3 – Theft of Student Property TF4 – Possession of Stolen Property
Theft Offense of a Motor Vehicle	Unlawfully taking, carrying, leading, or riding away a motor vehicle or the attempted theft of a motor vehicle. This category includes theft of a car, truck, motorcycle, dune buggy, snowmobile, RV, or anything that is self-propelled.	TH2	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	Sub-Categories Theft of a Motor Vehicle TF6 – Attempted Theft of Motor Vehicle
Tobacco Use Possession, Sale, Distribution	Possessing, using, distributing, or selling tobacco products, including smokeless tobacco, on school grounds, at school-sponsored events, and/or on school transportation.	TB1	Required to be reported regardless of sanction	SDFSCA Report UMIRS	Sub-Categories TC1 – Tobacco Use TC2 – Tobacco Possession TC3 – Tobacco Sales/Distribution
Tobacco Paraphernalia	Bringing tobacco paraphernalia to school or to a school event.	T4B	Required to be reported only if sanction is suspension or expulsion	DFSCA Report UMIRS	
Trespassing	Entering or remaining on a public school campus or school board facility without authorization or invitation and with no lawful purpose for entry, including students under	TR1	Required to be reported only if sanction is suspension or expulsion	DFSCA Report UMIRS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
	suspension or expulsion and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave.				
Vandalism	Willfully and/or maliciously destroying, damaging or defacing public or private property without the consent of the owner or the person having custody or control of it. This category includes graffiti.	VA1	Required to be reported only if sanction is suspension or expulsion	DFSCA Report UMIRS	Sub-Categories VN1 – Vandalism of School Property VN2 – Vandalism of Private Property VN3 – Graffiti
Weapon (1) Firearm Handgun/ Pistol	Possessing or bringing a handgun or pistol to school or to a school-sponsored event.	WP1 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.2-308.1 (B) §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-260 GFSA 20 USC § 7151 UMIRS	Automatic expulsion required. May be modified by LEA, in accordance with federal and state guidelines.
Weapon (2) Firearm Shotgun/ Rifle	Possessing or bringing a rifle/shotgun to school or a school-sponsored event.	WP2 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.2-308.1 (B) §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-260 GFSA 20 USC § 7151 UMIRS	Automatic expulsion required. May be modified by LEA, in accordance with federal and state guidelines.
Weapon (3) Expels a	Possessing or bringing to school or a school-sponsored event any weapon designed to expel a projectile or that may	WP4 Required to be reported to law	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.2-308.1	This definition does not include BB guns or pneumatic weapons. See

