CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS

A. Purpose

The BLANK School Board seeks, through the adoption of this policy, to assure that the judgment of its members, officers and employees will be guided by a policy that defines and prohibits inappropriate conflicts and requires disclosure of economic interests as defined by the General Assembly in the State and Local Government Conflict of Interests Act (the Act).

B. Areas of Regulation

The Act establishes ~~five~~ six principal areas of regulation applicable to Board members, officers and employees of the BLANK School Division. They are:

- special anti-nepotism rules relating to School Board members and superintendents of schools
- general rules governing public conduct by School Board members regarding acceptance of gifts and favors
- prohibited conduct regarding contracts
- required conduct regarding transactions
- disclosures required from School Board members
- training requirements for elected School Board members[1]

C. Definitions

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

“Affiliated business entity relationship” means a relationship, other than a parent-subsidiary relationship, that exists when

- one business entity has a controlling ownership interest in the other business entity;
- a controlling owner in one entity is also a controlling owner in the other entity; or
- there is shared management or control between the business entities.

Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] Appointed school boards should not adopt this bullet.

business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means any individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency which involves the payment of money appropriated by the General Assembly or political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision of it.

“Council” means the Virginia Conflict of Interest and Ethics Advisory Council established in Va. Code § 30-355.

"Employee" means all persons employed by a governmental or advisory agency.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of Va. Code § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission or pass is used; honorary degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution or program's financial aid standards and procedures applicable to the general public; a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945 et seq.; any gift related to the private profession, occupation or volunteer service of the School Board member or employee or of a member of the School Board member’s or employee’s immediate family; food or beverages consumed while attending an event at which the School Board member or employee is performing official duties related to his public service; food and beverages received at or registration or attendance fees waived for any event at which the School Board member or employee is a featured speaker, presenter or lecturer; unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is given in recognition of public, civic, charitable or professional service; a devise or inheritance; travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945 et seq.); travel paid for or provided by the government of the United States, any of its territories or any state or any political subdivision of such state; travel

related to an official meeting of, or any meal provided for attendance at such meeting by, the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; gifts with a value of less than $20; attendance at a reception or similar function where food, such as hors d'oeuvres, and beverages that can be conveniently consumed by a person while standing or walking are offered; or gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or donee's spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, step-sister, the donee's brother's or sister's spouse or the donee's son-in-law or daughter-in-law. For the purpose of this definition, "personal friend" does not include any person that the School Board member or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the School Board. For purposes of this definition, "person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this policy.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the School Board member or employee and who is a dependent of the School Board member or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to a School Board member or employee or to a member of the immediate family of the School Board member or employee. Such interest shall exist by reason of

- ownership in a business if the ownership interest exceeds three percent of the total equity of the business;

- annual income that exceeds, or may reasonably be anticipated to exceed, $5,000 from ownership in real or personal property or a business;
- salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed $5,000 annually;
- ownership of real or personal property if the interest exceeds $5,000 in value and excluding ownership in a business, income or salary, other compensation, fringe benefits or benefits from the use of property;
- personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
- an option for ownership of a business or real or personal property if the ownership interest will consist of the first or fourth bullets above.

"Personal interest in a contract" means a personal interest which an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business which is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or governmental agency, or represents or provides services to any individual or business and such property, business, or represented or served individual or business is

- is the subject of the transaction or
- may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

Notwithstanding the foregoing, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee or elected member of a local governing body is appointed by the local governing body to serve on a governmental agency or an officer, employee or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is a result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member or member of his immediate family.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents

1. The School Board may not employ or pay, and the superintendent may not recommend for employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent or of a School Board member except as authorized ~~in Subsection D.2~~ below. This ~~provision~~ prohibition does not apply to the employment, promotion, or transfer within the school division, of any person within a relationship described above when such person
   - has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of the superintendent or any member of the Board; or
   - has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of such relationship; or
   - was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or superintendent.

   A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such Board member or superintendent or to the inception of such relationship.

2. Notwithstanding the rules stated in Subsection D.1. above, the School Board may employ or pay, and the superintendent may recommend for employment, any family member of a School Board member provided that
   - ~~a)~~ the member certifies that he had no involvement with the hiring decision; and
   - ~~b)~~ the superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the Board had any involvement with the hiring decision.

3. Notwithstanding the rules stated above, the School Board may employ or pay any family member of the superintendent provided that

   - the superintendent certifies that he had no involvement with the hiring decision; and
   - the assistant superintendent certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.

4. No family member (as listed in section D.1., above) of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

E. General Rules Governing Public Conduct by School Board Members and Employees Regarding Gifts and Favors

1. Prohibited Conduct

No member or employee of the Board, shall

- solicit or accept money, or anything else of value, for services performed within the scope of his or her official duties other than his or her regular compensation, expenses or other remuneration;
- offer or accept money, or anything else of value, for or in consideration of obtaining employment, appointment, or promotion of any person in the school division;
- offer or accept any money or anything else of value for or in consideration of the use of his public position to obtain a contract for any person or business with the school division.
- use for his or her own economic benefit, or anyone else's, confidential information gained by reason of his or her office, and which is not available to the public;
- accept any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence him or her in the performance of his or her official duties;
- accept any business or professional opportunity when he or she knows that there is a reasonable likelihood that the opportunity is being afforded him or her to influence his or her conduct in the performance of official duties;
- accept a gift from a person who has interests that may be substantially affected by the performance of the School Board member's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the Board member's or employee's impartiality in the matter affecting the donor;
- accept gifts from sources on a basis so frequent as to raise an appearance of the use of his or her public office or employment for private gain; or
- use his or her public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this prohibition shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law.

2. Prohibited Gifts

   For purposes of this subsection:

   "Person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

   "Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who are members of a public, civic, charitable or professional organization, (ii) who are from a particular industry or profession or (iii) who represent persons interested in a particular issue.

School Board members and employees required to file a Statement of Economic Interests as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not solicit, accept or receive any single gift with a value in excess of $100 or any combination of gifts with an aggregate value in excess of $100 within any calendar year for the School Board member or employee or a member of the School Board or employee's immediate family from any person that the School Board member or employee or a member of the School Board's or employee's immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Va, Code § 2.2-418 et seq.; (ii) a lobbyist's principal as defined in Va, Code § 2.2-419; or (iii) a person, organization, or business who is or is seeking to become a party to a contract with the School Board. Gifts with a value of less than $20 are not subject to aggregation for purposes of this prohibition.

Notwithstanding the above, School Board members and employees required to file a Statement of Economic Interests and members of their immediate families may accept or receive

- a gift of food and beverages, entertainment or the cost of admission with a value in excess of $100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the Statement of Economic Interests;
- a gift from a foreign dignitary with a value exceeding $100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed;
- certain gifts with a value in excess of $100 from a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board if such gift was provided to such School Board member or employee or a member of the immediate family of the School Board

member or employee on the basis of a personal friendship. A lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board may be a personal friend of such School Board member or employee or the immediate family of the School Board member or employee. In determining whether a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in Va. Code §§ 2.2-3117 or 30-111; and

- gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of $100 that is paid for or provided by a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board when the School Board member or employee has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to Va. Code § 30-356.1. Such gifts shall be reported on the Statement of Economic Interests.

The $100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

No person shall be in violation of this policy if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to $100 or less.

3. Awards to Employees for Exceptional Service

Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or other employee of BLANK School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

F. Prohibited Conduct Regarding Contracts

1. No School Board member or employee shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board;

2. Exceptions - The above prohibition is not applicable to:
   - a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board
   - an employee's own contract of employment
   - contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public
   - a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract
   - the sale, lease or exchange of real property between a School Board member or employee and the School Board, provided the Board member or employee does not participate in any way as a Board member or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the School Board or superintendent
   - the publication of official notices
   - contracts between the School Board and an officer or employee of the School Board when the total of such contracts between the School Board and the officer or employee of the School Board or a business controlled by the officer or employee does not exceed $5,000 per year or such amount exceeds $5,000 and is less than $25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Va. Code § 2.2-3115[2]
   - an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of $5,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have

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[2]This provision applies only to school boards in towns and cities with a population of less than 10,000. School boards in divisions in counties and in towns and cities with a population of 10,000 or more should delete this provision.

authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract

- contracts between an officer's or employee's governmental agency and a public service corporation, financial institution or company furnishing public utilities in which the officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating or approving the contract
- contracts for the purchase of goods or services when the contract does not exceed $500
- grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency
- an officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee
- employment contracts and other contracts entered into prior to August 1,1987, provided such contracts were in compliance with the Virginia Conflict of Interests Act (or the Comprehensive Conflict of Interests Act) at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. The employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of the persons is employed in a direct supervisory and/or administrative position with respect to the spouse or other relative residing in his household and the annual salary of the subordinate is $35,000 or more

G. Prohibited Conduct Regarding Transactions

1. Each School Board member and School Board employee who has a personal interest in a transaction
   a. shall disqualify himself from participating in the transaction if
      (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidiary or affiliated business entity relationship with the business in which he has a personal interest, or
      (ii) he is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d. of this policy.

   Any disqualification under this subsection shall be recorded in the School Board's public records. The School Board member or employee shall disclose his personal interests as required by Va. Code § 2.2-3115.F and shall not

vote or in any manner act on behalf of the School Board in the transaction. The member or employee shall not

(i) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is discussed; or

(ii) discuss the matter in which he has a personal interest with other governmental officers or employees at any time.

b. may participate in the transaction if he is a member of a business, profession, occupation, or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration requirements of Va. Code § 2.2-3115.H;

c. may participate in the transaction when a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115.I; or

d. may participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.

3. If disqualifications under subsection 1.a. of this section leave less than the number required by law to act, the remaining member or members of the Board shall constitute a quorum for the conduct of business and have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.

4. The provisions of this section shall not prevent a Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction.

H. Disclosure Requirements

1. School Board members[3] file, as a condition of assuming office, a disclosure statement of their personal interests and other information as is required on the form prescribed by the Council pursuant to Va. Code § 2.2-3117 and

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[3] This provision applies to school board members in counties, cities and towns with populations in excess of 3,500. Other divisions should not include this provision in their policy.

thereafter file such statement annually on or before February 1. The disclosure forms are filed and maintained as public records for five years in the office of the clerk of the School Board.

2. School Board members and employees required to file the Statement of Economic Interests who fail to file such form within the time period prescribed shall be assessed a civil penalty of $250. The clerk of the School Board shall notify the attorney for the Commonwealth for the locality of any School Board member's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing.

3. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.

4. Any Board member or employee who is required to disclose his interest under Section G.1.b. of this policy shall declare his interest by stating:
   - the transaction involved;
   - the nature of the Board member's or employee's personal interest affected by the transaction;
   - that he is a member of a business, profession, occupation or group the members of which are affected by the transaction; and
   - that he is able to participate in the transaction fairly, objectively, and in the public interest.

   The Board member or employee shall either make his declaration orally to be recorded in written minutes of the Board or file a signed written declaration with the clerk of the Board, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the Board member or employee shall prepare and file the required declaration by the end of the next business day. The Board member or employee shall also orally disclose the existence of the interest during each School Board meeting at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

5. A Board member or employee who is required to declare his interest pursuant to subdivision G.1.c. of this policy shall declare his interest by stating
   (i) the transaction involved;

(ii) that a party to the transaction is a client of his firm;
(iii) that he does not personally represent or provide services to the client; and
(iv) that he is able to participate in the transaction fairly, objectively and in the public interest.

The Board member or employee shall either make his declaration orally to be recorded in written minutes of the Board or file a signed written declaration with the clerk of the Board who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the Board member or employee shall prepare and file the required declaration by the end of the next business day.

I. Release of Disclosure Forms

A clerk of the School Board who releases any disclosure form shall redact from the form any residential address, personal telephone number or signature contained on such form.

J. Deadlines and Coverage Periods for Disclosure Forms

A School Board member or employee required to file an annual disclosure on or before February 1 shall disclose his personal interests and other information as required on the form prescribed by the Council for the preceding calendar year complete through December 31.

An School Board member or employee required to file a disclosure as a condition to assuming office or employment shall file such disclosure on or before the day such office or position of employment is assumed and disclose his personal interests and other information as required on the form prescribed by the Council for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the office or position of employment is assumed; however, any School Board member or employee who assumes office or a position of employment in January shall be required to only file an annual disclosure on or before February 1 for the preceding calendar year complete through December 31.

When the deadline for filing any disclosure falls on a Saturday, Sunday or legal holiday, the deadline for filing shall be the next day that is not a Saturday, Sunday or legal holiday.

K. Training Requirements for Elected School Board Members[4]

Each elected school board member completes the training session provided by the Council within two months after assuming office and thereafter at least once during each consecutive period of two calendar years while holding office.

The clerk of the School Board maintains records indicating school board members subject to the training requirement and the dates of their completion of training sessions. Such records are maintained as public records for five years in the clerk's office.

L. Advisory Opinions

School Board members or employees subject to the Act may seek written opinions regarding the Act from the local Commonwealth's attorney; the local [**SELECT ONE:** county, city or town] attorney; or the Council. Good faith reliance on any such written opinion of the Commonwealth Attorney or a formal opinion or written informal advice of the Council made in response to a written request for such opinion or advice regardless of whether such opinion or advice is later withdrawn, provided that the alleged violation occurred prior to the withdrawal of the opinion or advice bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. If the School Board member or employee relies on the opinion of the attorney for the Commonwealth in a prosecution for a knowing violation of the Act, the written opinion of the attorney for the Commonwealth shall be a public record and shall be released upon request. An opinion of the [**SELECT ONE:** county, city or town] attorney may be introduced at trial as evidence that the School Board member or employee did not knowingly violate the Act.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3118.2, 2.2-3119, 2.2-3121, ~~2.2-3124~~ 2.2-3124, 2.2-3132 and 30-356.

