

# Definitions of Disciplinary Terms

**Alcohol use, possession, sale or 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 may be included if it results in disciplinary action.

**Altercation:** A confrontation, tussle, or verbal/physical aggression that does not result in injury.

**Alternative education programs:** Shall include, but not be limited to, night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

**Alternate instructional support (AIS) center:** A student may be removed from his or her regular schedule of classes based on disruptive behavior, when previous intervention (s) have not been successful, and assigned to a program of study under supervision of a qualified staff member for a fixed period of time, ranging from one class period to less than one-half of the school day.

**Arson/Fire:** Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trash can fires would be included in this category if they were contributing factors to a damaging fire.

**Assault and Battery:** Voluntary fighting resulting in physical injury to another person shall be considered assault and battery. Physical assault includes any physical confrontation that may result in no injury, injury, or serious injury that includes, but may not be limited to, kicking, shoving, pushing, hitting and fighting. An actual offensive, forceful, violent and intentional touching or striking of a student against his/her will, intentionally causing bodily harm with the use of a firearm or other weapon. Includes mob assault.

**Battery:** The unlawful application of force to the person of another.

**Behavior intervention plan (BIP):** A plan that uses positive behavioral interventions and supports to address behaviors which interfere with the learning of students with disabilities or with the learning of others or that require disciplinary action.

**Behavior on school bus:** Students shall not behave in a disruptive manner or otherwise violate these standards of conduct while waiting for a school bus, while on a school bus or after being discharged from a school bus.

**Bomb threats:** Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices or hoax explosive devices or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb school personnel or school property.

**Breaking and entering (burglary):** Unlawfully entering or attempting to enter a building or other structure with the intent to commit a crime.

**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, intimidation, taunting, name-calling, and insults and any combination of prohibited activities.

A student, either individually or as part of a group, shall not harass or bully others either in person or by use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes verbal conduct consisting of comments regarding the race, gender, religion, physical or mental abilities, sexual orientation, or other characteristics, towards another person and /or associates of the targeted person.

**Cyberbullying:** Using information and communication technologies, such as cell phone text messages and pictures and internet e-mail, social networking websites, defamatory personal websites, and defamatory online personal polling websites to support deliberate, hostile, behavior intended to harm others.

**Change of placement:** For the purposes of discipline, means:

A removal of a student from the student's current educational placement for more than 10 consecutive days; or

The student is subjected to a series of removals that constitute a pattern because they accumulate to more than 10 school days in a school year.

**Cheating:** To give answers to others, copy assignments, imagery or tests from others, or look at the tests, coursework (homework and classwork), teacher materials and similar assignments of others.

**Defiance of the authority of school personnel:** Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by Board policies and regulations.

**Destruction of Property/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. Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus or at school-sponsored events.

**Destructive or explosive device:** (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 similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. Destructive device shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device.

**Disorderly conduct/insubordination:** The unwillingness to submit to authority or refusal to respond to a reasonable request or any act that intentionally disrupts the orderly conduct of a school function.

**Disrespect:** Use of abusive language or behavior that is intimidating, hostile or dismissive in nature.

**Disruptive conduct/behavior:** Any act intended to be disruptive of any school activity, function or process of the school or is dangerous to the health or safety of students or others, or interrupts or obstructs the learning environment. May include persistently disruptive conduct. This definition includes conduct going to and returning from school, per Va. Code 22.1-78.

**Distribution or sale of illegal drugs or possession or distribution with intent to sell:** Students shall not manufacture, give, sell, distribute or possess with intent to give, sell or distribute marijuana, synthetic cannabinoids, or other controlled substance as defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia.

**Drug violation:** 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 included if it results in disciplinary action.

Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting or importing any substances represented as drug lookalikes or inhalants is not permitted.

Unlawfully possessing or attempting to take possession of drugs prescribed for another.

Unlawfully possessing with the intent to distribute, sell or solicit any Schedule I or II drug, marijuana or anabolic steroid.

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.

Unlawful use, distribution, sale, solicitation, purchase, possession, transportation or importation of over-the-counter medication.