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirement s or Related Statute	Reference Notes
Projectile	readily be converted or modified manufactured guns to expel a projectile by the action of an explosive device.	enforcement		(B) 8 VAC 20-131-260 GFSA UMIRS	WP0.
Weapon (4) Knife	Possessing or bringing to school or a school-sponsored event any sharp-edged instrument that is classified as a knife with a blade of three inches or more.	WP5 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy 8 VAC 20-131-270	
Weapon (5) Other Firearms	Possessing or bringing any other weapon that will, is designed to, expel a projectile by the action of an explosive to school or a school event. This includes firearms not mentioned previously (operable or inoperable, loaded or unloaded) such as, but not limited to, a zip or starter gun.	WP8 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §22.1-279.3:1(A) 8 VAC 20-560-10 8 VAC 20-131-260 GFSA 20 USC § 7151 UMIRS	These definitions may include automatic weapons or semi automatic weapons other than shotgun/rifle, or handgun, such as an XM8.
Weapon (6) Other Weapon	Possessing or bringing any weapon, instrument, or object that is designed to or may readily be converted to inflict harm on another person to school or a school event. (i.e. knife less than three inches, golf club, baseball bat, chains, nunchakus, or billy club)	WP9 Required to be reported to law enforcement	Required to be reported regardless of sanction	8 VAC 20-131-270 Code of VA §18.2-308.1 (A) UMIRS	
Pneumatic Weapon (BB Gun)	Possessing or bringing any pneumatic gun or rifle that is air powered to school or a school event. A pneumatic gun or rifle includes a BB, paint ball, or pellet gun.	WP0 Required to be reported to law enforcement	Required to be reported regardless of sanction	8 VAC 20-121-260 Code of VA §15.2-915.4	
Possession of Explosive Device	Possessing or representing any weapon that explodes or is designed to or may readily be converted to explode.	WP6 Required to be reported to law enforcement	Required to be reported regardless of sanction	BOE-PDS Policy Code of VA §18.2-433.1 §22.1-279.3:1(A) 8 VAC 20-131-260 GFSA	
Use of	Using any weapon that is	WP7	Required to be	BOE-PDS	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirement s or Related Statute	Reference Notes
Bomb or Explosive Device	designed to explode with the use of a triggering device and is used as a destructive bomb.	Required to be reported to law enforcement	reported regardless of sanction	Policy Code of VA §18.2-433.1 §22.1-279.3:1(A) 8 VAC 20-131-260	
Possession of Ammunition	Possession of any type of ammunition. Ammunition means ammunition or cartridgeS, cases, primers, bullets, or propellant powder designed for use in any firearm.	W1P	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report USC §18.921-17 UMIRS	W1P – Bringing Ammunition to School or School Event.
Weapon/ Look-alike	Any device that looks like a real gun or is a toy gun (i.e., water pistols). Category also includes look-alike weapons.	W3P	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	
Possession of Weapons/ Chemical Substance	Possession or bringing to school or a school sponsored event any substance used as a weapon. This includes mace, tear gas, or pepper spray	W2P Required to be reported to Law Enforcement	Required to be reported regardless of sanction	UMIRS	
Possible Weapons	Possessing razor blades, box cutters, fireworks, firecrackers, or bringing stink bombs to school or a school event.	W8P W9P	Required to be reported only if sanction is suspension or expulsion	SDFSCA Report UMIRS	W8P – Bringing Razor Blades/Box Cutters to School or School Events. W9P – Bringing Fireworks, Firecrackers, or Stink Bombs to School or School Event.
Possession of Taser Gun	Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or another charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person.	WT1	Required to be reported regardless of sanction	Code of VA § 18.2-308.1(A) § 22.1-277.07 SDFSCA Report	
Possession of Stun Gun	Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or other charge that exceeds the	WS1	Required to be reported regardless of sanction	Code of VA § 18.2-308.1(A) § 22.1-277.07	

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Offense Term	Definition	Reporting Codes	Disciplinary Reporting Requirements *	Source of Requirements or Related Statute	Reference Notes
	equivalency of five milliamp 60 hertz shock and used for the purpose of temporarily incapacitating a person.			SDFSCA Report	

*The disciplinary reporting requirements indicate if the offense is required by law to be reported to the Virginia Department of Education regardless of the disciplinary sanction or if the offense is in violation of the school code of conduct and must be reported if a student is suspended or expelled as required by the federal *Safe and Drug-Free and Communities Act (SDFSCA)*.

C. Short-term Suspensions

1. Students may be suspended from school for up to 10 school days by a school principal, associate principal, or assistant principal.
2. Prior to imposing the suspension, a principal, associate principal, or assistant principal must inform the student of the charge(s). If the student denies the charges, the school administrator must give the student an explanation of the facts as known to school personnel and an opportunity for the student to present his/her version of the facts. If deemed necessary, a principal, associate principal or assistant principal may conduct further investigation into the matter.
3. Upon suspending a student for less than 10 days, the principal, associate principal, or assistant principal shall make an attempt to contact the parent(s) or guardian(s) by telephone on the day of the suspension to inform them of the incident and the disciplinary action. The school administrator must give the student a written notice of the suspension. The administrator should also mail a copy of the form to the student's parents or guardians, forward a copy to the director for student services, and place a copy in the student's records. The notification shall provide information that includes the length of the suspension, information regarding the availability of alternative education options, if applicable, and the student's right to return to regular school attendance at the end of the suspension.

An administrator must inform the student and his/her parent(s) or guardian(s) of the due process rights/expectations. A parent or guardian may request an appeal if he/she disputes the facts of the case which resulted in his/her child's suspension from school or if he/she believes his/her due process rights have been violated. If a parent or guardian decides to appeal a decision, students

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

given short-term suspensions would remain in school until the outcome of the appeal has been determined, unless the principal deems the situation dangerous or disruptive to the school environment.