Cross Ref.:		
	CBCA	Disclosure Statement Required of Superintendent
	GAH	School Employee Conflict of Interests
	GCCB	Employment of Family Members

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[4] Appointed school boards should not adopt this section.

CALLING AND CERTIFICATION OF CLOSED MEETINGS

A. No closed meetings ~~shall be~~ are held by the School Board or any committee[1] thereof unless the School Board or committee has taken an affirmative recorded vote in an open meeting approving a motion which (i) identifies the subject matter, (ii) states the purpose of the meeting as authorized in Va. Code § 2.2-3711.A or other provision of law and (iii) cites the applicable exemption or exemptions from open meeting requirements provided in the Virginia Freedom of Information Act (FOIA) or other provision of law. The matters contained in such motion ~~shall be~~ are set forth in detail in the minutes of the open meeting. A general reference to the provisions of FOIA or authorized exemptions from open meeting requirements, or the subject matter of the closed meeting ~~shall not be~~ is not sufficient to satisfy the requirements for holding a closed meeting.

B. The School Board, or committee thereof, in holding a closed meeting, ~~shall restrict~~ restricts its discussion during the closed meeting only to those purposes specifically exempted under FOIA and identified in the motion required in ~~subsection~~ Section A, above.

C. At the conclusion of any closed meeting, the School Board or committee thereof ~~shall immediately reconvene~~ immediately reconvenes in an open meeting and ~~shall take~~ takes a roll call or other recorded vote to be included in the minutes, certifying that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting. Any member of the Board or committee who believes that there was a departure from the requirements of ~~subdivisions~~ (i) and (ii) above, ~~shall so state~~ so states prior to the vote, indicating the substance of the departure that, in ~~his~~ the member's judgment, has taken place. The statement ~~shall be~~ is recorded in the minutes of the meeting.

D. Failure of the certification required by ~~subsection~~ Section C, above, to receive the affirmative vote of a majority of the members present during a meeting ~~shall~~ does not affect the validity or confidentiality of such meeting with respect to matters considered therein in compliance with these provisions. The recorded vote and any statement made in connection therewith, ~~shall~~ upon proper authentication, ~~constitute~~ constitutes evidence in any proceeding brought to enforce ~~the Virginia Freedom of Information Act~~ FOIA.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] "Committee" includes subcommittees and other entities, however designated, of the School Board created to perform delegated functions of the Board or to advise the Board. It does not exclude any such committee, subcommittee or entity because it has private sector or citizen members.

E. Except as specifically authorized by law, in no event may the School Board or committee thereof take action on matters discussed in any closed meeting, except at an open meeting for which notice was given pursuant to Va. Code § 2.2-3707.

F. The School Board is subject to a civil penalty of up to $1,000 if a court finds that the Board voted to certify a closed meeting in accordance with Section C above and such certification was not in accordance with FOIA.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, ~~§ 2.2-3701, 2.2-3712.~~ §§ 2.1-3701, 2.2-3712 and 2.2-3714.

Cross Refs.:

BCE	School Board Committees
BCEA	Disciplinary Committee
BCF	Advisory Committees to the School Board
BDC	Closed Meetings
BDDA	Notification of School Board Meetings

VOTING METHOD

Each School Board member's vote on every decision is recorded in the minutes of the meeting. The minutes of the meeting also reflect the method and result of all votes. No votes are taken by secret or written ballot.

In any case in which there is a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after complying with this procedure or in any case in which there is a tie vote when all the members of the School Board are present, the clerk shall record the vote and immediately notify the tie breaker, if any[1], to vote as provided in the Code of Virginia § 22.1-75. If no tie breaker has been appointed or elected as authorized by state law, any tie vote shall defeat the motion, resolution or issue voted upon.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3710, 22.1-57.3, 22.1-75.

Cross Refs.: BDD Electronic Participation in Meetings from Remote Locations
BDDG Minutes

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[1] Va. Code §§ 15.2-410, 15.2-531, 15.2-627, 15.2-837, 22.1-40, 22.1-44, and 22.1-47 provide that ~~counties~~ county school boards may have tie breakers in certain circumstances. In addition, Va. Code § 22.1-57.3 provides that a tie breaker may be elected for elected school boards. School divisions which do not have tie breakers may want to delete this sentence and the first phrase of the final sentence in the text.

PAYROLL PROCEDURES

All salaries and supplements paid to all employees ~~will be~~ are paid in accordance with the schedule approved by the School Board. If the School Board ~~receives a waiver from the Board of Education permitting it to require students to attend~~ sets the school calendar so that the first day students are required to attend occurs prior to August 15, the ~~School~~ Board shall establish a payment schedule to ensure that all contract personnel are compensated for time worked within the first month of employment. The school division ~~will maintain~~ maintains records that accurately reflect the compensation and related benefits of each employee.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.

Cross Refs.:

DK	Payment Procedures
DLB	Salary Deductions
IC/ID	School Year/School Day

SCHOOL CRISIS, EMERGENCY MANAGEMENT AND MEDICAL EMERGENCY RESPONSE PLAN

Each school develops a written school crisis, emergency management and medical emergency response plan as defined below. The School Board includes the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. The School Board and the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the regional emergency medical services council, and the emergency management official of the locality, or their designees, annually ~~reviews~~ review each school's ~~plan and provides copies of such plans to the chief law-enforcement officer, the fire chief, the chief emergency medical services official and the emergency management official of the locality.~~ plan. The Department of Education and the Virginia Center for School and Campus Safety will provide technical assistance to the school division in the development of the plans. In developing these plans, schools may consult the model school crisis, emergency management, and medical emergency response plan developed by the Board of Education and the Virginia Center for School and Campus Safety.

The School Board designates INSERT NAME OR POSITION HERE as emergency manager.

Each school annually conducts school safety audits as defined below. The results of such school safety audits are made public within 90 days of completion. The School Board may withhold or limit the release of any security plans, walk-through checklists and specific vulnerability assessment components as provided in the Virginia Freedom of Information Act, Va. Code § 2.2-3705.2. The completed walk-through checklist will be made available upon request to the chief law-enforcement officer of the locality or that officer's designee. Each school maintains a copy of the school's safety audit, which may exclude such security plans, walk-through checklists and vulnerability assessment components, within the office of the school principal and makes a copy of such report available for review upon written request.

Each school submits a copy of its school safety audit to the superintendent. The superintendent collates and submits all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

The superintendent establishes a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards and judicial and public safety personnel. The school safety audit committee reviews the completed school safety

audits and submits any plans, as needed, for improving school safety to the superintendent for submission to the School Board.

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel or facilities. The plan includes a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in Va. Code § 19.2-11.01, as well as current contact information for both.

"School safety audit" means a written assessment of the safety conditions in each public school to (1) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (2) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses include recommendations for structural adjustments, changes in school safety procedures and revisions to the School Board's standards for student conduct.

Each school has contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first aid.

In addition, the school administration ensures that the school has:

- written procedures to follow in emergencies such as fire, injury, illness, allergic reactions and violent or threatening behavior. The procedures include Policy JHCD Administering Medicine to Students. The plan is outlined in the student handbook and discussed with staff and students during the first week of each school year;
- space for the proper care of students who become ill;
- a written procedure, in accordance with guidelines established by the School Board, for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity; and
- written procedures to follow for the safe evacuation of persons with special physical, medical or language needs who may need assistance to exit a facility.

Adopted:

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Legal Refs: Code of Virginia, 1950, as amended, §§ 2.2-3705.2, 22.1-279.8.

Acts 2006, c. 164.

8 VAC 20-131-260.

Cross Refs.:

CLA	Reporting Acts of Violence and Substance Abuse
EBAA	Reporting of Hazards
EBBA	Emergency First Aid, CPR and AED Certified Personnel
EBCB	Safety Drills
EEAB	School Bus Scheduling and Routing
GBEB	Staff Weapons in School
JFC	Student Conduct
JFC-R	Standards of Student Conduct
JFCD	Weapons in School
JFCE	Gang Activity or Association
JHCD	Administering Medicines to Students
JHH	Suicide Prevention
JO	Student Records
KK	School Visitors

THREAT ASSESSMENT TEAMS

The superintendent ~~will establish~~ establishes a threat assessment team for each school. Teams may serve one or more schools as determined by the superintendent. The teams ~~will~~ assess and intervene with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety including procedures for referrals to community services boards or health care providers for evaluation or treatment when appropriate.

Each team ~~will include~~ includes persons with expertise in counseling, instruction, school administration and law enforcement. Each team ~~will~~

- ~~provide~~ provides guidance to students, faculty and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school or self;
- ~~identify~~ identifies members of the school community to whom threatening behavior should be reported; and
- ~~implement~~ implements policies adopted by the School Board.

A principal who has received information that a juvenile is a suspect in or has been charged with certain violations of law pursuant to Va. Code § 16.1-301 may provide such information to a threat assessment team. No member of a threat assessment team may disclose any such information or use such information for any purpose other than evaluating threats to students and school personnel.

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~~ immediately reports its determination to the superintendent or superintendent's designee. The superintendent or superintendent's designee ~~shall immediately attempt~~ immediately attempts to notify the student's parent or legal guardian. Nothing in this policy precludes school division personnel from acting immediately to address an imminent threat.

Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in Va. Code §§ 19.2-389 and 19.2-389.1, and health records, as provided in Va. Code § 32.1-127.1:03. No member of a threat assessment team ~~shall redisclose~~ rediscloses any criminal history record information or health information obtained pursuant to this policy or otherwise ~~use~~ uses any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

Each threat assessment team ~~will report~~ collects and reports to the Virginia Center for School and Campus Safety (the Center) quantitative data on its

activities ~~according to guidance developed by the Department of Criminal Justice Services.~~ using the case management tool developed by the Center.

The superintendent may establish a committee to oversee the threat assessment teams or may assign the oversight of the teams to an existing committee. If such a committee is established, it will include individuals with expertise in human resources, education, school administration, mental health and law enforcement.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 16.1-301, 22.1-79.4.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	EB	School Crisis, Emergency Management and Medical Emergency Response Plan
	JFC	Student Conduct
	JFCD	Weapons in School
	JFC-R	Standards of Student Conduct
	JFCI	Substance Abuse-Student Assistance Program
	JGD/JGE	Student Suspension/Expulsion
	JDGA	Disciplining Students with Disabilities
	JFCE	Gang Activity or Association
	JFCC	Student Conduct on School Buses
	JHH	Suicide Prevention
	JM	Restraint and Seclusion of Students
	JO	Student Records
	KNAJ	Relations with Law Enforcement Authorities

SAFETY DRILLS

Fire Drills

Each school holds a fire drill at least twice during the first 20 school days of each session. Each school holds at least two additional fire drills during the remainder of the school session. Evacuation routes for students are posted in each room. No fire drills are conducted during periods of mandatory testing required by the Board of Education.

Lock-Down Drills

Each school has a lock-down drill at least twice during the first 20 school days of each school session. Each school holds at least two additional lock-down drills during the remainder of the school session. Lock-down plans and drills are in compliance with the Statewide Fire Prevention Code, Va. Code § 27-94 et seq.

School Bus Emergency Drills

Each school having school buses holds a drill in leaving school buses under emergency circumstances at least once during the first ninety calendar days of each school session and more often if necessary.

Tornado Drills

There is at least one tornado drill every school year in every school.

Emergency Situations

In addition to the drills mentioned above, the School Board provides training to each student and employee at least once each school year on safety procedures in the event of an emergency situation on school property.

Adopted:

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Legal Refs.: Code of Virginia, §§ 22.1-137, 22.1-137.1, 22.1-137.2, 22.1-137.3, 22.1-184.

Acts 2006, c. 164.

8 VAC 20-131-260.

Cross Refs.: EB School Crisis, Emergency Management and Medical Emergency Response Plan

© ~~2/18~~ 5/19 VSBA

ELECTRONIC ROOM PARTITIONS

No school employee opens or closes an electronic room partition in any school building unless

i. no student is present in such building,
ii. (a) no student is present in the room or area in which such partition is located and
(b) such room or area is locked or otherwise inaccessible to students, or
iii. such partition includes a safety sensor that automatically stops the partition when a body passes between the leading edge and a wall, an opposing partition, or the stacking area.

Any annual safety review or exercise for school employees includes information and demonstrations, as appropriate, regarding the provisions of the previous paragraph.

Adopted:

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Legal Refs.: Code of Virginia, § 22.1-138.

Cross Refs.: EB Safety Drills

~~FREE AND REDUCED PRICE~~ FOOD SERVICES

Generally

Employees of BLANK School Board do not require a student who cannot pay for a meal at school or who owe a school meal debt to do chores or other work to pay for such meals or wear a wristband or hand stamp.

The BLANK school division provides free and reduced price breakfasts, lunches and milk to students according to the terms of the National School Lunch Program, the National School Breakfast Program and the Special Milk Program.[1]

Competitive foods, as defined herein, comply with state and federal requirements.[2]

Free and Reduced Price Food Services

School officials determine student eligibility based on guidelines established by federal law. Eligible students are provided nutritionally acceptable meals and milk free or at a reduced cost if state and federal resources for school food programs are available. The superintendent or superintendent's designee establishes ~~rules and~~ regulations or procedures as needed to implement this policy.

