INSTRUCTION

Nontraditional Education Programs

I. Purpose

To establish procedures for the delivery of nontraditional education programs to provide instruction to students for whom the regular program of instruction is inappropriate or whose academic, social, behavioral, or emotional needs are not being met in the traditional school setting.

II. Nontraditional Education Programs include:

A. Middle School

1. Independence Nontraditional School (grades six-eight);

2. Computer-Based Instruction (CBI): This program is designed for students during the long-term suspension or expulsion period. Students with disabilities (as determined by the Individualized Education Program (IEP) Team) may attend the program pending final outcome of Office of Student Management and Alternative Programs (OSMAP) and/or School Board disciplinary action, or while long-term suspended or expelled; and

3. Educational services in other nontraditional settings.

B. High School

1. Night School;

2. Virtual High School;

3. 16-/17-Year-Old General Education Development (GED®) Program;

4. Independence Nontraditional School (grades nine-12);

5. Independent study;
6. CBI: This program is designed for students during the long-term suspension or expulsion period. Students with disabilities (as determined by the IEP Team) may attend the program pending final outcome of OSMAP and/or School Board disciplinary action, while long-term suspended or expelled; and

7. Educational services in other nontraditional settings.

III. General Provisions

A. Students shall be considered for a nontraditional education placement when their needs cannot be met in the traditional classroom setting or the standard school setting is otherwise not appropriate. These students shall include, but are not limited to, students who need to take new courses for credit or repeat classes for credit, those seeking a GED® Certificate, and students with social, emotional, or behavioral needs that cannot be accommodated in a traditional school setting.

B. The base school shall ensure that school interventions have been exhausted prior to referring a student to a nontraditional program.

C. Carnegie credit may be earned in a nontraditional education program through work experience and/or independent study.

D. Students in nontraditional education programs shall meet all School Division and state testing requirements.

IV. Referral Process

A student may be placed or reassigned to a nontraditional education program as follows:

A. Self-referral. A student interested in the Night School Program, the 16-/17-Year-Old GED® Program, the Summer School Program, and Virtual High School should complete the appropriate registration form and follow the procedures for that program.

B. Referral by Base School. A student having difficulty in the traditional school setting for any reason, including disciplinary-related issues, may be referred directly to Independence Nontraditional School as a Tier III referral.

C. Disciplinary Placement/Reassignment by OSMAP or the School Board.

For special education students, the “Virginia Special Education Procedural Safeguard Requirements” shall remain in effect during this process.
As provided by Virginia Code § 22.1-277.2:1, a student may also be placed in, or reassigned to, a nontraditional education program for disciplinary reasons by OSMAP or the School Board if the student has been:

1. Charged with a school reportable offense relating to weapons, alcohol or drugs, or intentional injury to another person; or

2. Charged with a violation of School Board policies or the Prince William County Public Schools (PWCS) “Code of Behavior,” relating to weapons, alcohol or drugs, or intentional injury to another person; or

3. Found guilty or not innocent of a school reportable offense involving weapons, alcohol or drugs, or a school reportable offense that resulted in or could have resulted in injury to others; or

4. Found guilty or not innocent of a school reportable offense required by law to be disclosed to the Superintendent under Virginia Code § 16.1-260(G), which offenses are delineated in the attachment to this regulation, List of School Reportable Offenses for Which a Student May Be Reassigned Based on Charge; or Reassigned, Long-Term Suspended, or Expelled for Adjudication Pertaining to Charge, to this regulation; or

5. Found to have committed a serious offense or repeated offenses in violation of School Board policies or the PWCS “Code of Behavior”; or

6. Long-term suspended or expelled from school.

V. Placement in a Nontraditional Education Program

A. Base School Placement in a Nontraditional Education Program. In the event that a principal recommends that a student be placed in a nontraditional education program, the principal or his/her designee shall provide written notice of the recommendation and a copy of this regulation to the student and his/her parent(s)/guardian(s) and shall meet with them to discuss the recommendation.

Within three school days of the meeting with the principal or his/her designee, the student may submit to OSMAP a written request for a hearing before an OSMAP hearing officer, as provided in Paragraph VI below.
B. **Reassignment for School Reportable Offenses.** Upon receipt by the School Division of notice that the student has engaged in conduct identified above in Paragraph IV.C. of this regulation, OSMAP shall review the charge to determine whether placement in a nontraditional education program may be necessary. For those cases where OSMAP determines that a nontraditional education program is appropriate, OSMAP shall provide written notice to the student and his/her parent(s)/guardian(s) of an OSMAP hearing to be conducted by an OSMAP hearing officer and attended by the student and parent(s)/legal guardian(s). The OSMAP hearing officer may determine that the student should be required to attend a nontraditional education program. If the student, parent, or guardian is not in agreement with the outcome of the OSMAP hearing, the student, parent, or guardian may appeal the OSMAP decision to the School Board as outlined in Paragraph VII below.

C. **Placement as a Result of Long-Term Suspension or Expulsion.** If a student is recommended for long-term suspension or expulsion, the procedures set forth in Regulation 745-1, “Long-Term Suspension or Expulsion of Students,” shall apply. Following a long-term suspension or expulsion, a student may be required to attend a nontraditional education program.

VI. OSMAP Hearings

In the event of an OSMAP hearing, OSMAP shall notify the student and his/her parent(s)/guardian(s) of the date, time, and location of the hearing to be conducted by an OSMAP hearing officer, as designee of the Superintendent.

VII. Written Appeal to the School Board

A. The decision of the OSMAP hearing officer shall be final, unless the student files a written appeal with OSMAP within 10 calendar days of the date of the decision letter.

B. The School Board shall review the petition and the record of the OSMAP hearing as soon as practicable. The School Board’s decision on such nontraditional education placement or reassignment shall be final.