4. A principal, associate principal, or assistant principal may immediately remove from school a student whose presence poses a continuing danger to person or property or an ongoing threat of disruption. As soon as possible the principal, associate principal, or assistant principal shall provide to the student the notice of charges, an explanation of facts, and an opportunity for the student to present his/her version of what occurred.
5. Upon written request to the principal, a parent or guardian may appeal a short-term suspension given by the associate principal or assistant principal.
6. Upon written request to the director for student services, a parent or guardian may appeal a short-term suspension given or upheld by the principal. A parent or guardian must provide a written request to the director for student services within three school days of the notice of suspension. If the parent or guardian does not make a written request within three school days, the parent or guardian waives the right to an appeal.
7. The director for student services shall inform the parent(s) or guardian(s) of the right to appeal to the superintendent or to his designee in the case of appeal, the administrative appeals panel. The director for student services shall inform the parent(s) or guardian(s) in writing of the decision to confirm or disapprove the disciplinary action. The decision of the superintendent or his designee is final.

D. Long-term Suspensions

The process for suspension in excess of 10 days shall include the procedural due process provisions outlined in section E (Expulsions) as well as the following:

1. The superintendent may recommend to the school board the long-term suspension of a student after the superintendent or his designee has provided the student and his/her parent(s) or guardian(s) with a written notice which summarizes the proposed disciplinary action, the reasons for that action, and the right to a hearing before the school board.
2. The superintendent must recommend the suspension to the school board within 10 schools days of the start of the suspension.
3. The superintendent shall promulgate regulations to carry out this policy. In any case in which the superintendent recommends the long-term suspension of a

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

student, the student and his parent(s) or guardian(s) may appeal the decision. A parent or guardian must provide a written request to the director for student services within three school days of the notice of suspension. The first appeal may be made to the administrative appeals panel. If the suspension recommendation is upheld by the administrative appeals panel, the decision may be appealed to the Student Discipline Committee of the school board. Upon written request to the director for student services, the parent(s) or guardian(s) may waive the hearing before the administrative appeals panel and appeal directly to the Student Discipline Committee of the school board. If the parent(s) or guardian(s) waive both hearings, the Student Discipline Committee of the school board will review the suspension recommendation and render a decision. If the Student Discipline Committee of the school board considers the appeal and if its decision is not unanimous, the appeal automatically goes to the full school board.

4. The Student Discipline Committee of the school board will consider the appeal within 15 calendar days of the administrative appeal. The committee may modify, uphold, decrease, or even increase the discipline that the parent is appealing.
5. The superintendent may assign a student to an alternative education program in lieu of recommending a long-term suspension to the school board. The student shall sign a contract, agreeing to demonstrate appropriate behavior, regular school attendance, and academic progress. If the student fails to honor any part of the contract, the superintendent may review the case and recommend a long-term suspension of the student to the school board.

E . Expulsions

1. A principal may recommend to the superintendent that a student be expelled from school. Upon making this recommendation, the principal shall notify the student and his parent(s) or guardian(s) of this recommendation in writing on the day that the principal makes the expulsion recommendation.

After the principal makes the expulsion decision, he/she will provide the parent(s) or guardian(s) with the following information:

- a. The proposed action and the reason(s) for the action;
- b. The length of the recommended expulsion;
- c. The right to inspect the student's school records;

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

- d. The student's eligibility to return to regular school attendance or to an appropriate alternative education program during the suspension or expulsion;
 - e. The right of the student and his parent(s) or guardian(s) to a hearing with the superintendent or with his designee(s), the administrative panel, under the procedure promulgated by the superintendent.
2. Upon written request to the superintendent, the parent(s) or guardian(s) may waive the hearing before the administrative panel and have the case heard directly by the Student Discipline Committee of the school board as provided below.
 3. If the superintendent holds a hearing with the student and his parent(s) or guardian(s) and upholds the expulsion recommendation, the student shall be suspended until the school board or its Student Discipline Committee reviews the case and renders a decision. The superintendent may recommend a lesser sanction to the school board.
 4. If the parent(s) or guardian(s) waive a hearing before the superintendent, the student shall be suspended until the school board or its Student Discipline Committee reviews the case and renders a decision.
 5. If the superintendent upholds a principal's recommendation of expulsion, the student and his parent(s) or guardian(s) may request a hearing before the school board. If the Student Discipline Committee of the school board considers the appeal (in lieu of the entire school board) and if its decision is not unanimous, the pupil's parent(s) or guardian(s) may appeal the decision to the full school board. Parents/guardians must file such appeals in writing to the superintendent within seven calendar days of the decision to uphold a principal's recommendation.