The criteria for determining a student's eligibility and the procedures for securing free and reduced price meals and milk is publicly announced at the beginning of each school year and provided to parents of all children in attendance at BLANK public schools.

If the School Board collects information to determine eligibility for participation in the National School Breakfast Program or the National School Lunch Program, it posts prominently on its website a web-based application for student participation in such program and provides a paper-based application.

~~The division's policy with regard to situations in which a student who is eligible for a reduced-price meal does not have money on account or in hand to cover the portion of the cost of the meal at the time of service is stated in Policy JHCH School Meals and~~

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[1] If the division does not participate in all three programs, the policy should be adapted accordingly. Virginia law requires school boards to establish a school breakfast program in any school in which twenty five percent or more of enrolled children were approved eligible to receive free or reduced price meals in the federally funded lunch program during the previous school year.

[2] School boards may impose additional restrictions on competitive foods, provided that they are not inconsistent with federal regulations.

~~Snacks. Policy JHCH School Meals and Snacks is delivered to all households at the start of the school year and to households that transfer into the school division during the school year.~~

~~The students who participate in the free or reduced-cost meals and milk programs are not overtly identified, distinguished or served differently than other students.~~ Employees of BLANK School Board do not physically segregate, overtly identify, or otherwise discriminate against any child eligible for free or reduced price meals.

Definitions

"Competitive food" means all food and beverages other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the school campus during the school day. Competitive foods meet the nutrient guidelines established by the Board of Education, including the guidelines for calories, fat, sugar and sodium.

"Fundraiser" means a school-sponsored activity where food or nonfood items are sold on the school campus during regular school hours by a school-sponsored organization to raise money for a school-related program or activity. One fundraiser is defined as one or more fundraising activities by one or more school-sponsored organizations that last one school day. If multiple school-sponsored organizations conduct fundraisers on the same day, the combined activities are counted as one fundraiser. If a fundraising activity lasts more than one school day, each subsequent day's activity is considered as one fundraiser and counts toward the total number of permitted fundraisers.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

"School day" means the period from the midnight before to 30 minutes after the end of the official school day.

School Sponsored Fundraisers[3]

Each school may conduct ____[4] school-sponsored fundraisers per school year during which food that does not meet the nutrition guidelines for competitive foods may

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FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[3] School boards may, but are not required to, permit schools to conduct fundraisers at which competitive foods that do not meet the otherwise applicable nutrition standards are available for sale to students. A board which does not permit any such fundraisers should not adopt this section of this policy or the definition of "fundraiser".

be available for sale to students. Fundraisers are not conducted during school meal service times.

Unpaid Meal Charges[5]

Students[6] who do not have money on account or in hand to cover the cost of a meal[7] at the time of service **CHOOSE ONE** [may be permitted to charge the meal] **OR** [may be given an alternative meal **OR** [insert local practice].[8] Students may charge no more than [$___ OR ___ meals] to their accounts.[9]

A student carrying a negative balance of $ ___ or more is not permitted to charge any additional amounts. A student who is not permitted to charge any additional amounts is permitted to buy a meal if the student has cash on hand. Reasonable efforts are used to avoid calling attention to a student's inability to pay.

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[4] Each school board that permits fundraisers must select the number of school-sponsored fundraisers that will be permitted. The maximum number permitted is 30.

[5] The U.S. Department of Agriculture directs divisions which participate in the federal school meals programs to have in place a written and clearly communicated system to address meal charges. SP 23-2017 Unpaid Meal Charges: Guidance and Q&A, March 23, 2017. This section of the policy establishes such a system. Divisions which prefer to establish such a system via another method, such as a regulation written and updated by the superintendent, may do so.

[6] Divisions may choose to create different rules for students at different grade levels.

[7] This policy assumes that students are not permitted to charge a la carte or extra items. If a division does permit students to charge such items, the policy, or an accompanying regulation, should clarify that fact.

[8] Neither state nor federal law requires schools to permit students to charge meals or to provide alternative meals. If the division charges students for alternative meals, that information should be included here.

[9] If the division does not permit students to charge meals, the policy should be adjusted accordingly.

Notice of low or negative balances in a student's meal account[10] are sent[11] to parents and the school principal. Parents are expected to pay all meal charges in full by the last day of the school year.

If a parent regularly fails to provide meal money or send food to school with the student and the student does not qualify for free or reduced benefits, the child nutrition director[12] will inform the principal, who will determine the next course of action, which may include notifying the department of social services of suspected child neglect and/or taking legal steps to recover the unpaid meal charges.[13]

The superintendent or superintendent's designee ensures that federal child nutrition funds are not used to offset the cost of unpaid meals and that the child nutrition program is reimbursed for bad debt.[14] In order to accomplish those goals, the following procedures[15] are followed:

- At least one written notice is provided to a student and the student's parent or guardian prior to the student being denied reimbursable meals for exceeding the division's charge limit.
- If payment of the negative balance is not received within ___ working days of the maximum charge limit being reached, the debt will be turned over to the superintendent or superintendent's designee for collection. If the debt is not paid within ___ days of notice being given, it is considered bad debt for the purposes of federal law concerning unpaid meal charges.

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[10] Divisions may want to provide more detail regarding the points at which notice will be sent either in the policy or in an accompanying regulation. For example, a division may provide notice any time the balance in an account reaches a certain point and/or may provide a periodic report regardless of the balance in the account.

[11] Notice may be given by a letter addressed to the parent and sent home with the student.

[12] Divisions may substitute the title of a different staff person.

[13] Any other steps that the division may take to recover funds should be added here.

[14] The U.S. Department of Agriculture directs that information regarding the collection of delinquent meal charge debt be included in the division's written system. More information regarding how federal regulations apply to the nonprofit school food service account (NSFSA) may be found in SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016, https://www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf.

[15] Any additional procedures followed in the division should be included here or in an accompanying regulation.

Recordkeeping

The BLANK School Board is responsible for maintaining records that document compliance with this policy. Those records include documentation used to assess the nutritional profile of food items and determine whether a food item is an allowable competitive food, such as recipes, nutrition labels and/or product specifications for the competitive food available for sale to students.

The School Board is also responsible for

- maintaining records documenting compliance with the competitive food nutrition standards for food available for sale in areas that are outside of the control of the school nutrition programs operations,
- ensuring any organization or school activity designated as responsible for food service at the various venues in the school, other than the school nutrition programs, maintains records documenting compliance with the competitive food nutrition standards,
- maintaining records each school year documenting the number of exempt fundraisers, if any, conducted at each school within the division, and
- designating an individual at the division or school level to monitor and ensure compliance with this policy in all areas that are outside the control of the school nutrition programs operation. The designee may not be a school nutrition personnel.

Adopted:

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Legal Refs.: 42 U.S.C. §§ 1758, 1772 and 1773.

7 C.F.R. §§ 210.9, 210.11, 220.20, 245.5, 245.8.

U.S. Department of Agriculture, SP 23-2017 Unpaid Meal Charges: Guidance and Q&A, March 23, 2017.

U.S. Department of Agriculture, SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016.

Code of Virginia, 1950, as amended, ~~§~~ §§ 22.1-79.7, 22.1-207.2:1, ~~22.1-207.3.~~ 22.1-207.3, 22.1-207.4, 63.2-1509.

~~8 VAC 20-290-10.~~

8 VAC 20-740-10.

8 VAC 20-740-30.

8 VAC 20-740-35.

Cross Refs:

GAE	Child Abuse and Neglect Reporting
JHCF	Student Wellness
~~JHCH~~	~~School Meals and Snacks~~

EDUCATIONAL FACILITIES SPECIFICATIONS

To ensure that all new and remodeled facilities are designed to best implement the educational program, the superintendent provides for the development of detailed educational specifications to apply to the design and construction of new buildings. Educational specifications include detailed descriptions of:

- All the activities that are expected to take place in the building;
- The curriculum to be housed in the building;
- Specific architectural characteristics desired; and
- The facilities needed, their equipment requirements, and their relationship to other facility elements.

When educational specifications are prepared, an introductory section is included containing a brief description of the community and the educational philosophy of the division. Consultants may be used in the development of educational specifications when deemed necessary by the superintendent and approved by the School Board.

The School Board consults with the local building official and the state or local fire marshal to develop a procurement plan to ensure that all security enhancements to public school buildings are in compliance with the Uniform Statewide Building Code and Statewide Fire Prevention Code.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-79, 22.1-138.

Cross Refs.:

AF	Comprehensive Plan
FA	Facilities Development
FB	Facilities Planning
FECBA	Energy-Conserving Construction
FECBB	Accommodations for the Disabled
FEG	Construction Planning

CONSTRUCTION PLANNING

No public school building or addition or alteration thereto, for either permanent or temporary use, is advertised for bid, contracted for, erected or otherwise acquired until the plans and specifications therefor

- have been approved in writing by the ~~superintendent and~~ superintendent;
- are accompanied by a statement by an architect or professional engineer licensed by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects that such plans and specifications are, in the professional opinion and belief of the architect or professional engineer, in compliance with the regulations of the Board of Education and the Uniform Statewide Building ~~Code.~~ Code; and
- have been reviewed by an individual or entity with professional expertise in building security and crime prevention through building design.

The superintendent's approval, architect's or engineer's ~~statement~~ statement, all reviewers' comments, and a copy of the final plans and specifications are submitted to the Superintendent of Public Instruction.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-140.

Cross Ref: FEA Educational Facilities Specifications

PERSONNEL POLICIES GOALS

The goal of the employment policies and practices of the BLANK School Board is to promote the employment and retention of highly qualified personnel to effectively serve the educational needs of students.

No employee, contractor or agent of the BLANK School Board may assist a school board employee, contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the employee, contractor or agent knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of law. This prohibition does not apply if the information giving rise to probable cause

1. A. has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and
   B. has been properly reported to any other authorities as required by federal or state law, including title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and the regulations implementing it and
2. A. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor or agent engaged in sexual misconduct regarding a minor in violation of law;
   B. the school employee, contractor or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
   C. the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor or agent within 4 years of the date on which the information was reported to a law enforcement agency.

Adopted:

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Legal Ref.: 20 U.S.C. § 7926.

Code of Virginia, 1950, as amended, ~~§~~ §§ 22.1-79.8, 22.1-295.

~~Acts 2018, c. 513.~~

Cross Refs.:

AC	Nondiscrimination
~~GAE/JHG~~ GAE	Child Abuse and Neglect Reporting
GB	Equal Employment Opportunity/Nondiscrimination
GBL	Personnel Records
GBN	Staff Hiring Procedure

ACCEPTABLE COMPUTER SYSTEM USE

The school board provides a computer system, including the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and internal or external networks. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

All use of the division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Inappropriate use may result in cancellation of those privileges, disciplinary action, and/or legal action. Any communication or material generated using the computer system, including electronic mail, social media posts, instant or text messages, tweets, and other files, including communications and materials deleted from a user's account, may be monitored, read, and/or archived by division staff.

This policy applies to all users of the division's computer system. By using or accessing the computer system, the user agrees to abide by this policy.

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocols for use of the computer system. It is the user's responsibility to know and follow this policy and the Technology Use Guidelines.

The Guidelines include:

(1) a prohibition against use of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;

(2) provisions, including the selection and operation of a technology protection measure for the division's computers having internet access to filter or block internet access through such computers, that seek to prevent access to:
   a. child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
   b. obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and
   c. material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;

(3) provisions establishing that the technology protection measure is enforced during any use of the division's computers;

(4) provisions establishing that all usage of the computer system may be monitored;

(5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;

(6) provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful online activities;

(7) provisions requiring every user to protect the security of information necessary to access the computer system, such as usernames and passwords, and prohibiting the sharing of passwords;

(8) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and

(9) a component of internet safety for students that is integrated in the division's instructional program.

Use of the school division's computer system shall be consistent with the educational or instructional mission or administrative function of the division as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

The division's computer system is not a public forum.

Users of the division's computer system have no expectation of privacy for use of the division's resources or electronic devices including non-division owned devices while connected to division networks or computer resources.

Software and/or services may not be installed or downloaded on the division's computer system without the prior approval of the superintendent or superintendent's designee.

~~Each user of the division's computer system and a parent/guardian of each student user shall sign the Acceptable Computer System Use Agreement, GAB-E1/IIBEA-E2, before using the division's computer system.~~ The failure of any user to follow the terms ~~of the Agreement,~~ this policy or the Technology Use Guidelines may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The school board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information

retrieved via the internet. Furthermore, the school board will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

The school board will review, amend if necessary, and approve this policy every two years.

Adopted:

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Legal Refs: 18 U.S.C. §§ 1460, 2256.

47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2, and 22.1-78.

Cross Refs.:		
	EGAA	Reproduction and Use of Copyrighted Materials
	GAB-R/IIBEA-R	Technology Use Guidelines
	GBA/JHFA	Prohibition Against Harassment and Retaliation
	GCPD	Professional Staff Discipline
	GCQB	Staff Research and Publishing
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct

ACCEPTABLE COMPUTER SYSTEM USE AGREEMENT

Each employee must sign this Agreement as a condition for using the School Division's computer system. Each student and his or her parent/guardian must sign this Agreement before being permitted to use the School Division's computer system. Read this Agreement carefully before signing.

Prior to signing this Agreement, read Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R, Acceptable Computer System Use. If you have any questions about this policy or regulation, contact your supervisor or your student's principal.