VIII. Attendance

As set forth in § 22.1-254 of the Virginia Code, a student who has been granted a nontraditional education plan and who fails to comply with the conditions of the plan shall be in violation of the compulsory school attendance laws. The Superintendent, or attendance officer of the school division in which such student was last enrolled, is authorized to seek the student’s immediate compliance with the compulsory school attendance laws.
Students in all nontraditional education programs shall receive quality instruction based on PWCS curriculum.

The Associate Superintendent for Student Learning and Accountability (or designee) is responsible for implementing and monitoring this regulation.

This regulation and related policy shall be reviewed at least every five years and revised as needed.
LIST OF SCHOOL REPORTABLE OFFENSES FOR WHICH A STUDENT MAY BE REASSIGNED BASED ON CHARGE; OR REASSIGNED, LONG-TERM SUSPENDED, OR EXPELLED FOR ADJUDICATION PERTAINING TO CHARGE

I. Firearms Offenses, pursuant to Virginia Code §§ 18.2-279 to 18.2-308.1

§ 18.2-279 Discharging firearms or missiles within or at building or dwelling house; penalty

§ 18.2-280 Willfully discharging firearms in public places

§ 18.2-281 Setting spring gun or other deadly weapon

§ 18.2-282 Pointing, holding, or brandishing firearm, air or gas operated weapon or object similar in appearance; penalty

§ 18.2-282.1 Brandishing a machete or other bladed weapon with intent to intimidate; penalty

§ 18.2-283 Carrying dangerous weapons to place of religious worship

§ 18.2-284 Selling or giving toy firearms

§ 18.2-285 Hunting with firearms while under influence of intoxicant or narcotic drug; penalty

§ 18.2-286 Shooting in or across road or in street

§ 18.2-300 Possession or use of “sawed-off” shotgun or rifle

§ 18.2-308 Carrying concealed weapons; exceptions; penalty

§ 18.2-308.1 Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty

II. Homicide, pursuant to Virginia Code §§ 18.2-30 to 18.2-36

§ 18.2-30 Murder and manslaughter declared felonies

§ 18.2-31 Capital murder defined; punishment

§ 18.2-32 First- and second-degree murder defined; punishment
§ 18.2-33 Felony homicide defined; punishment

§ 18.2-35 How voluntary manslaughter punished

§ 18.2-36 How involuntary manslaughter punished

III. Felonious Assault and Bodily Wounding pursuant to Virginia Code § 18.2-41 to 18.2-51

§ 18.2-41 Shooting, stabbing, etc., with intent to maim, kill, etc., by mob

§ 18.2-42.1 Acts of violence by mob

§ 18.2-51 Shooting, stabbing, etc., with intent to maim, kill, etc.

IV. Criminal Sexual Assault, pursuant to Virginia Code §§ 18.2-61 to 18.2-67.5

§ 18.2-61 Rape

§ 18.2-63 Carnal knowledge of child between thirteen and fifteen years of age

§ 18.2-64.1 Carnal knowledge of certain minors

§ 18.2-67.1 Forcible sodomy

§ 18.2-67.2 Object sexual penetration; penalty

§ 18.2-67.3 Aggravated sexual battery; penalty

§ 18.2-67.4 Sexual battery

§ 18.2-67.5 Attempted rape, forcible sodomy, object sexual penetration, aggravated sexual battery, and sexual battery

V. Manufacture, Sale, Gift, Distribution, or Possession of Schedule I or II Controlled Substances, pursuant to Article 1 (§§ 18.2-247, et. seq.) of Chapter 7 of Title 18.2

VI. Manufacture, Sale, Gift, Distribution, or Possession of Marijuana, pursuant to Virginia Code § 18.248

§ 18.2-248 Manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance prohibited; penalties
§ 18.2-248.1 Penalties for sale, gift, distribution, or possession with intent to sell, give, or distribute marijuana

VII. Arson and Related Crimes, pursuant to Virginia Code §§ 18.2-77 to 18.2-8

§ 18.2-77 Burning or destroying dwelling house, etc.

§ 18.2-79 Burning or destroying meeting house, etc.

§ 18.2-80 Burning or destroying any other building or structure

§ 18.2-81 Burning or destroying personal property, standing grain, etc.

§ 18.2-82 Burning building or structure while in such building or structure with intent to commit felony

§ 18.2-83 Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue

§ 18.2-84 Causing, inciting, etc., commission of act proscribed by §18.2-83

§ 18.2-85 Manufacture, possession, use, etc., of fire bombs or explosive materials or devices; penalties

§ 18.2-86 Setting fire to woods, fences, grass, etc.

§ 18.2-87 Setting woods, etc., on fire intentionally whereby another is damaged or jeopardized

§ 18.2-88 Carelessly damaging property by fire

VIII. Burglary and Related Offenses, pursuant to Virginia Code §§ 18.2-89 to 18.2-93

§ 18.2-89 Burglary; how punished

§ 18.2-90 Entering dwelling house, etc., with intent to commit murder, rape, robbery, or arson; penalty

§ 18.2-91 Entering dwelling house, etc., with intent to commit larceny, assault and battery, or other felony

§ 18.2-92 Breaking and entering dwelling house with intent to commit other misdemeanor
§ 18.2-93 Entering bank, armed, with intent to commit larceny

IX. Robbery, pursuant to Virginia Code § 18.2-58

§ 18.2-58 How punished

X. Prohibited Criminal Street Gang Activity, pursuant to Virginia Code §§ 18.2-46.2 to 18.2-46.3

§ 18.2-46.2 Prohibited criminal street gang participation; penalty

§ 18.2-46.3 Recruitment of persons for criminal street gang; penalty

XI. An Act of Violence by a Mob, pursuant to Virginia Code § 18.2-42.1