Upon a parent's or guardian's timely request for a hearing before the school board, the superintendent or his designee shall notify the student and his parent(s) or guardian(s) of the time and place of the hearing. Failure to file a written request within the specified time will constitute a waiver of the right to a hearing before the school board.

6. The superintendent may assign a student to an alternative education program in lieu of an expulsion. The student shall sign a contract, agreeing to demonstrate appropriate behavior, regular school attendance, and academic progress. If the student fails to honor any part of the contract, the superintendent may review the case and reinstate the expulsion or recommend a long-term suspension of the student to the school board.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

7. The hearing before the school board is an administrative proceeding, not intended to be conducted like proceedings in courts, and the rules of evidence do not apply.

The procedure for the school board hearing shall be as follows:

- a. The school board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the school board.
- b. The school board may ask for opening statements from the principal or his representative and from the student or his parent(s) or guardian(s) (or their representative). The school board, at its discretion, may allow closing statements.
- c. The parties shall then present their evidence. As a general rule, the principal shall present his/her evidence first. Witnesses may be questioned by the school board members and by the parties (or their representative).

The school board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the opportunity of cross-examination where deemed appropriate. The school board may take the written testimony of student witnesses outside the presence of the student, his parent(s) or guardian(s), and their representative if the school board determines, in its discretion, that such action is necessary to protect the student witnesses. If written testimony is taken outside the presence of the student, it will be provided to the accused.

- d. The parties shall produce such additional evidence as the school board may deem necessary. The school board shall be the judge of the relevance and materiality of the evidence.
- e. Exhibits offered by the parties may be received in evidence by the school board and, when so received, shall be marked and made part of the record.
- f. The school board may, by majority vote, uphold, reject, or alter the recommendation.
- g. The superintendent or his designee shall communicate the decision to the student, his parent(s) or guardian(s), and the principal.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)F. Students with Disabilities

1. General. A student with a disability shall be entitled to the same due process rights that all students are entitled to under the Code of Virginia and Lynchburg City Schools' disciplinary policies and procedures.
2. Short-term removals
 - a. A student with a disability may be removed from his/her current educational setting up to 10 cumulative school days in a school year for any violation of school rules to the extent removal would be applied to a student without a disability.
 - b. A student with a disability may be removed from the student's current educational setting for a period of time that cumulatively exceeds 10 school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. If the removals do constitute a pattern, the requirements of subsection C of this section apply.
 - (1.) Isolated, short-term suspensions for unrelated instances of misconduct may not be considered a pattern.
 - (2.) These removals do not constitute a change in placement.
3. Long-term removals.
 - a. For purposes of removals of a student with a disability from the student's current educational placement, a change in placement occurs if:
 - (1.) The removal is for more than 10 consecutive school days; or
 - (2.) A series of removals constitutes a pattern because the removals cumulate to more than 10 school days in a school year and because of such factors as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.
 - b. Authority of school personnel.
 - (1.) A student with a disability may be removed consistent with subdivision 1 of this subsection for any violation of school rules to the extent removal would be applied to students without disabilities.
 - (2.) School personnel may remove a student with a disability to an appropriate interim alternative educational setting for the same amount of time that a student without a disability would be subject to discipline, but for not more than 45 calendar days, if:
 - (a.) The student carries a weapon to or possesses a weapon at school or a school function under the jurisdiction of Lynchburg City Schools or the Virginia Department of Education; or
 - (b.) The student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

school function under the jurisdiction of Lynchburg City Schools or the Virginia Department of Education. For purposes of this part, the following definitions apply:

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 USC § 812 (c).

Illegal drug means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Weapon has the meaning given the term "dangerous weapon" in 18 USC § 930 (g), paragraph 2, as well as any weapon defined as a dangerous weapon in the Code of Virginia.