I understand and agree to abide by the School Division's Acceptable Computer System Use Policy and Regulation. I understand that the School Division may access, monitor, and archive my use of the computer system, including my use of the internet, e-mail and downloaded material, without prior notice to me. I further understand that should I violate the Acceptable Use Policy or Regulation, my computer system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

Student/Employee Signature _____ Date_____

Student/Employee Name_____
(Please Print)

I have read this Agreement and Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R. I understand that access to the computer system is intended for educational purposes and the **BLANK** School Division has taken precautions to eliminate inappropriate material. I also recognize, however, that it is impossible for the School Division to restrict access to all inappropriate material and I will not hold the School Division responsible for information acquired on the computer system. I have discussed the terms of this agreement, policy, and regulation with my student.

I grant permission for my student to use the computer system in accordance with BLANK School Division's policies and regulations and for the School Division to issue an account for my student.

Parent/Guardian Signature _____Date _____

Parent/Guardian Name _____
(Please Print)

~~ACCEPTABLE COMPUTER SYSTEM USE~~ TECHNOLOGY USE GUIDELINES

All use of the **BLANK** School Division's computer system shall be consistent with the school board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and any other internal or external network. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

Computer System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.

2. **Privilege.** The use of the division's computer system is a privilege, not a right.

3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
   - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
   - sending, receiving, viewing or downloading illegal material via the computer system.
   - unauthorized downloading of software.
   - using the computer system for private financial or commercial purposes.
   - wastefully using resources, such as file space.
   - gaining unauthorized access to resources or entities.
   - posting material created by another without his or her consent.
   - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
   - using the computer system while access privileges are suspended or revoked.
   - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
   - intimidating, harassing, bullying, or coercing others.
   - threatening illegal or immoral acts.

4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
   - be polite.
   - users shall not forge, intercept or interfere with electronic mail messages.

- use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
- users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
- users shall respect the computer system's resource limits.
- users shall not post chain letters or download large files.
- users shall not use the computer system to disrupt others.
- users shall not modify or delete data owned by others.

5. **Liability.** The school board makes no warranties for the computer system it provides. The school board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to or arising out of any violation of these procedures.

6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.

7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.

8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.

9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

10. **Enforcement.** Software will be installed on the division's computers having internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored

manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by school board policy, or legal action.**

Adopted:

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Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

~~Guidelines and Resources for Internet Safety in Schools, Virginia Department of Education (Second Edition October 2007)~~

Cross Refs:

GAB/IIBEA	Acceptable Computer System Use
GCPD	Professional Staff Discipline
JFC	Student Conduct
JFC-R	Standards of Student Conduct

CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

Every employee of BLANK School Board who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

Notice of Reporting Requirement

The School Board posts in each school a notice that

- any teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and
- all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

Complaints of Abuse and Neglect

The School Board and the local department of social services have adopted a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student. The interagency agreement is based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services. The School Board reports substantial modifications of the agreement to the Board of Education.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ ~~22.1-253.13:7.A,~~ 22.1-253.13:7, 22.1-291.3, 63.2-1509, 63.2-1511.

Cross Refs.:

EFB	Food Services
JFHA/GBA	Prohibition Against Harassment and Retaliation
GA	Personnel Policies Goals
GBLA	Third Party Complaints Against Employees

~~TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS~~ TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

~~Smoking, chewing or any other use of any tobacco products by staff, students, and visitors is prohibited on school property.~~

~~For purposes of this policy,~~

1. ~~"School property" means:~~

   a. ~~All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.~~

   b. ~~Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services;~~

   c. ~~All vehicles used by the division for transporting students, staff, visitors or other persons.~~

2. ~~"Tobacco" includes cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" includes cloves or any other product packaged for smoking.~~

3. ~~"Smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.~~

~~This policy shall be published in student and employee handbooks, posted on bulletin boards and announced in meetings.~~

~~Each principal shall post signs stating "No Smoking," or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every school cafeteria and other dining facility in the school.~~

~~Staff and students found to be in violation of this policy shall be subject to appropriate disciplinary action.~~

~~Designated Smoking Areas~~

~~The School Board may direct the superintendent to issue regulations designating smoking areas on school grounds outside buildings.~~

~~Electronic Cigarettes~~

~~Students are prohibited from possessing electronic cigarettes on school buses, on school premises and at school-sponsored activities.~~

~~All other persons are prohibited from using electronic cigarettes on school premises and school vehicles.~~

Generally

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

Definitions

“Nicotine vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative

nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

Adopted

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Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ ~~15.2-2820, 15.2-2824, 15.2-2825, 15.2-2827,~~ 18.2-371.2, 22.1-79.5, 22.1-279.6.

Cross Refs.:

CLA	Reporting Acts of Violence and Substance Abuse
~~GBECA~~	~~Electronic Cigarettes~~
~~JFCH~~	~~Tobacco-Free School for Staff and Students~~
JFC-R	Standards of Student Conduct
JFCH/KGC	Tobacco Products and Nicotine Vapor Products
KG	Community Use of School Facilities
KGB	Public Conduct on School Property
~~KGC~~	~~Use of Tobacco and Electronic Cigarettes on School Premises~~

ELECTRONIC CIGARETTES

The use of electronic cigarettes is prohibited on school buses, on school premises and at school-sponsored activities.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.5.

Cross Refs.: GBEC/JFCH Tobacco-Free School for Staff and Students
JFC-R Standards of Student Conduct
KG Community Use of School Facilities
KGB Public Conduct on School Property
KGC Use of Tobacco and Electronic Cigarettes on School Premises

EMPLOYMENT OF FAMILY MEMBERS

A. The School Board may not employ or pay, and the superintendent may not recommend for employment, any family member of the superintendent or of a School Board member except as authorized ~~in Subsection B~~ below. This prohibition does not apply to the employment, promotion, or transfer within the school division of any family member who

- has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of the superintendent or any School Board member, or
- has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of the family relationship, or
- was employed by the School Board at any time prior to June 10, 1994 and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or the superintendent.

A family member employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such Board member or superintendent or to the inception of such relationship.

B. Notwithstanding the rules stated in Section A above, the School Board may employ or pay and the superintendent may recommend for employment, any family member of a School Board member provided that

~~1)~~ • the member certifies that he had no involvement with the hiring decision; and

~~2)~~ • the superintendent certifies to the remaining members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that no member of the Board had any involvement with the hiring decision.

C. Notwithstanding the rules stated in Section A above, the School Board may employ or pay any family member of the superintendent provided that

- the superintendent certifies that he had no involvement with the hiring decision; and
- the assistant superintendent certifies to the members of the School Board in writing that the recommendation is based upon merit and fitness and the competitive rating of the qualifications of the individual and that the superintendent had no involvement with the hiring decision.

~~C.~~ D. No family member of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or

administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

~~D.~~ E. Family members are defined as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, § 2.2-3119.

Cross Ref.:

BBFA	Conflict of Interests and Disclosure of Economic Interests
GCI	Professional Staff Assignments and Transfers

EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT

Generally

The Board will not hire or continue the employment of any part-time, full-time, temporary, or permanent personnel who are determined to be unsuited for service by reason of criminal conviction or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services.

I. APPLICANTS FOR EMPLOYMENT

A. Criminal Convictions

As a condition of employment for all of its public school employees, whether full-time or part-time, permanent, or temporary, the BLANK School Board shall require on its application for employment certification (i) that the applicant has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether the applicant has been convicted of a crime of moral turpitude.

Notwithstanding the requirements of the previous paragraph, the School Board may employ an individual who, at the time of the individual's hiring, has been convicted of a felony, provided that such individual (i) was employed in good standing by a school board on or before December 17, 2015; (ii) has been granted a simple pardon for such offense by the Governor or other appropriate authority; and (iii) has had his civil rights restored by the Governor or other appropriate authority. However, the School Board may employ, until July 1, 2020, such an individual who does not satisfy the conditions set forth in clauses (ii) and (iii), provided that such individual has been continuously employed by the School Board from December 17, 2015 through July 1, 2018.

The BLANK School Board shall also require on its application for employment, as a condition of employment requiring direct contact with students, whether full-time or part-time, permanent, or temporary, certification that the applicant has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

As a condition of employment, any applicant who is offered or accepts employment, whether full-time, part-time, permanent or temporary with the BLANK School Board shall submit to fingerprinting and provide personal descriptive information. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information on applicants who are offered or accept employment.

To conserve the costs of conducting criminal history record checks to applicants and school boards, upon the written request of the applicant, BLANK School Board shall

inform another school board with which reciprocity has been established and to which the applicant also has applied for employment of the results of the criminal history record information conducted within the previous ninety days that it obtained concerning the applicant. Criminal history record information pertaining to an applicant for employment by a school board shall be exchanged only between school boards in the Commonwealth in which a current agreement of reciprocity for the exchange of such information has been established and is in effect. Reciprocity agreements shall provide for the apportionment of the costs of the fingerprinting or criminal records check between the applicant and BLANK School Board as provided by statute.

If an applicant is denied employment because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the applicant.

B. Founded Complaints of Child Abuse or Neglect

The School Board requires, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the School Board to obtain a search of the registry of founded complaints of child abuse and neglect. The registry is maintained by the Department of Social Services. The School Board shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the School Board requires as a condition of employment that such applicant provide written consent and the necessary personal information for the School Board to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The School Board shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards for use by local school boards. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the School Board. From such funds as may be available for this purpose, however, the School Board may pay for the search.

If the information obtained pursuant to the preceding paragraph indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment, or the employment shall be rescinded.

If an applicant is denied employment because of information appearing on his record in the registry, the School Board shall provide a copy of the information obtained from the registry to the applicant. The information provided to the School Board by the Department of Social Services shall be confidential and shall not be disseminated by the School Board.

II. EMPLOYEE CHARGES AND CONVICTIONS

A. Criminal Proceedings

An employee who is charged by summons, warrant, indictment, or information with the commission of a felony or a misdemeanor specified in Va. Code § 22.1-315 may be suspended in accordance with Policy GCPF Suspension of Staff Members.

If a current employee is suspended or dismissed because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information provided by the Central Criminal Records Exchange to the employee.

The superintendent shall inform the School Board of any notification of arrest of a school board employee received pursuant to Virginia Code §19.2-83.1. The School Board shall require such employee, whether full-time or part-time, permanent, or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the employee's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such employee. The contents of the employee's criminal record shall be used only to implement dismissal, suspension or probation in accordance with §§22.1-307 and 22.1-315 of the Code of Virginia.

B. Founded Complaints of Child Abuse or Neglect

Any employee of BLANK School Board will be dismissed if he or she is or becomes the subject of a founded complaint of child abuse and neglect and after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by Va. Code § 63.2-1526 have been exhausted, shall be grounds for the local school division to recommend that the Board of Education revoke such person's license to teach.

III. COURT ORDERED PROBATION

For purposes of this policy, a court's placing an individual on probation pursuant to Va. Code § 18.2-251 is treated as a conviction and as a finding of guilt.

IV. COSTS OF FINGERPRINTING, CRIMINAL RECORD AND ABUSE AND NEGLECT CHECKS

[Insert one of the following three options for payment of the fingerprinting, criminal record check and abuse and neglect check.]

Option 1

The applicant or employee shall pay for the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.

Option 2

The School Board shall pay for the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.

Option 3

The School Board and the applicant or employee shall share the costs of the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy. The School Board shall pay [insert percentage] and the applicant or employee shall pay [insert percentage].

Adopted:

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Legal Ref.: Code of Virginia, as amended, §§ 18.2-251,19.2-83.1, 19.2-389, 22.1-78, 22.1-296.1, 22.1-296.2, 22.1-296.4, 22.1-307, 22.1-315, 63.2-1515.

Acts 2018, c. 833.

Cross Refs.: GCPF Suspension of Staff Members
GCPD Professional Staff Discipline

SCHOOL YEAR/SCHOOL DAY

School Year

The length of the school year is at least 180 teaching days or 990 teaching hours. Days on which a school or schools or all the schools in the division are closed due to severe weather or other emergencies are made up as provided below if necessary to meet these requirements.

Students are provided a minimum of 680 hours of instructional time in elementary school, except for students in half-day kindergarten, in the four academic disciplines of English, mathematics, science, and history and social science and a minimum of 375 hours of instructional time in half-day kindergarten in the four academic disciplines of English, mathematics, science, and history and social science.

Unstructured recreational time that is intended to develop teamwork, social skills, and overall physical fitness may be included in the calculation of total instructional time or teaching hours for elementary school, provided that such unstructured recreational time does not exceed 15 percent of total instructional time or teaching hours.

Make Up Days

If severe weather conditions or other emergency situations result in the closing of a school or schools or all the schools in the school division for

- five or fewer days, all missed days are made up by adding teaching days to the school calendar or extending the length of the school day;
- six days or more, the first five days plus one day for each two days missed in excess of the first five are made up by adding teaching days to the school calendar or extending the length of the school day.

If severe weather conditions or other emergency situations result in the closing of any school in the school division and such school has been unable to meet the 180 teaching day requirement, the school division may make up the missed teaching days by providing its students with instructional hours equivalent to such missed teaching days to meet the minimum 990 teaching hour requirement.

The Board of Education may waive the requirement that the school division provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency or severe weather conditions or other emergency situations under certain circumstances. If the School Board desires a waiver, it will submit a request to the Board of Education. The request will include evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the superintendent and chairman of the School Board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver. If the waiver is denied, the school division will make up the missed instructional time.

The Board of Education waives the requirement that school divisions provide additional teaching days or teaching hours to compensate for school closings resulting from an evacuation directed and compelled by the Governor pursuant to Va. Code § 44-146.17 for up to five teaching days. If the School Board desires such a waiver, it notifies the Board of Education and provides evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the superintendent and chair of the School Board that every reasonable effort for making up lost teaching days or teaching hours was exhausted. After receiving such notification, the Board of Education grants the waiver and there is no proportionate reduction in the amount paid by the Commonwealth from the Basic School Aid Fund. Further, the local appropriations for educational purposes necessary to fund 180 teaching days or 990 teaching hours shall not be proportionally reduced by the local appropriating body due to any reduction in the length of the term of any school or the schools in a school division permitted by such waiver.

