



COMMONWEALTH of VIRGINIA
Department of Education

December 13, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: *Revised 2013 Student Conduct Policy Guidelines*

On October 24, 2013, the Virginia Board of Education adopted its updated 2013 [Student Conduct Policy Guidelines](#). These guidelines are intended to aid school boards in developing and implementing standards and policies for student behavior and accountability. School boards are required to adopt and revise regulations for codes of student conduct that are consistent with, but may be more stringent than, the guidelines. The guidelines were revised in 2001, 2004, 2006 and 2009 to reflect changes in federal and state laws. The 2013 Virginia General Assembly enacted [HB 1864](#) (Robinson), [HB 1871](#) (McClellan), and [HB 2344](#) (Cole), which are presented below. The enacted legislation necessitated further revisions to the *Student Conduct Policy Guidelines*.

- [HB 1864](#) (Robinson) amended § 22.1-279.3:1.0(D) of the *Code* to state that when a student commits a reportable offense (as enumerated in § 22.1-279.3:1.A) on a school bus, school property, or at a school-sponsored activity, that may constitute a criminal offense:

“...Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court....”

- [HB 1871](#) (McClellan) amended § 22.1-276.01 of the *Code* by adding a definition for bullying as follows:

“‘Bullying’ means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. ‘Bullying’ includes cyber bullying. ‘Bullying’ does not include ordinary teasing, horseplay, argument, or peer conflict.”

- In addition, the bill amended § 22.1-279.6.0(D) to add subsection D as follows:

“Each school board shall include in its code of student conduct, by July 1, 2014, policies and procedures that include a prohibition against bullying. Such policies and procedures shall be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A.”

- [HB 1871](#) also added § 22.1-291.4 to the *Code* requiring the following:

“Each school board shall implement, by July 1, 2014, policies and procedures to educate school board employees about bullying, as defined in § [22.1-276.01](#), and the need to create a

bully-free environment.”

A second enactment clause states:

“That the Board of Education shall develop, by January 1, 2014, model policies and procedures for use by each school board to educate school board employees about bullying, as defined in § [22.1-276.01](#), and the need to create a bully-free environment.”

- [HB 2344](#) (Cole) amended the *Code* by adding § 22.1-79.4 dealing with school threat assessment teams and oversight committees. The bill requires the following:

- “A. Each local school board shall adopt policies for the establishment of threat assessment teams,...*
- B. The superintendent of each school division may establish a committee charged with oversight of the threat assessment teams...*
- C. Each division superintendent shall establish...a threat assessment team [to serve one or more schools to]...provide guidance...regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self....”*
- D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student’s parents or legal guardian....*
- E. Each threat assessment team...shall report quantitative data... according to guidance developed by the Department of Criminal Justice Services.”*

Amendments to the Board’s *Student Conduct Policy Guidelines* reflect the 2013 legislative changes in the following sections. Content was added to the section on *Related Policy Issues, Reporting of Certain Offenses to Law Enforcement Authorities*, on page 30, to state that nothing prohibits school boards from requiring school-based graduated sanctions or educational programs before a delinquency charge is filed against a student who has committed a school-based offense that may be considered criminal with the juvenile courts. The bullying definition in the *Code* replaces the description of bullying in section III, *Standards of Student Conduct*, page 17. The legislative directives to provide policies and procedures to educate school board employees about bullying prevention and to provide guidance through threat assessment teams to students, faculty, and staff in recognition of threatening or aberrant student behavior is placed in section II, *In-Service Training of School Personnel*, page 16.

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