- (3.) The interim alternative educational setting must be determined by an IEP team. The interim alternative educational setting must be selected so as to enable the student to:
 - (a.) Continue to progress in the general curriculum, although in another setting;
 - (b.) Continue to receive those services and modifications including those described in the student's current IEP that will enable the student to meet the IEP goals; and
 - (c.) Include services and modifications that address the behavior and are designed to prevent the behavior from recurring.
- (4.) Lynchburg City Schools ensure that the following procedures are implemented either before or not later than 10 business days after either first removing the student for more than 10 school days in a school year or commencing a removal that constitutes a change in placement under subdivision 1 of this subsection, including placements in interim alternative educational settings:
 - (a.) The IEP team shall convene to develop a behavioral assessment plan if Lynchburg City Schools did not conduct a functional behavioral assessment and implement a behavioral plan for the student before the behavior resulted in the removal described in subdivision 1 of this subsection.
 - (b.) The functional behavioral assessment may be a review of existing data that can be completed at the IEP meeting. Parental consent is not necessary to review existing data.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

- (c.) The IEP team shall reconvene as soon as practicable after developing the assessment plan and completing the assessments required by the plan. The IEP team shall develop and implement appropriate behavioral interventions to address the behavior.
- (d.) If the student had a behavioral intervention plan before engaging in the behavior, the IEP team shall convene to review the plan and its implementation and modify the plan and its implementation, as necessary, to address the behavior.

If the student who has a behavioral intervention plan and who has been removed from his/her current educational placement for more than 10 school days in a school year is subjected to a further removal that does not constitute a change in placement under subdivision 1 of this subsection, the IEP team shall review the behavioral intervention plan and its implementation to determine if modifications are necessary. If one or more of the team members believe that modifications are needed in the student's behavioral intervention plan, the IEP team shall meet and modify the plan and its implementation as necessary.

c. Services during periods of disciplinary removal.

- (1.) Lynchburg City Schools is not required to provide services during the first 10 school days in a school year that a student with a disability is removed from his/her current educational setting if services are not provided to a student without a disability who has been similarly removed.
- (2.) For a subsequent removal that is less than 10 school days in a school year, but exceeds 10 cumulative school days of removal, and which does not constitute a change in placement under subdivision 1 of this subsection, Lynchburg City Schools will provide services to the extent determined necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals of the student's IEP.
- (3.) The procedures for determining services under subdivision 3 b of this subsection for periods of removals are as follows:

For removals for more than 10 school days in a school year which do not constitute a change in placement, school personnel, in consultation with the student's special education teacher, make the service determinations.

For removals that constitute a change in placement, the IEP team determines what services are needed.

d. Authority of the hearing officer.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

- (1.) Lynchburg City Schools may request an expedited due process hearing under the Virginia Department of Education's due process hearing procedures to effect a change in placement of a student with a disability for not more than 45 calendar days if Lynchburg City Schools believes that the student's behavior is likely to result in injury to self or others. This procedure may be repeated as necessary.
- (2.) The hearing officer under 8 VAC 20-80-76 may order a change in the placement to an appropriate interim alternative educational setting for not more than 45 calendar days if Lynchburg City Schools has demonstrated by substantial evidence (beyond a preponderance of the evidence) that maintaining the current placement of the student is substantially likely to result in injury to the student or others. The hearing officer must:
 - (a.) Consider the appropriateness of the student's current placement;
 - (b.) Consider whether Lynchburg City Schools has made reasonable efforts to minimize the risk of harm in the student's current placement, including the use of supplementary aids and services; and
 - (c.) Determine that the interim alternative educational setting that is proposed by school personnel who have consulted with the student's special education teacher meets the requirements of subdivision 2 c of this subsection.

Lynchburg City Schools may ask the hearing officer for an extension of 45 calendar days for the interim alternative educational setting of a student with a disability when school personnel believe that the student's return to the regular placement would be dangerous to the student or others.

- e. Manifestation determination.
 - (1.) Manifestation determinations are required if Lynchburg City Schools is contemplating a removal that constitutes a change in placement, including removal to an interim alternative educational setting, for a student with a disability who has violated any rule or code of conduct of Lynchburg City Schools that applies to all students. Lynchburg City Schools shall notify the parent or parents of that decision and provide the parent or parents with the procedural safeguards notice not later than the date on which the decision to take the action is made.
 - (2.) The IEP team and other qualified personnel shall convene immediately, if possible, but not later than 10 school days after the date on which the decision to take the action is made. The other qualified personnel may include individuals who are knowledgeable about how a student's disability can impact on behavior or on

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

understanding, who understand the impact and consequences of behavior, or who are knowledgeable about the student and the student's disability. The IEP team and other qualified personnel shall review the relationship between the student's disability and the behavior subject to the disciplinary action.