School Calendar

~~The first day of school is after Labor Day unless the Board of Education waives this requirement based on the School Board's certifying that it meets one of the good cause requirements in the Va. Code § 22.1-79.1.B.[1]~~

The School Board establishes the division's calendar in accordance with state law.[1] The School Board establishes ~~and~~ teaching contracts in accordance with

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

~~[1] Joint or regional schools, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school will be the same as the day set by any of the participating school divisions, including divisions granted a waiver pursuant to Va. Code § 22.1-79.1.~~

[1] School boards that did not have a waiver from the post-Labor Day school start requirement in the 2018-2019 school year may start school up to 14 days prior to Labor Day. They must close schools from the Friday before Labor Day through Labor Day.
Schools boards that had a waiver from the post-Labor Day school start requirement in the 2018-2019 school year may continue to start school prior to Labor Day (and without the 14-day limitation) and must close schools from the Friday before Labor Day through Labor Day.
School boards that had a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session 1, may continue to start school prior to Labor Day (without the 14-day limitation) and are not required to close schools from the Friday before Labor Day through Labor Day.
In addition, any school board in Planning District 16 (which includes the City of Fredericksburg and the counties of Caroline, King George, Spotsylvania and Stafford) that was not granted a good cause waiver pursuant to Va. Code § 22.1-79.1 for the 2018-2019 school year but would qualify for such a waiver pursuant to Va. Code § 22.1-79.1 as it was in effect prior to July 1, 2019, for the 2019-2020 school year may set the school calendar so that the first day students are required to attend is earlier than Labor Day, including earlier than 14 days before Labor Day. Additionally, the school board of any school division located in Planning District 16 that is entirely surrounded by two school divisions that either were granted a waiver pursuant to Chapter 3 of the Acts of Assembly of 2012, Special Session I, or would qualify for a good cause waiver pursuant to § 22.1-79.1 as it was in effect prior to July 1, 2019, for the 2019-2020 school year may open schools on the same opening date as either such surrounding school division.

applicable regulations of the Board of Education to include contingencies for making up teaching days and teaching hours missed for emergency situations.

An advisory committee composed of teachers, parents and school administration may be utilized to recommend a proposed calendar to the superintendent. The recommendation of this committee is advisory.

School Day

The standard school day for students in grades 1 through 12 averages at least 5-1/2 instructional hours excluding breaks for meals and recess. The standard school day for kindergarten is a minimum of three instructional hours.

All students in grades 1 through 12 maintain a full day schedule of classes (5-1/2 hours) unless a waiver is granted in accordance with policies defined by the School Board.

Each elementary school provides students with a daily recess during the regular school year, as determined appropriate by the school.

The secondary school class schedule contains a minimum of 140 clock hours for each unit of credit. When credit is awarded in less than whole units, the increment awarded is no greater than the fractional part of the 140 hours of instruction provided.

The time for opening and closing schools is established by the School Board upon recommendation of the superintendent, provided that the daily program for students in grades 1 through 12 averages at least 5 ½ hours, not including meal intermissions. If the required program length is maintained, the School Board may approve occasional shortened days for staff development, conferences, planning and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. The daily program for kindergarten is at least three hours, not including meal intermissions.

When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts and scheduling or other unusual situations, the Board requests approval by the Superintendent of Public Instruction of the exceptions by August 1 preceding the school year for which they are requested.

The length of the work day for employees is determined by the School Board. It is of sufficient length to allow for the daily program for students and additional time as

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

(footnote 1, cont'd) Joint or regional schools, such as academic year Governor's Schools, may set the school calendar so that the first day students are required to attend school will be the same as the day set by any of the participating school divisions.

may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions or other contractual obligations.

Certification

The superintendent and School Board chair certify the total number of teaching days and teaching hours each year as part of the annual report to the Board of Education.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended §§ 22.1-26, 22.1-79.1, ~~22.1-98.~~ 22.1-98, 22.1-200.2.

Acts 2019, c. 637.

~~Acts 2018, c. 785.~~

8 VAC 20-131-150.

8 VAC 20-131-200.

8 VAC 20-490-30.

Cross Ref.:

BCF	Advisory Committees to the School Board
DL	Payroll Procedures
GAA	Staff Time Schedules
IKF	The Virginia Assessment Program and Graduation Requirements
IKFD[2]	Alternative Paths to Attaining Standard Units of Credit

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

[2] Policy IKFD is an optional policy. A division which has not adopted it should not add it as a Cross Reference here.

CAREER AND TECHNICAL EDUCATION

The BLANK School Board provides career and technical educational programs incorporated into the kindergarten through twelfth grade curricula that include

- knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
- career exploration opportunities in the middle school grades; and
- competency-based career and technical education programs which integrate academic outcomes, career guidance and job-seeking skills for all secondary students based on labor market needs and student interest. Career guidance includes counseling about available employment opportunities and placement services for students exiting school; and
- annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college or workforce center.

The School Board develops and implements a plan to ensure compliance with this Policy. This plan is developed with the input of area business and industry representatives and local comprehensive community colleges and is submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law.

The School Board may establish High School to Work Partnerships or delegate the authority to establish High School to Work Partnerships to the division's career and technical education administrator or the administrator's designee, in collaboration with the ~~guidance~~ school counselor office of each high school in the school division, and ~~educates~~ educate high school students about opportunities available through ~~such~~ High School to Work Partnerships.

The School Board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, referred to as College and Career Access Pathways Partnerships, with comprehensive community colleges or other public institutions of higher education or educational institutions that offer a career and technical education curriculum. College and Career Access Pathways Partnerships specify

- the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma;
- the credit, credentials, certifications, or licenses available for such courses; and

- available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-227.1, 22.1-253.13:1.

Cross Ref.: IJ Guidance and Counseling Program

TEACHING ABOUT DRUGS, ALCOHOL AND TOBACCO

~~Each student shall receive instruction related to alcohol and drug abuse and smoking and health. The health education program will include instruction in drug and substance abuse prevention. It will encourage and support organizations and activities that will develop a positive peer influence concerning substance abuse and create a climate whereby students may seek and receive counseling about substance abuse and related problems without fear of reprisal.~~

~~Each student shall receive instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving.~~

BLANK Public Schools provides instruction concerning

- drugs and drug abuse,
- the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving, and
- the health and safety risks of using tobacco products, nicotine vapor products, and alternative nicotine products.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, ~~§§ 22.1-79.5,~~ § 22.1-206.

Cross Refs: GBEC/JFCH/KGC Tobacco Products and Nicotine Vapor Products

FAMILY LIFE EDUCATION (FLE)

Generally

The BLANK School Board provides Family Life Education (FLE) based on the FLE Standards of Learning (SOL) ~~objectives developed by the Department of Education.~~ and curriculum guidelines developed by the Board of Education. The SOL objectives related to dating violence and the characteristics of abusive ~~relations~~ relationships are taught at least once in middle school and at least twice in high school. The high school FLE curriculum incorporates age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, including sexual harassment using electronic means, and sexual ~~violence~~ violence, human trafficking, and ~~may include instruction that increases student awareness of the fact that consent is required before sexual activity and age-appropriate elements of effective and evidence-based programs on the law and meaning of consent.~~ the law and meaning of consent. Such age-appropriate elements of effective and evidence-based programs on the prevention of sexual violence may include instruction that increases student awareness of the fact that consent is required before sexual activity. The FLE curriculum offered in any school incorporates age-appropriate elements of effective and evidence-based programs on the importance of the personal privacy and personal boundaries of other individuals and tools for a student to use to ensure that he respects the personal privacy and personal boundaries of other individuals. The FLE curriculum incorporates age-appropriate elements of effective and evidence-based programs on the harmful physical and emotional effects of female genital mutilation; associated criminal penalties; and the rights of the victim, including any civil action pursuant to Va. Code § 8.01-42.5.

The FLE curriculum may incorporate age-appropriate elements of effective and evidence-based programs on the prevention, recognition, and awareness of child abduction, child abuse, child sexual exploitation and child sexual abuse.

~~Community Involvement Team~~

~~Under procedures approved by the School Board, a community involvement team[1] is established. The team includes but is not limited to school administrators, teachers, parents, clergy, medical professionals, mental health professionals and others in the community.~~

~~Staff Training~~

~~Teachers in the FLE program participate in the training program sponsored by the Department of Education.~~

~~FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.~~

~~[1] The community involvement team may be the division's School Health Advisory Board.~~

~~Separate Sessions~~

~~A plan for teaching sensitive conduct in gender-separated classes is announced publicly.~~

~~"Opt-out" Procedures~~

~~An "opt-out" procedure is provided to ensure communication with the parent or guardian for permission for students to be excused from all or part of the program.~~

~~Annual Review~~

~~The FLE curriculum is reviewed annually. Such review allows for community input.~~

Right of Parental Review

A parent or guardian has the right to review the family life curricula, including all supplemental materials used in the program.

The School Board develops and distributes to the parents or guardians of students participating in the FLE program a summary designed to assist them in understanding the program implemented in its school division and to encourage parental guidance and involvement in the instruction of the students. Such information reflects the curricula of the program as taught in the classroom. The following statement is included on the summary: "Parents and guardians have the right to review the family life education program offered by their school division, including written and audio-visual educational materials used in the program. Parents and guardians also have the right to excuse their child from all or part of family life education instruction."

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-207.1, 22.1-207.1:1, 22.1-207.2.

~~8 VAC 20-131-170.~~

~~Virginia Department of Education, Family Life Education: Board of Education Guidelines and Standards of Learning for Virginia Public Schools (revised September 2016)~~

Cross Refs.: BCF Advisory Committees to the School Board
IIA Instructional Materials

INB	Teaching About Controversial Issues
KLB	Public Complaints About Learning Resources

CHARACTER EDUCATION

The BLANK School Board provides, within its existing program or as a separate program, a character education program in its schools. The character education program may occur during the regular school year, during the summer in a youth development academy offered by the school division, or both. The purpose of the program is to foster civic virtues and personal character traits so as to improve the learning environment, promote student achievement, reduce disciplinary problems and develop civic-minded students of high character. The program ~~shall be~~ is cooperatively developed with students, parents and the community. Specific character traits emphasized may include trustworthiness, respect, responsibility, fairness, caring and citizenship.

Character education ~~shall be~~ is interwoven into the school procedures and environment so as to instruct primarily by example, illustration and participation, in such a way as to complement the Standards of Learning. Classroom instruction may also be used to supplement the program. The program ~~shall also address~~ also addresses the inappropriateness of bullying, as defined in Va. Code § 22.1-276.01. Parents have the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying program. Prior to the use of any such material, the parent of a child participating in such a program is provided written notice of the parent's right to review the material and the right to excuse the child from participating in the part of such program utilizing such material.

The character education program

- specifies those character traits to be taught, selecting from those which are common to diverse social, cultural and religious groups;
- is implemented at the elementary and secondary levels;
- provides for relevant professional development and adequate resources; and
- includes a method for program evaluation.

Character education is intended to educate students regarding those core civic values and virtues which are efficacious to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth. It shall not include indoctrination in any particular religious or political belief. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth, as described in Va. Code § 1-500, may be taught as representative of such civic values.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-207.2:1, 22.1-208.01.

Cross Refs.:	IKF	The Virginia Assessment Program and Graduation Requirements
	INB	Teaching About Controversial Issues
	INDC	Religion in the Schools

ENGLISH LEARNERS

Generally

The BLANK School Board provides programs to improve the education of English learners by assisting the children to learn English and meet Virginia's challenging academic content and student academic achievement standards.

The School Board accepts and provides programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their 12th birthday, and who have not reached age 22 on or before August 1 of the school year. No tuition is charged such students, if state funding is provided for such programs.

Assessments

The School Board annually assesses the English proficiency of all English learners.

Notification of Programs for English Learners

The School Board, not later than 30 days after the beginning of the school year, informs a parent or the parents of an English learner identified for participation in, or participating in, a program for English learners, of

- the reasons for the identification of their child as an English learner and in need of placement in a language instruction education program;
- the child's level of English proficiency, how that level was assessed and the status of the child's academic achievement;
- the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;
- how the program in which their child is, or will be, participating will meet the educational strengths and needs of the child;
- how such program will specifically help their child learn English, and meet age appropriate academic achievement standards for grade promotion and graduation;
- the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for English learners, and the expected rate of graduation from high school (including four-year adjusted cohort graduation rates and extended-year adjusted cohort graduation rates for such program);
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- information pertaining to parental rights that includes written guidance
    - detailing the right that parents have to have their child immediately removed from such program upon their request and the options that

parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
- assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the school division.

For a child who has not been identified as an English learner prior to the beginning of the school year but is identified as an English learner during the school year, the School Board provides the notice detailed above within 2 weeks of the child being placed in the program.

The information described above is provided to parents in an understandable and uniform format and, to the extent practicable, in a language that the parent can understand.

Notification of Availability of Testing Accommodations

Each high school principal or principal's designee notifies each English learner of the availability of testing accommodations available for industry certifications, state licensure examinations, national occupational competency assessments, the Armed Services Vocational Aptitude Battery and the Virginia workplace readiness skills assessment prior to the student's participation in any such certification, examination, assessment, or battery.