**Electronic device or cell phone misuse:** Misuse of technology or cellular device to transmit insulting, profane, racially or sexually offensive written language, or to make obscene remarks or gestures, or bully, extort or spread untruths about another student or staff member.

**Endangering the well-being of others:** Any behavior that places a student or staff member in a situation that may endanger their health, life or welfare.

**Exclusion:** A School Board's denial of school admission to a student who has been expelled or has been placed on long-term suspension of more than 30 calendar days by another school board or private school, either in Virginia or another state.

**Expulsion:** Any disciplinary action imposed by the School Board, as provided in School Board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

**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.

**False charges:** Students or school personnel who knowingly make false charges of harassment or provide otherwise false information or accusations shall be subject to disciplinary action.

**Felony charges:** Students charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention/intervention activities.

**Fighting (both parties) with no injury or injury:** Mutual participation in a fight involving physical violence, where there are no or injuries. These may include, but not be limited to, the following: scrape on body (e.g., knee, elbow, hand) or bruising.

**Firearm:** Any weapon prohibited on school property or at a school-sponsored activity pursuant to Va. Code sec. 18.2-308.1, or (1) any weapon, including a starter gun, pneumatic gun (paint ball, BB, air rifle), that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or pressure; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; (4) any destructive device; or (5) any unloaded firearm in a closed container.

**Forgery:** Creating, altering or using a false document with the intent to defraud or injure someone.

**Functional behavioral assessment (FBA):** A process to determine the underlying cause or functions of a student's behavior that impede the learning of the student with a disability or the learning of the student's peers. A functional behavioral assessment may include a review of existing data or new testing data or evaluation as determined by the IEP team.

**Gambling:** Making, placing, or receiving any bet or wager of money or other thing of value dependent upon the result of the game, contest or any other event with an uncertain outcome.

**Gang related activity:** A student shall not engage in gang activities as defined in Policy JFCE, incorporated by reference. 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.

**Harassment, intimidation:** Repeatedly annoying or attacking a student or a group of students or other personnel which creates an intimidating or hostile educational or work environment A student shall not harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions in violation of Policy JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin, Disability, Sexual Orientation, and Religion. Includes stalking.

**Hazing:** To recklessly or intentionally endanger the health or safety of a student or students or to 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 school at which hazing causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney. Hazing, as defined above, 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, 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 Va. Code sec. 18.2-56.

**Hearings office:** Conducts discipline hearings and determines outcomes on behalf of the Superintendent; makes discipline recommendations to the School Board and represents the Superintendent at School Board hearings; maintains records and statistics related to expulsion, exclusion, and reassignment recommendations and outcomes; decides suspension appeals; provides resource assistance and training to school-based and central office administrators; and conducts employee grievance hearings on behalf of the Superintendent.

**Improper touching and/or sexual activity:** Improper physical contact against a student or staff that is offensive, undesirable and/or unwanted as determined by the victim.

**Inappropriate language:** Using inappropriate words or topics of conversation.

**Inciting or participating in a school disturbance:** behavior, use of force or violence that seriously jeopardizes public safety, peace or order; Includes false fire alarms and inciting a riot (three or more people acting together).

**In-school suspension (ISS):** A student may be removed from his or her regular schedule of classes for significant behavioral infractions and assigned to a program of study under the supervision of a qualified staff member for a fixed period of time, ranging from one-half a school day or more.

**Kidnapping:** Unlawfully seizing, transporting, 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.

**Leaving an area/class or school grounds without permission:** Leaving class, school building or grounds, area or activity without the express permission of school staff when consent to leave is expected.

**Long-term suspension:** Any disciplinary action whereby a student is not permitted to attend school for more than 10 school days but less than 365 calendar days.

**Long-term removal:** The suspension of a student with a disability to an alternative setting for more than 10 consecutive school days in a school year; or, when the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year.

**Manifestation determination review:** A process to review all relevant information and the relationship between the student's disability and the behavior subject to the disciplinary action.

**Other violations:** In addition to these specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise a violation of federal, state or local law.