- (a.) The IEP team and other qualified personnel may determine the behavior was not a manifestation of the student's disability only if the team and other qualified personnel first consider, in terms of the behavior subject to the disciplinary action, all relevant information, including:

Evaluation and diagnostic results, including the results of other relevant information supplied by the parents of the student;

Observations of the student; and

The student's IEP and placement.

- (b.) The IEP team and other qualified personnel shall then determine that:

In relationship to the behavior subject to the disciplinary action, the student's IEP and placement were appropriate, and the special education services, supplementary aids and services, and behavior intervention strategies were provided consistent with the student's IEP and placement;

The student's disability did not impair the student's ability to understand the impact and consequences of the behavior subject to disciplinary action; and

The student's disability did not impair the student's ability to control the behavior subject to the disciplinary action.

- (3.) If the IEP team and other qualified personnel determine that the standards in subdivision 5 b (2) of this subsection were not met, the behavior must be considered a manifestation of the student's disability. If the behavior is a manifestation of the student's disability:
- (a.) The student can be removed from the student's educational placement only through the IEP process or through placement in an interim alternative educational setting as provided in subdivision C 2 b, C 4, or C 7 c of this section; and
- (b.) The IEP team shall develop or modify strategies, including positive behavioral interventions and supports to address the behavior.
- (4.) The review by the IEP team and other qualified personnel to determine manifestation may be conducted at the same IEP meeting to develop or review the student's behavioral intervention plan, as long as

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Lynchburg City Schools notified the parent or parents of the purposes of the meeting.

- (5.) If the IEP team and other qualified personnel determine deficiencies in the student's IEP or placement, Lynchburg City Schools shall take immediate steps to remedy those deficiencies through the IEP process.
 - (6.) If the IEP team and other qualified personnel determine that the behavior of the student with a disability was not a manifestation of the student's disability, the relevant disciplinary procedures applicable to a student without a disability may be applied to the student with a disability in the same manner in which the procedures would be applied to a student without a disability.
 - (a.) If Lynchburg City Schools initiates disciplinary procedures, providing due process rights that are applicable to all students, Lynchburg City Schools ensure that the special education and disciplinary records of the student with a disability are transmitted for consideration by the person or persons making the final determination regarding the disciplinary action.
 - (b.) The IEP team determines the extent to which services are necessary to enable the student to appropriately progress in the general curriculum and appropriately advance toward achieving the goals set out in the student's IEP.
- f. Parent appeal.
- (1.) If the student's parent(s) or guardian(s) disagree with the determination that the student's behavior was not a manifestation of the student's disability or with any decision regarding placement under these disciplinary procedures, the parent or parents may request an expedited due process hearing.
 - (2.) In accordance with the Virginia Department of Education's due process hearing procedures, an expedited hearing shall be scheduled in response to the parent(s) or guardian(s) request. In reviewing the decision with respect to the manifestation determination, the hearing officer shall determine whether Lynchburg City Schools has demonstrated that the student's behavior was not a manifestation of the student's disability consistent with the requirements of subdivision 5 of this subsection. In reviewing the decision to place a student in an interim alternative educational setting, the hearing officer shall apply the standards in subdivision 4 of this subsection.
- g. Placement during appeals.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

- (1.) If the parent(s) or guardian(s) request a hearing to challenge the interim alternative educational setting or the manifestation determination, the student must remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the time period not to exceed 45 calendar days, unless the parent(s) or guardian(s) and Lynchburg City Schools agree otherwise.
 - (2.) If the student is placed in an interim alternative educational setting and school personnel propose to change the student's placement after expiration of the interim alternative placement, during the pendency of the due process proceedings, the student shall remain in the current placement (the student's placement prior to the interim alternative educational setting), except as provided in subdivision 7 c of this subsection.
 - (3.) If school personnel maintain that it is dangerous for the student to be in the current placement (the student's placement prior to the interim alternative educational setting) during the pendency of the due process proceedings, Lynchburg City Schools may request an expedited due process hearing under the procedures contained in subdivision 4 a of this subsection.
 - (4.) In determining whether the student may be placed in the alternative educational setting or in another appropriate placement ordered by the hearing officer, the hearing officer shall apply the standards in subdivision 4 b of this subsection.
 - (5.) A placement ordered by the hearing officer under the procedures for an expedited due process hearing may not be longer than 45 calendar days. If Lynchburg City Schools believes that it is dangerous for the student to return to the current placement, Lynchburg City Schools may request of the hearing officer to extend the placement for longer than 45 calendar days, in accordance with subdivision 4 b of this subsection.
- h. Protection for students not yet eligible for special education and related services.
- (1.) A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violates any rule or code of conduct of Lynchburg City Schools, including behavior described in subdivisions 2 and 4 of this subsection, may assert any of the protections provided in this chapter if Lynchburg City Schools had knowledge that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