~~The School Board accepts and provides programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their 12th birthday, and who have not reached age 22 on or before August 1 of the school year. No tuition is charged such students, if state funding is provided for such programs.~~

Adopted:

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Legal Ref.: 20 U.S.C. §§ 6311, 6312, 6825.

Code of Virginia, 1950, as amended, ~~§ 22.1-5.~~ §§ 22.1-5, 22.1-253.13:4.

Cross Ref.: IA Instructional Goals and Objectives
IGBC Parent and Family Engagement

ONLINE COURSES AND VIRTUAL SCHOOL PROGRAMS

The BLANK School Board may enter into contracts, consistent with the criteria approved by the Board of Education, with approved private or nonprofit organizations to provide multidivision online courses and virtual school programs. Such contracts ~~shall be~~ are exempt from the Virginia Public Procurement Act.

Information regarding online courses and programs that are available through the school division ~~will be~~ is posted on the division's website. The information ~~will include~~ includes the types of online courses and programs available to students through the division, when the division will pay course fees and other costs for nonresident students, and the granting of high school credit.

Any student enrolled in any online course or virtual program offered by the school division ~~shall~~ must be enrolled in a public school in Virginia as provided in Va. Code § 22.1-3.1. The student's parent or guardian ~~shall~~ must give written permission prior to the enrollment of the student in any full-time virtual program offered by the school division.

A student who resides in BLANK school division ~~will not be~~ is not charged tuition for enrolling in any online course or virtual program offered by the school division. However, tuition may be charged to students, except children with disabilities who are enrolled in the division's full-time virtual school program, who do not reside within the boundaries of the school division.

Teachers who deliver instruction to students through online courses or virtual school programs must be licensed by the Board of Education and are subject to the requirements of Policy GCDA Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect.

The administrator of a virtual school program must hold an advanced degree from a regionally accredited institution of higher education with educational and work experience in administering educational programs.

For purposes of this policy, the following definitions apply.

"Multidivision online provider" means (i) a private or nonprofit organization that enters into a contract with a local school board to provide online courses or programs through that school board to students who reside in Virginia both within and outside the geographical boundaries of that school division; (ii) a private or nonprofit organization that enters into contracts with multiple local school boards to provide online courses or programs to students in kindergarten through grade 12 through those school boards; or (iii) a local school board that provides online courses or programs to students who reside in Virginia but outside the geographical boundaries of that school division. However, "multidivision online provider" shall not include (a) a local school board's online learning program in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of that school division; (b) multiple local school boards that establish joint online courses or programs in which fewer than 10 percent of the students enrolled reside outside the geographical boundaries of those school

divisions; (c) local school boards that provide online learning courses or programs for their students through an arrangement with a public or private institution of higher education; or (d) local school boards providing online courses or programs through a private or nonprofit organization that has been approved as a multidivision online provider.

"Online course" means a course or grade-level subject instruction that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods and (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both.

"Virtual school program" means a series of online courses with instructional content that (i) is delivered by a multidivision online provider primarily electronically using the Internet or other computer-based methods; (ii) is taught by a teacher primarily from a remote location, with student access to the teacher given synchronously, asynchronously, or both; (iii) is delivered as a part-time or full-time program; and (iv) has an online component with online lessons and tools for student and data management.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-212.24, 22.1-212.25, 22.1-212.26, 22.1-212.27, 22.1-215, 22.1-296.1, 22.1-296.2, and 22.1-296.4.

Cross Refs.:

DJF	Purchasing Procedures
GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
IGBA	Programs for Students with Disabilities
IGBG	Off-Site Instruction and Virtual Courses

ACCEPTABLE COMPUTER SYSTEM USE

The school board provides a computer system, including the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and internal or external networks. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

All use of the division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Inappropriate use may result in cancellation of those privileges, disciplinary action, and/or legal action. Any communication or material generated using the computer system, including electronic mail, social media posts, instant or text messages, tweets, and other files, including communications and materials deleted from a user's account, may be monitored, read, and/or archived by division staff.

This policy applies to all users of the division's computer system. By using or accessing the computer system, the user agrees to abide by this policy.

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocols for use of the computer system. It is the user's responsibility to know and follow this policy and the Technology Use Guidelines.

The Guidelines include:

(1) a prohibition against use by division employees and students of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;

(2) provisions, including the selection and operation of a technology protection measure for the division's computers having internet access to filter or block Internet access through such computers, that seek to prevent access to:

(a) child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;

(b) obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and

(c) material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;

(3) provisions establishing that the technology protection measure is enforced during any use of the division's computers;

(4) provisions establishing that all usage of the computer system may be monitored;

(5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;

(6) provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful online activities.;

(7) provisions requiring every user to protect the security of information necessary to access the computer system, such as usernames and passwords, and prohibiting the sharing of passwords;

(8) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and

(9) a component of internet safety for students that is integrated in the division's instructional program.

Use of the school division's computer system shall be consistent with the educational or instructional mission or administrative function of the division as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

The division's computer system is not a public forum.

Users of the division's computer system have no expectation of privacy for use of the division's resources or electronic devices including non-division owned devices while connected to division networks or computer resources.

Software and/or services may not be installed or downloaded on the division's computer system without the prior approval of the superintendent or superintendent's designee.

~~Each user of the division's computer system and a parent/guardian of each student user shall sign the Acceptable Computer System Use Agreement, GAB-E1/IIBEA-E2, before using the division's computer system.~~ The failure of any user to follow the terms of ~~the Agreement,~~ this policy or the Technology Use Guidelines may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The school board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, the school board is not responsible for any unauthorized charges or fees resulting from access to the computer system.

The school board will review, amend if necessary, and approve this policy every two years.

Adopted:

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Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2, and 22.1-78.

Cross Refs.:		
	EGAA	Reproduction and Use of Copyrighted Materials
	GBA/JHFA	Prohibition Against Harassment and Retaliation
	GCPD	Professional Staff Discipline
	GCQB	Staff Research and Publishing
	IIBEA-R/GAB-R	Technology Use Guidelines
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct

ACCEPTABLE COMPUTER SYSTEM USE AGREEMENT

Each employee must sign this Agreement as a condition for using the school division's computer system. Each student and his or her parent/guardian must sign this Agreement before being permitted to use the school division's computer system. Read this Agreement carefully before signing.

Prior to signing this Agreement, read Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R, Acceptable Computer System Use. If you have any questions about this policy or regulation, contact your supervisor or your student's principal.

I understand and agree to abide by the school division's Acceptable Computer System Use Policy and Regulation. I understand that the school division may access, monitor, and archive my use of the computer system, including my use of the internet, e-mail and downloaded material, without prior notice to me. I further understand that should I violate the Acceptable Use Policy or Regulation, my computer system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

Student/Employee Signature _____ Date_____

Student/Employee Name _____
(Please Print)

I have read this Agreement and Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R. I understand that access to the computer system is intended for educational purposes and the **BLANK** School Division has taken precautions to eliminate inappropriate material. I also recognize, however, that it is impossible for the school division to restrict access to all inappropriate material and I will not hold the school division responsible for information acquired on the computer system. I have discussed the terms of this agreement, policy, and regulation with my student.

I grant permission for my student to use the computer system in accordance with BLANK School Division's policies and regulations and for the school division to issue an account for my student.

Parent/Guardian Signature _____Date _____

Parent/Guardian Name _____
(Please Print)

~~ACCEPTABLE COMPUTER SYSTEM USE~~ TECHNOLOGY USE GUIDELINES

All use of the **BLANK** School Division's computer system shall be consistent with the School Board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and any other internal or external network. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

Computer System Use-Terms and Conditions:

1. **Acceptable Use.** Access to the division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.

2. **Privilege.** The use of the division's computer system is a privilege, not a right.

3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
   - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
   - sending, receiving, viewing or downloading illegal material via the computer system.
   - unauthorized downloading of software.
   - using the computer system for private financial or commercial purposes.
   - wastefully using resources, such as file space.
   - gaining unauthorized access to resources or entities.
   - posting material created by another without his or her consent.
   - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
   - using the computer system while access privileges are suspended or revoked.
   - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
   - intimidating, harassing, bullying, or coercing others.
   - threatening illegal or immoral acts.

4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
   - be polite.
   - users shall not forge, intercept or interfere with electronic mail messages.

- use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
- users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
- users shall respect the computer system's resource limits.
- users shall not post chain letters or download large files.
- users shall not use the computer system to disrupt others.
- users shall not modify or delete data owned by others.

5. **Liability.** The school board makes no warranties for the computer system it provides. The school board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to or arising out of any violation of these procedures.

6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.

7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.

8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.

9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

10. **Enforcement.** Software will be installed on the division's computers having internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored

manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by school board policy, or legal action.**

Adopted:

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Legal Refs: 18 U.S.C. §§ 1460, 2256.
47 U.S.C. § 254.

Code of Virginia, 1950, as amended, §§ 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2 and 22.1-78.

~~Guidelines and Resources for Internet Safety in Schools, Virginia Department of Education (Second Edition October 2007).~~

Cross Refs:

GCPD	Professional Staff Discipline
IIBEA/GAB	Acceptable Computer System Use
JFC	Student Conduct
JFC-R	Standards of Student Conduct

ENTRANCE AGE/ADMISSION OF PERSONS NOT OF SCHOOL AGE

A child who will reach his or her fifth birthday on or before September 30 of the school year and is otherwise eligible for enrollment in school as specified in Policy JEC School Admission and Regulation JEC-R School Admission may be enrolled in school. The superintendent ~~shall disseminate~~ disseminates information received from the ~~State~~ Superintendent of Public Instruction concerning the ages when children are required or eligible to attend school. This information ~~shall be~~ is disseminated to parents of such children upon or prior to enrollment of such children in the public schools of the division.

An individual who resides within the school division and is beyond school age (who has not reached his or her fifth birthday on or before September 30 of the school year or who has reached his or her 20th birthday on or before August 1st of the school year) may, at the discretion of the School Board, be admitted into the division schools. Such individuals may be charged tuition at the discretion of the School Board as provided in Policy JEC School Admission and Regulation JEC-R School Admission.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-5, 22.1-199, 22.1-254.

Cross Refs.: JEC School Admission
JEC-R School Admission

SCHOOL ADMISSION

A person of school age (i.e., a person who will have reached his or her fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1st of the school year) is eligible for admission on a non-tuition basis if residing in the BLANK School Division, or if eligible for admission under Policy JECA Admission of Homeless Children.

A person of school age is deemed to reside in the school division[1]

- when the person is living with a natural parent, or a parent by legal adoption, in the BLANK School Division;
- when, in accordance with the provisions of Va. Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 United States Code § 1044b by the custodial parent;
- when the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
- when the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either
  - (i) the court-appointed guardian, or has legal custody of the person,
  - (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code § 63.2-1200; or
  - (iii) an adult relative providing temporary kinship care as that term is defined in Va. Code § 63.2-100. Both parents and the relative providing kinship care must submit signed, notarized affidavits
    - (a) explaining why the parents are unable to care for the person,
    - (b) detailing the kinship care arrangement, and
    - (c) agreeing that the kinship care provider or a parent will notify the school within 30 days of when the kinship care arrangement ends.

    The parent must also provide a power of attorney authorizing the adult relative to make educational decisions regarding the person. A parent or the kinship care provider must also obtain written verification from the department of social services where the parent or parents live,

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] The following list is not exclusive; the listed situations illustrate factors for school divisions to consider in determining the residence of a child. School divisions may not refuse to provide a free education to a bona fide resident based solely this list. School divisions may refuse to provide a free education to a student who is residing in the division solely for school purposes. In determining whether a student is entitled to a free education in the division, the division may consider many factors, including court orders regarding custody and guardianship.

and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment.[2] If the kinship care arrangement lasts more than one year, the school division must receive continued verification directly from both departments of social services that the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment.[3]

- when the person is living in the school division not solely for school purposes, as an emancipated minor; ~~or~~
- when all or any portion of the building in which the person resides (i) with another person as set forth in the first through fourth bullets above or (ii) as an emancipated minor as set forth in the fifth bullet above is taxable by the locality in which the school division is located; or
- when the person has been placed in a foster care placement within the school division by a local social services agency. The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with Va. Code § 22.1-5 and pursuant to BLANK School Board Regulation JEC-R School Admission.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

[2] With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the departments of social services. The verification process shall be consistent with confidentiality provisions of Va. Code § 22.1-287 et seq. and § 63.2-100 et seq.

[3] A school board may permit enrollment of persons living in a kinship care arrangement that has not been verified by a local department of social services. If a board decides that it will permit enrollment in such situations, it should include a statement, either in policy or regulation, of the circumstances in which such enrollment will be permitted.

Children of Persons on Active Military Duty

No child of a person on active military duty

- who is attending a school free of charge in accordance with this policy shall be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school;
- who is attending a school free of charge in accordance with this policy shall be charged tuition upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and
- who is eligible to attend school free of charge in accordance with this policy shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. Students eligible to enroll in the school division in accordance with this policy because they are the children of military personnel on active military duty who will reside in the division may register, remotely or in-person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division at the same time and in the same manner as students who reside in the division. The assignment of the school such child will attend shall be determined by the school division.

Such children shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

ADDITIONAL ADMISSION REQUIREMENTS

A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The

principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.

D. The School Board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.

E. Tuition rates are established each year in accordance with the provisions of Va. Code § 22.1-5.

F. Prior to admission to the BLANK School Division, the parent, guardian, or other person having control or charge of the child shall provide, upon registration,
   - a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
   - a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the superintendent and by any others to whom he disseminates it, separately from all other records concerning the student.

However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of § 16.1-260, the notice shall become a part of the student's disciplinary record.

