

and availability of an alternative educational placement or program; (v) the student's age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student's attendance and academic records; and (viii) such other matters as deemed appropriate. No decision to discipline a student shall be reversed solely on the grounds that such factors were not considered.

Prohibited conduct encompasses any behavior incompatible with a safe K-12 educational environment and good citizenship and includes, but is not limited to, the following: assault; disruptive behavior; alcohol, tobacco, [marijuana](#), and other drug violations; property violations; and [weapons](#) violations. The violations listed herein are examples of prohibited conduct.

Acts for which students may be disciplined include, but are not limited to:

1. Assault: (intending to cause physical injury to another person)

- a. The following violations may result in a suspension from school for up to five days unless the principal makes a [referral to the Division Superintendent](#), in which event the principal may suspend for up to ten days.

- (1) ~~Threatening to assault or physically assault~~ assaulting a school staff member without injury.

- (2) Any involvement in a group assault. Any collection or group of students assembled with the intention of committing an assault constitutes a group. Each and every student who is part of a group shall be held directly responsible for any assault committed by one or more members of the group.

- (3) ~~Assaulting another student or any other person (other than a staff member) without injury. In the event of an assault, the principal shall make a referral to one or more of the most appropriate interventions including, but not limited to, a restorative justice conference with a FCPS certified facilitator, a problem-solving conference with a counselor/social worker, a referral to the school-based Risk Prevention Team to determine appropriateness for further risk assessment in accordance with Regulation 2111 and/or a referral to the MTSS school support team. Threatening to assault or physically assaulting another student or any other person (other than a staff member), whether or not causing injury.~~

- (4) Improper touching of another person (whether or not consensual).¹³

- b. For students in grades 7-12, physically assaulting a staff member causing injury is considered assault and battery which shall result in a [referral to the Division Superintendent](#), and the principal may suspend for up to ten days. For students in grades K-6, physically assaulting a staff member causing injury may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.

¹³ These behaviors do not include Title IX Sex Discrimination. All FCPS employees are responsible for notifying the Title IX Coordinator of any Sex Discrimination allegation within 24 hours of receiving notice by submitting a Consultation Form in Guardian. For information on reporting sex discrimination, see Regulation 2118.

2. Assault and Battery: (causing physical injury to another person or staff member)

- a. The following violations may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.
 - (1) Any involvement in a group assault and battery. Any collection or group of students assembled with the intention of committing an assault constitutes a group. Each and every student who is a part of a group shall be held directly responsible for any assault committed by one or more members of the group.
 - (2) Assault and battery upon another student or any other person (other than a staff member) causing injury.
 - (3) Assault and Battery upon a staff member
 - (4) Improper touching of another person (whether or not consensual) (see footnote 13).
- b. For students in grades K-6, an assault and battery upon a staff member may result in a suspension from school for up to five days unless the principal makes a referral to the Division Superintendent, in which event the principal may suspend for up to ten days.
- c. For students in grades 7-12, assault and battery upon a staff member shall result in a referral to the Division Superintendent and the principal may suspend for up to ten days.
- d. In the event of an assault and battery, the principal shall make a referral to one or more of the most appropriate interventions including, but not limited to, a restorative justice conference with an FCPS facilitator, a problem-solving conference with a counselor/social worker, or a referral to the school-based Risk Prevention Team to determine appropriateness for further risk assessment in accordance with Regulation 2111 and/or a referral to the MTSS school support team.

b.3. Hazing

- a. Hazing or otherwise mistreating another student by recklessly or intentionally endangering the health or safety of, or inflicting bodily injury on, the student 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. For violations involving hazing, the principal shall make a referral to the Division Superintendent and may suspend for up to ten days. A report of hazing with bodily injury shall be made to the Commonwealth's Attorney in accordance with Section 18.2-56 of the Code of Virginia.

2.4. Disruptive Behavior

Disruptive behavior often interferes with student learning and school operations. For violations involving disruptive behavior, a restorative justice conference and/or referral to the FCPS restorative justice practitioner may be used in lieu of, or in addition to, disciplinary