- (2.) Lynchburg City Schools shall be deemed to have knowledge that a student is a student with a disability if:
 - (a.) The parent(s) or guardian(s) of the student have expressed concern in writing (or orally if the parent(s) or guardian(s) do not know how to write or have a disability that prevents a written statement) to school personnel that the student is in need of special education and related services;
 - (b.) The behavior or performance of the student demonstrates the need for these services;
 - (c.) The parent(s) or guardian(s) of the student have requested an evaluation of the student to be determined eligible for special education and related services; or
 - (d.) A teacher of the student or school personnel have expressed concern about the behavior or performance of the student to the director of special education of Lynchburg City Schools or to other personnel in accordance with Lynchburg City Schools' child find or special education referral system.
- (3.) Lynchburg City Schools would not be deemed to have knowledge that a student is a student with a disability if Lynchburg City Schools:
 - (a.) Conducted an evaluation and determined that the student was not a student with a disability; or
 - (b.) Determined that an evaluation was not necessary and provided notice to the student's parent(s) or guardian(s) of its determination in accordance with the notice requirements found in 8 VAC 20-80-70.
- (4.) If Lynchburg City Schools does not have knowledge that a student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures applied to a student without a disability who engages in comparable behaviors.
- (5.) If a request is made for an evaluation of a student during the time period in which the student is subjected to disciplinary measures under subdivisions 2 and 4 of this subsection, the evaluation must be conducted in an expedited manner.
 - (a.) Until the evaluation is completed, the student remains in the educational placement determined by the school personnel, which can include suspension or expulsion without educational services.
 - (b.) If the student is determined to be a student with a disability, taking into consideration information from the evaluations conducted by

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

Lynchburg City Schools and information provided by the parent or parents, Lynchburg City Schools shall provide special education and related services as required for a student with a disability who is disciplined.

- i. Expedited due process hearing.
 - (1.) Under subdivision 4 of this subsection, Lynchburg City Schools may request an expedited due process hearing if there is substantial evidence that maintaining the current placement for a student with a disability is substantially likely to result in injury to the students or others.
 - (2.) Under subdivision 6 of this subsection, the parent or parents may request an expedited due process hearing if the parent or parents disagree with the manifestation determination or any decision regarding placement under this section.
 - (3.) The Virginia Department of Education shall establish procedures for expedited due process hearings to include the following requirements:
 - (a.) Timelines for conducting the hearing and issuing of the decision consistent with the requirements found in 8 VAC 20-80-76; and
 - (b.) Description of any appeal requirements consistent with the requirements found in 8 VAC 20-80-76.
- j. Referral to and action by law enforcement and judicial authorities.
 - (1.) Nothing in this chapter prohibits Lynchburg City Schools from reporting a crime by a student with a disability to appropriate authorities, or prevents state law enforcement and judicial authorities from exercising their responsibilities with regard to the application of federal and state law to crimes committed by a student with a disability to the extent such action applies to a student without a disability.
 - (2.) In reporting the crime, Lynchburg City Schools will ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom school personnel report the crime. Transmission of such records will be in accordance with requirements under the Management of the Student's Scholastic Record in the Public Schools of Virginia (8 VAC 20-150-10 et seq.).

G. Students with Disabilities as Defined Under Section 504 of the Rehabilitation Act of 1973

- 1. Section 504 is a nondiscrimination statute. It prohibits discrimination against students on the basis of disability.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

If a child is disciplined and that child has a disability as defined under Section 504 of the Rehabilitation Act, it would be discriminatory to discipline the child if the disability caused the misconduct. Thus, before disciplining a child who has a Section 504 disability, the school must determine whether the misconduct caused the disability.