When the child is registered as a result of a foster care placement, the information required under this subsection must be furnished by the local social services agency or licensed child-placing agency that made the placement.

G. 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 Virginia or in another state or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in the BLANK School Division regardless of whether such student has been admitted to another school division or private school in Virginia 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/her parent that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the superintendent or his/her designee; and the decision has been to exclude the student from attendance. The student or his parent may file a written petition for review with the School Board within 15 days of notice of the decision of the superintendent or his/her designee. If the School Board grants a review of the record, the decision of the superintendent or his/her designee may be altered.

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 petition the School Board for readmission. If the petition for readmission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for readmission.

For the purposes of this section, the superintendent's designee shall be a (i) trained hearing officer or (ii) professional employee within the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

In excluding any such expelled student from school attendance, the School Board may accept or reject any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The

excluding School Board shall not impose additional conditions for readmission to school.

H. This policy does not preclude contractual arrangements between the BLANK School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend BLANK Public Schools.

I. Prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements contained in Va. Code §§ 22.1-270, 22.1-271.2 and 32.1-46 and policies JHCA Physical Examinations of Students and JHCB Student Immunizations.

If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student shall be immediately enrolled; however, the person enrolling the child shall provide a written statement that, to the best of his knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 22.1-288.2, 32.1-46, 63.2-100, 63.2-900, and 63.2-1200.

2007 Va. Opin. AG 07-015.
1987-88 Va. Opin. AG 374.

Cross Refs.:

JEC-R	School Admission
JECA	Admission of Homeless Children
JHCA	Physical Examinations of Students
JHCB	Immunization of Students
JGD/JGE	Student Suspension/Expulsion

GANG ACTIVITY OR ASSOCIATION

The **BLANK** School Board recognizes the existence of gangs in the community and the threat they pose to the educational environment. Therefore, students shall not engage in gang activity on school grounds, on school buses or on any school sponsored activity. In addition, students shall not engage in gang activity using the School Division computer system at any time. A gang is defined as any group of three or more persons whose purpose includes:

- commission of illegal acts
- participation in activities that threaten the safety of persons or property
- disruption of the school environment
- creation of an atmosphere of fear and intimidation.

Students are subject to disciplinary action in accordance with Policy JFC Student Conduct and Regulation JFC Standards of Student Conduct for participating in gang activity. Gang activity is defined as:

- wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;

- committing any ~~act or omission,~~ act, or using any speech, either verbal or non-verbal (such as gestures or hand-shakes) showing membership or affiliation in a gang;

- using any speech or committing any act ~~or omission~~ in furtherance of the interests of any gang, including: (a) soliciting, hazing and initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school policy and inciting other students to act with physical violence;

- inappropriate congregating, bullying, cyberbullying, harassment, intimidation, degradation, disgrace and/or related activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

The ~~superintendent shall,~~ superintendent or superintendent's designee, in cooperation with local law enforcement and/or juvenile agencies, ~~develop~~ develops and regularly updates a regulation listing known gang clothing, jewelry, emblems, badges, signs, gestures, handshakes and symbols. ~~The list shall be updated regularly.~~

The superintendent ~~shall provide~~ or superintendent's designee provides in-service training in gang behavior and characteristics to facilitate staff identification of students at-risk of gang involvement and promote membership in authorized school groups and/or activities as an alternative.

Adopted:

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Legal Refs.: Code of Virginia, as amended, §§ 18.2-46.1, 22.1-70, 22.1-78, 22.1-79(2), § 22.1-276.01

Cross Refs: IIBEA/GAB Acceptable Computer System Use
JFC Student Conduct
JFC-R Standards of Student Conduct

STANDARDS OF STUDENT CONDUCT

The following are standards of student conduct established by the School Board for all students. The consequences of any act are determined on the basis of the facts presented in each situation in the reasonable discretion of the Board, its designated committees and other appropriate school officials.

1. Assault and Battery

   A student shall not assault or commit battery upon another person on school property, on school buses or during school activities on or off school property.

   An assault is a threat of bodily injury.

   A battery is any bodily hurt, however slight, done to another in an angry, rude or vengeful manner.

2. Attendance; Truancy

   Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with School Board policy or regulation. (See Policy JED Student Absences/Excuses/Dismissals.)

   If a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

3. 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.

4. Bullying

   A student, either individually or as a part of a group, shall not bully others either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes, but is not limited to, physical, verbal, or written intimidation, taunting, name-calling, and insults and any combination of prohibited activities.

   "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.

The principal notifies the parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.

5. Bus-Related Offenses

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.

6. Cheating

Students are expected to perform honestly on schoolwork and tests. The following actions are prohibited:

- cheating on a test or assigned work by giving, receiving, offering and/or soliciting information
- plagiarizing by copying the language, structure, idea and/or thoughts of another
- falsifying statements on any assigned schoolwork, tests or other school documents

7. Communication Devices

Students may possess a beeper, cellular telephone, smart phone, tablet, Personal Digital Assistant (PDA) or other communications device on school property, including school buses, provided that the device must remain off and out of sight during instructional time unless it is being used for instructional purposes at the direction of the student's teacher.

At no time may any device be used with an unfiltered connection to the Internet.

The division is not liable for devices brought to school or school activities.

If a student possesses or uses 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.

8. 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.

9. Disruptive Conduct

   Students are entitled to a learning environment free of unnecessary disruption. Any physical or verbal disturbance which interrupts or interferes with teaching and orderly conduct of school activities, is prohibited.

10. ~~Electronic Cigarettes~~

    ~~Students shall not possess electronic cigarettes on school premises, on school buses or at school sponsored activities.~~

11. Extortion

    No student may obtain or attempt to obtain anything of value from another by using a threat of any kind.

12. 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.

13. Fighting

    Exchanging mutual physical contact between two or more persons by pushing, shoving or hitting with or without injury is prohibited.

14. Gambling

    A student shall not bet money or other things of value, or knowingly play or participate in any game involving such a bet, on school property, on school buses or during any school related activity.

15. Gang Activity

    Gang-related activity is not tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students). (See Policy JFCE Gang Activity or Association.)

16. Harassment

    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. (See Policy JFHA/GBA Prohibition Against Harassment and Retaliation).

17. Hazing

Students shall not engage in hazing.

Hazing means 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 which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.

18. Internet Use

Students shall abide by the BLANK School Division's Acceptable Computer Use Policy and Regulation. (See Policy IIBEA Acceptable Computer System Use.)

19. Laser Pointers

Students shall not have in their possession laser pointers.

20. Other Conduct

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.

21. Possession or Use of Weapons or Other Dangerous Articles

Students shall not have in their possession any type of unauthorized firearm or other dangerous weapon or device. (See Policy JFCD Weapons in School.)

22. Profane, Obscene or Abusive Language or Conduct

Students shall not use vulgar, profane or obscene language or gestures or engage in conduct that is vulgar, profane, obscene or disrupts the teaching and learning environment.

23. Reports of Conviction or Adjudication of Delinquency

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

24. Stalking

Students shall not engage in a pattern of behavior that places another person in fear of serious harm.

25. Student Dress

Students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory, or obscene, or clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, ~~tobacco,~~ tobacco products, nicotine vapor products, or drug paraphernalia or clothing that contains threats such as gang symbols is prohibited.

Clothing should fit, be neat and clean, and conform to standards of safety, good taste and decency. Clothing that exposes cleavage, private parts, the midriff, or undergarments, or that is otherwise sexually provocative, is prohibited. Examples of prohibited clothing include, but are not limited to: sagging or low-cut pants, low-cut necklines that show cleavage, tube tops, halter tops, backless blouses or blouses with only ties in the back, clothing constructed of see-through materials and head coverings unless required for religious or medical purposes.

Additionally, disciplinary action will be taken against any student taking part in gang-related activities that are disruptive to the school environment, which include the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior.

Parents of students requiring accommodation for religious beliefs, disabilities, or other good causes should contact the principal.

Students not complying with this policy will be asked to cover the noncomplying clothing, change clothes or go home.

26. Theft

A student shall not intentionally take or attempt to take the personal property of another person by force, fear or other means.

27. Threats or Intimidation

Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person. Students shall not use electronic

technology or communication devices, such as the internet or cell phones, to intimidate or threaten for any reason.

28. Trespassing

Students shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion.

29. Use and/or Possession of Alcohol, ~~Tobacco,~~ Tobacco Products, Nicotine Vapor Products, Anabolic Steroids, and Other Drugs

A student shall not possess, use, or distribute any of the restricted substances listed below on school property, on school buses or during school activities, on or off school property.

A student shall not attempt to possess, use, consume, procure and/or purchase, any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

A student shall not be under the influence of any of the restricted substances listed below, regardless of whether the student's condition amounts to legal intoxication.

Restricted substances include but are not limited to alcohol, tobacco products as defined in Policy JFCH Tobacco Products and Nicotine Vapor Products, nicotine vapor products as defined in Policy JFCH Tobacco Products and Nicotine Vapor Products, ~~and~~ inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia and any prescription or non-prescription drug possessed in violation of School Board policy.

The School Board may require any student who has been found in possession of, or under the influence of, drugs or alcohol in violation of School Board policy to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

In addition to any other consequences which 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 division 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.

30. Vandalism

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.

CORRECTIVE ACTIONS

The following corrective actions are among those available to the school administration for violation of the Student Code of Conduct. The facts and circumstances of each offense are considered fully in determining reasonable corrective actions.

1. Counseling
2. Admonition
3. Reprimand
4. Loss of privileges, including access to the School Division's computer system
5. Parental conferences
6. Modification of student classroom assignment or schedule
7. Student behavior contract
8. Referral to student assistance services
9. Removal from class
10. Initiation of child study process
11. Referral to in-school intervention, mediation, or community service programs
12. Tasks or restrictions assigned by the principal or his designee
13. Detention after school or before school
14. Suspension from school-sponsored activities or events prior to, during, or after the regular school day
15. In-school suspension
16. Out-of-school suspension
17. Referral to an alternative education program
18. Notification of legal authority where appropriate
19. Recommendation for expulsion including recommendation for expulsion for possessing a firearm, destructive device, firearm muffler, firearm silencer or pneumatic gun on school property or at a school-sponsored event and recommendation for expulsion for having brought a controlled substance, imitation controlled substance or marijuana onto school property or to a school sponsored activity
20. Evaluation for alcohol or drug abuse
21. Participation in a drug, alcohol or violence intervention, prevention or treatment program

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-119, 18.2-308, 18.2-308.1, 18.2-308.7, 18.2-371.2, 18.2-433.1, 22.1-70.2, 22.1-78, 22.1-202, 22.1-253.13:7.C.3, 22.1-276.3, 22.1-277, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.6, 46.2-323, 46.2-334.001.

Student Code of Conduct Policy Guidelines (Virginia Board of Education October 2013).
Information Brief: Cyberbullying and School Policy (Virginia Department of Education August 2008).

Cross Refs.:

CLA	Reporting Acts of Violence and Substance Abuse
ECAB	Vandalism
GAB/IIBEA	Acceptable Computer System Use
GAB-R/IIBEA-R	Acceptable Computer System Use Regulation
~~GBECA~~	~~Electronic Cigarettes~~
IEA	Pledge of Allegiance
IGAG	Teaching About Drugs, Alcohol and Tobacco
JED	Student Absences/Excuses/Dismissals
JFC	Student Conduct
JFCD	Weapons in School
JFCE	Gang Activity or Association
JFCF	Drugs in School
JFCH/GBEC/KBC	Tobacco Products and Nicotine Vapor Products
JFHA/GBA	Prohibition Against Harassment and Retaliation
JGA	Corporal Punishment
JGD/JGE	Student Suspension/Expulsion
JGDA	Disciplining Students with Disabilities
JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
JHCD	Administering Medicines to Students
JN	Student Fees, Fines and Charges

DRUGS IN SCHOOL

I. Generally

Possession of a controlled substance, imitation controlled substance or marijuana, as defined in Va. Code § ~~18.2-247, or synthetic cannabinoids as defined in Va. Code § 18.2-248.1:1,~~ 18.2-247 on school property or at a school-sponsored activity is prohibited.

A. Expulsion

A student who is determined to have brought a controlled substance, imitation controlled substance or marijuana, ~~or synthetic cannabinoids as defined in Va. Code § 18.2-248.1:1,~~ onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE Student Suspension/Expulsion. The superintendent may determine, based on the facts of the particular case, that special circumstances exist and another form of discipline is appropriate. Any such disciplinary action shall be taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

B. Prevention and Intervention

Any student who violates this policy shall participate in the prevention and intervention activities identified in BLANK school division's drug and violence prevention plan.

The School Board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student's parent consents.

C. Required Reporting to Parents and Local Law Enforcement

The Principal shall report a violation of this policy to parents and local law enforcement as required by Policy CLA.

II. Students with Disabilities

A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA Disciplining Students with Disabilities will be followed in addition to the regular disciplinary procedures.

B. Additional authority to remove a student with a disability from school for a drug violation.

1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

2. For purposes of this forty-five (45) school day removal, "illegal drugs" and "controlled substance" are defined as follows:

a. 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 U.S.C. § 812(c).

b. Illegal drug means a controlled substance, but does not include a controlled 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.

Adopted:

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Legal Refs: 20 U.S.C. §§1415(k)(1)(G)(ii), 1415(k)(7)(A), 1415(k)(7)(B).

21 U.S.C. § 812(c).

Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-250, 18.2-250.1, 18.2-255.2, 22.1-277.08.