**Pattern:** Separate incidents of removal which cumulate to more than 10 school days in a given school year and constitute a change of placement.

**Possession of beepers, cellular telephones, personal digital assistants (PDAs) or similar communications:** Students may possess a beeper, cellular telephones, personal digital assistant (PDA) or other communications devices on school property, including school buses, provided that the devices remain off and out of sight during the school day. If a student possesses such a device other than as permitted in this policy, in addition to other disciplinary sanctions which may be imposed, the device may be confiscated from the student and returned only to the student's parent/guardian.

**Possession or use of weapons or other dangerous articles:** Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon, regardless of whether it is commonly accepted as such. This regulation incorporates Policy JFCD.

**Profane, obscene or abusive language or gestures:** Language, gestures, or conduct that is vulgar, profane, obscene or racially charged that disrupts the teaching and learning environment.

**Removals:** Excluding the student from the student's current educational placement due to inappropriate behavior resulting in disciplinary action.

**Reports of conviction or adjudication of delinquency pursuant to sec. 16.1-305.1:** Any student for whom the Superintendent has received a report pursuant to Va. Code sec. 16.1- 305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code sec. 16.1-260 may be suspended or expelled.

**Retaliation:** Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited and will be punished.

**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.

**School property or range:** Any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board. This definition includes conduct going to and returning from school per Va. Code 22.1-78

**Sexual assault:** Attempted or actual sexual penetration against another person without consent.

**Sexual harassment:** Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment.

**Short-term removal:** Suspending a student with a disability to an alternative setting for 10 school days or less in a school year. It also applies to removals when the cumulative amount is 10 school days, but not consecutive and does not constitute a pattern or change of placement.

**Stealing/Theft:** Intentionally taking the personal property of another person without consent under duress, threat or otherwise.

**Superintendent's designee:** a 1) trained hearing officer, or 2) professional employee in the administrative offices of the school division who reports directly to the Superintendent or designee and who is not a school-based instructional or administrative employee.

**Tardiness:** Late arrival to school or class.

**Technology use:** Students are required to abide by the rules for use of technology. Use of hardware, software, network or telecommunications in violation of these rules is prohibited. Students shall abide by the ACPS Responsible Computer System Use Policy IIBEA and Regulation.

**Threats or intimidation:** Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason. 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.

**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 suspension or expulsion and unauthorized persons who enter or remain on a campus or School Board facility after being directed to leave.

**Use and/or possession of alcohol, tobacco, anabolic steroids and other drugs:** A student shall not possess, use, and/or distribute alcohol, tobacco and/or tobacco products, or other drugs on school property, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, lookalike drugs, drug paraphernalia, and any prescription or non-prescription drug not possessed in accordance with Policy JHCD.

A student shall not possess, procure or purchase or attempt to possess, procure, or purchase, or be under the influence of (legal intoxication not required), or use or consume or attempt to use or consume, any of the restricted substances listed in this regulation or what is represented by or to the student to be any of the restricted substances listed in this regulation or what the student believes is any of the restricted substances in this regulation.

This regulation incorporates Policy JFCF.

Restricted substances include alcoholic drinks, marijuana, narcotic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act referenced below, as well as any volatile/ignitable inhalant materials, anabolic steroids and both prescription and nonprescription drugs if they are not taken according to the prescription or directions on the package and includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.

In addition to any other consequences that may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the Superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

**Weapons and ammunition:** Possession of any type of ammunition. Ammunition means ammunition or cartridges, cases, primers, bullets, or propellant powder designed for use in any firearm. Any device that looks like a real gun or is a toy gun (i.e., water pistols). Category also includes look-alike weapons. Possessing or bringing to school or a school-sponsored event any substance used as a weapon. The substance would include mace, tear gas, or pepper spray. Possessing knife less than three inches, razor blades, box cutters, fireworks, firecrackers, or bringing stink bombs to school or a school event. 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. Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or other charge that exceeds the equivalency of five milliamp 60 hertz shock and used for the purpose of temporarily incapacitating a person.