Since discipline procedures developed for students with disabilities as defined in the Individuals With Disabilities Act (IDEA) generally assure compliance with Section 504, Lynchburg City Schools' discipline policy for Section 504 has been designed to mirror IDEA discipline procedures with one exception unless otherwise noted: Students with 504 disabilities are not entitled to educational services during a long-term suspension.

2. Short-term suspensions of 10 days or less at a time may be imposed to the same extent as for non-disabled students, provided the suspensions do not constitute a pattern.

A series of short-term suspensions which constitute a pattern of exclusion, a long-term suspension or expulsion all require a manifestation determination.

3. A school can discipline a child if the misconduct was not a manifestation of the child's disability.
4. A group of knowledgeable persons must make the determination of whether a child's disability caused the misconduct in all cases where long-term disciplinary action is recommended, except for the defined drug and alcohol situations.
5. Manifestation procedures are not required when a student with a 504 disability uses or possesses alcohol or illegal drugs and/or is currently engaging in the use of alcohol or drugs. Schools may discipline children with a 504 disability who commit these drug or alcohol offenses to the same extent as children without disabilities.
6. When a child who has a 504 disability uses or possesses alcohol and/or illegal drugs as outlined in the exceptions to the manifestation procedures under Section 504, he/she has no right to appeal these drug and/or alcohol offenses in a due process hearing.
7. Students with Section 504 disabilities are not entitled to educational services during a long-term suspension unless those services are made available to non-disabled students.

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)Legal ReferenceCode of Va., § 22.1-277. Suspensions and expulsions of pupils generally.

"A. Pupils may be suspended or expelled from attendance at school for sufficient cause.

B. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § [16.1-305.1](#) of an adjudication of delinquency or a conviction for an offense listed in subsection G of § [16.1-260](#) may be suspended or expelled from school attendance pursuant to this article.

C. The authority provided in § [22.1-276.2](#) for teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of §§ [22.1-277.04](#), [22.1-277.05](#), or § [22.1-277.06](#)".

(Code 1950, §§ 22-230.1, 22-230.2; 1972, c. 604; 1980, c. 559; 1984, c. 415; 1997, cc. 371, 585, 608, 734, 830; 1998, cc. 355, 379, § 22.1-277.02; 2001, cc. 688, 820; 2003, c. 119.)

Code of Va., § 22.1-277.2. Authority to exclude students under certain circumstances; petition for readmission; alternative education program.

"A. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by a local school board in Virginia, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice to the student and his parent that the student may be subject to exclusion, the reasons therefor, and, in the event of such exclusion, of the right to appeal the decision at a hearing before the school board or a committee thereof; and (ii) a review of the case has been conducted by the division superintendent or his designee and exclusion has been recommended. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the local school board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to § [22.1-277.06](#). The excluding school board shall not impose additional conditions for readmission to school.

If the decision by the superintendent or his designee to exclude has been appealed to a committee of the school board, the student or his parent shall be provided written notice of the right to appeal the decision to the full board, which shall, within thirty days following any such hearing, in the case of an expulsion or withdrawal of admission and, in the case of a suspension of more than thirty days, within fifteen days following any such hearing, notify in writing the student or his parent of its decision.

B. In lieu of the procedures established in subsection A, a school board may adopt regulations providing that a student may be excluded from attendance after (i) written

STUDENTS

Procedures for Student Suspensions and Expulsions (continued)

notice to the student and his parent that the student may be subject to exclusion, including the reasons therefor, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his designee, and the decision has been to exclude the student from attendance. The decision of the superintendent or his designee to exclude shall be final unless altered by the school board, upon timely written petition, as established in regulation, of the student so excluded or his parent, for a review of the record by the school board.

C. Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the school board, committee thereof, or superintendent or his designee, as the case may be, at the relevant hearing, the student may re-petition the school board for admission. If the petition for admission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the school board for admission.

D. The school board may permit students excluded pursuant to this section to attend an alternative education program provided by the school board for the term of such exclusion. “
(1993, c. 889; 1994, c. 709; 1996, c. 190; 1997, cc. 585, 608, 728; 2001, cc. 669, 688, 820.)

Individuals with Disabilities Education Act (IDEA), Public Law 105-17

Section 504 of the Rehabilitation Act of 1973

Regulations Governing Special Education Programs for Children with Disabilities in Virginia adopted by the Virginia Board of Education October 19, 2000; effective January 1, 2001

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