8 VAC 20-81-10.

Cross Refs:

CLA	Reporting Acts of Violence and Substance Abuse
JGD/JGE	Student Suspension/Expulsion
JFC	Student Conduct
JFC-R	Standards of Student Conduct
JGDA	Disciplining Students with Disabilities

~~TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS~~ TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

~~Smoking, chewing or any other use of any tobacco products by staff, students, and visitors is prohibited on school property.~~

~~For purposes of this policy:~~

~~1.~~ ~~"School property" means:~~

~~a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.~~

~~b. Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services;~~

~~c. All vehicles used by the division for transporting students, staff, visitors or other persons.~~

~~2.~~ ~~"Tobacco" includes cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" includes cloves or any other product packaged for smoking.~~

~~3.~~ ~~"Smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.~~

~~This policy shall be published in student and employee handbooks, posted on bulletin boards and announced in meetings.~~

~~Each principal shall post signs stating "No Smoking," or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every school cafeteria and other dining facility in the school.~~

~~Staff and students found to be in violation of this policy shall be subject to appropriate disciplinary action.~~

~~Designated Smoking Areas~~

~~The School Board may direct the superintendent to issue regulations designating smoking areas on school grounds outside buildings.~~

~~Electronic Cigarettes~~

~~Students are prohibited from possessing electronic cigarettes on school buses, on school premises and at school-sponsored activities.~~

~~All other persons are prohibited from using electronic cigarettes on school premises and school vehicles.~~

Generally

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

Definitions

“Nicotine vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

Adopted:

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Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ ~~15.2-2820, 15.2-2824, 15.2-2825, 15.2-2827,~~ 18.2-371.2, 22.1-79.5, 22.1-279.6.

Cross Refs.:

CLA	Reporting Acts of Violence and Substance Abuse
~~GBEC~~	~~Tobacco-Free School for Staff and Students~~
GBEC/KGC	Tobacco Products and Nicotine Vapor Products
~~GBECA~~	~~Electronic Cigarettes~~
JFC-R	Standards of Student Conduct
KG	Community Use of School Facilities
KGB	Public Conduct on School Property
~~KGC~~	~~Use of Tobacco and Electronic Cigarettes on School Premises~~

SEARCH AND SEIZURE

A search involves an invasion of privacy. Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the school division's responsibility to protect the health, safety and welfare of all persons in the school community and to carry out its educational mission. To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student belongings, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school or any item described as unauthorized in school rules available beforehand to the student.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property. Searches may be conducted wherever the student is involved in a school-sponsored function.

PERSONAL SEARCHES

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched by a school official whenever the official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation.

All individual searches of students must be based on reasonable suspicion. In order to be permissible, the search must be:

~~1.~~ • justified at its inception and

~~2.~~ • reasonably related in scope to the circumstances justifying the search.

An individual search is justified at its inception when a school official has reasonable grounds, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonable in scope when it is reasonably related to the objectives of the search and is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

A personal search may include requiring a student to be scanned with a metal detector.

A pat down search of a student may only be conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat down search of

a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present.

Strip searches involve an extreme intrusion into the rights of a student and may only be conducted when an extremely serious situation exists requiring immediate action because of an imminent threat of death or great bodily injury to a person or persons[1]. If a strip search is necessary the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the superintendent or superintendent's designee, unless the health or safety of the student is endangered by the delay.

LOCKER AND DESK SEARCHES

Student lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant.

AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant.

COMPUTER SEARCHES

~~School computers, software and internet access are~~ The school computer system, as defined in Policy GAB/IIBEA Acceptable Computer System Use, is school property. Students are only authorized to use ~~school computers~~ the school's computer

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] Some school boards may chose to prohibit the use of strip searches by school personnel altogether. Such boards should delete this paragraph from their policy.

system and other similar educational technology consistent with the educational mission of the school and in accordance with Policy GAB/IIBEA Acceptable Computer System Use. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

CONSENT SEARCHES

If a student gives a school official consent for a search the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning of consent. Students should be told of their right to refuse to be searched, and students must not perceive ~~himself~~ themselves to be at risk of punishment for refusing to grant permission for the search.

SEIZURE OF ILLEGAL MATERIALS

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.[2]

Adopted:

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Legal Refs.: New Jersey v. T.L.O., 469 U.S. 325 (1985).

U.S. Const. amend IV.

Va. Const. art.I, § 10.

Code of Virginia, 1950, as amended, ~~§ 22.1-279.7.~~ §§ 22.1-279.7, 22.1-280.2:3.

Virginia School Search Resource Guide (Virginia Department of Education Oct. 2000).

Cross Ref.[3]:

CLA	Reporting Acts of Violence and Substance Abuse
EGAA	Reproduction and Use of Copyrighted Materials
GAB/IIBEA	Acceptable Computer System Use
JFC	Student Conduct

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[2] ~~School boards which have a memorandum of understanding or other agreement with local law enforcement agencies may wish to include a reference to that document in this policy.~~ If the School Board's Memorandum of Understanding with the local law enforcement agency addresses turning contraband or illegal materials over to the law enforcement authority, the School Board may want to include a reference to the Memorandum of Understanding in this policy.

[3] Any division that has a student drug testing policy should include a reference to it in the list of Cross References.

JFC-R	Standards of Student Conduct
JFCD	Weapons in School
JFCF	Drugs in School
KNAJ	Relations with Law Enforcement Authorities

STUDENT WELLNESS

~~I. Policy Statement~~

~~The BLANK School Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity in division students.~~

Goals

Based on review and consideration of evidence-based strategies and techniques, the BLANK School Board has established the following goals to promote student wellness.[1]

Nutrition Promotion and Education

INSERT DIVISION'S GOALS HERE

~~[The following list contains *EXAMPLES* of goals your division may want to consider for inclusion in its policy. Each division must determine its own goals after reviewing and considering evidence-based strategies and techniques and include them in its policy.]~~

~~Students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.~~

~~Nutrition education is offered in the school cafeteria as well as in the classroom, with coordination between the foodservice staff and other school personnel, including teachers.~~

~~Students receive consistent nutrition messages from all aspects of the school program.~~

~~Division health education curriculum standards and guidelines address both nutrition and physical education.~~

~~Nutrition is integrated into the health education or core curricula (e.g., math, science, language arts).~~

~~Schools link nutrition education activities with the coordinated school health program.~~

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] Each division must determine its own goals and include them in its policy.

~~Staff who provide nutrition education have appropriate training.~~

~~The level of student participation in the school breakfast and school lunch programs is appropriate.~~

~~Schools are enrolled as Team Nutrition Schools[2], and they conduct nutrition education activities and promotions that involve parents, students and the community.~~

Physical activity

~~[The following list contains *EXAMPLES* of goals your division may want to consider for inclusion in its policy. Each division must determine its own goals after reviewing and considering evidence-based strategies and techniques and include them in its policy.]~~

~~Students are given opportunities for physical activity during the school day through physical education (PE) classes, daily recess periods for elementary school students and the integration of physical activity into the academic curriculum where appropriate.~~

~~Students are given opportunities for physical activity through a range of before- and/or after-school programs including, but not limited to, intramurals, interscholastic athletics and physical activity clubs.~~

~~Schools work with the community to create ways for students to walk, bike, rollerblade or skateboard safely to and from school.~~

~~Schools encourage parents and guardians to support their children's participation in physical activity, to be physically active role models and to include physical activity in family events.~~

~~Schools provide training to enable staff to promote enjoyable, lifelong physical activity among students.~~

INSERT DIVISION'S GOALS HERE

Other school-based activities

~~[The following list contains *EXAMPLES* of goals your division may want to consider for inclusion in its policy. Each division must determine its own goals~~

~~FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.~~

~~[2] Information on Team Nutrition can be found at *http://www.fns.usda.gov/tn/Default.htm*.~~

~~**after reviewing and considering evidence-based strategies and techniques and include them in its policy.]**~~

~~An adequate amount of time is allowed for students to eat meals in adequate lunchroom facilities.~~

~~All children who participate in subsidized food programs are able to obtain food in a non-stigmatizing manner.~~

~~The availability of subsidized food programs is adequately publicized in ways designed to reach families eligible to participate in the programs.~~

~~Environmentally-friendly practices such as the use of locally grown and seasonal foods, school gardens and nondisposable tableware have been considered and implemented where appropriate.~~

~~Physical activities and/or nutrition services or programs designed to benefit staff health have been considered and, to the extent practical, implemented.~~

INSERT DIVISION'S GOALS HERE

Nutrition Standards and Guidelines

The superintendent is responsible for creating[3]

A. regulations to develop and implement standards for all foods and beverages provided, but not sold, to students on the school campus during the school day; and
B. standards and nutrition guidelines for all foods and beverages sold to students on the school campus during the school day that promote student health and reduce childhood obesity and are consistent with the applicable standards and requirements in 7 C.F.R. §§ 210.10, 210.11 and 220.8.

Marketing on the school campus during the school day is permitted only for those foods and beverages that meet the nutrition standards under 7 C.F.R. § 210.11, serve to promote student health, reduce and prevent childhood obesity, and combat problems associated with poor nutrition and physical inactivity.

Implementation

The School Board encourages parents, students, representatives of the school food authority, teachers of physical education, school health professionals, school

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[3] This paragraph delegates the responsibility for developing and implementing the required standards and guidelines to the superintendent. The school board may retain that responsibility itself if it prefers.

administrators and the general public to participate in the development, implementation and periodic review and update of this ~~policy.~~[4] policy by **INSERT DESCRIPTION OF METHODS BY WHICH PUBLIC PARTICIPATION IS ENCOURAGED HERE.**

The [INSERT STAFF POSITION TITLE][5] is responsible for ~~enforcing this policy and overseeing the implementation of this policy and developing procedures for evaluating the policy, including indicators that will be used to measure its success.~~ implementing and enforcing this policy. The implementation of the policy is measured by **INSERT DESCRIPTION OF THE LOCAL PLAN FOR MEASURING THE IMPLEMENTAITON OF THE POLICY HERE.**

The public is informed about the content and implementation of the policy by **INSERT THE METHODS BY WHICH INFORMATION REGARDING THE CONTENT OF THE POLICY AND IMPLEMENTATION ISSUES ARE REPORTED TO THE PUBLIC HERE.**

Implementation procedures include measuring and making available to the public, at least once every three years, an assessment of the implementation of the policy, including the extent to which schools are in compliance with the policy, the extent to which this policy compares to model school wellness policies and a description of the progress made in attaining the goals of the policy. The results of the triennial assessment are considered in updating the policy.[6]

The process for monitoring compliance with this policy is **INSERT DESCRIPTION OF PROCESS FOR MONITORING COMPLIANCE HERE.**

The School Board retains the following records to document compliance with 7 C.F.R. § 210.31:

- the policy;
- documents demonstrating compliance with community involvement requirements, including requirements to make the policy and triennial assessments available to the public; and
- documentation of the triennial assessment of the policy.

Adopted:

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FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[4] ~~The superintendent's regulation should provide more details regarding the opportunities for participation.~~

[5] The School Board may designate more than one staff person to fulfill this responsibility.

[6] The School Board must consider the results of its local triennial assessment in updating the local goals included in this policy.

Legal Refs: 42 U.S.C. § 1758b.

~~7 C.F.R. 210.3.~~ 7 C.F.R. 210.31.

Code of Virginia, 1950, as amended, § ~~22.1-253.13:1.~~ 22.1-207.4.

8 VAC 20-740-30.

8 VAC 20-740-40.

Cross Refs:

EFB	~~Free and Reduced Price~~ Food Services
IGAE/IGAF	Health Education/Physical Education
JL	Fund Raising and Solicitation
~~JHCH~~	~~School Meals and Snacks~~
KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

SCHOOL MEALS AND SNACKS

The BLANK School Board recognizes that students need adequate, nourishing food in order to learn, grow, and maintain good health.

Generally

To reinforce the division's nutrition education program, foods sold to students during regular school hours on school premises will be

[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]

- carefully selected so as to contribute to students' nutritional well-being and the prevention of disease;
- prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits; and
- served in age-appropriate quantities and at reasonable prices.

The BLANK School Board promotes high-quality school meals and snacks by

[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]

- involving students in the selection, tasting, and marketing of healthy foods and beverages that appeal to students;
- providing a variety of food options, such as fruits, vegetables, whole grains, and dairy foods, which are low in fat and added sugars;
- offering a variety of healthy choices that appeal to students, including cultural and ethnic favorites;
- restricting student access to unhealthy foods in vending machines, school stores, and other venues that compete with healthy school meals; and
- ensuring that healthy snacks and foods are provided in vending machines, school stores, and other venues within the division's control. The healthy options should cost the same or less than unhealthy alternatives.

The BLANK School Board strives to provide an environment conducive to good health by

[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]

- allowing an adequate amount of time and space for students to eat school meals;
- scheduling lunch periods at reasonable hours around midday;
- ensuring that drinking fountains are operable, clean, and convenient for use throughout the school day;
- offering extracurricular physical activity programs, such as physical activity clubs, intramural programs, or interscholastic athletics;

- discouraging the promotion and advertising of unhealthy foods;
- using non-food items rather than food items such as candy, cakes, soda, and foods high in fat, as incentives and rewards for good behavior or academic performance; and
- encouraging parents to support the division's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

The BLANK School Board supports nutrition education and physical education by ***[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]***

- ensuring that qualified nutrition education and physical education specialists focus on knowledge and skill development so students are able to learn and adopt healthy eating and physical activity behaviors;
- offering nutrition education in the school dining area(s) and in the classroom, with coordination between food service staff and teachers; and
- eliminating any stigma attached to, and preventing public identification of, students who are eligible for free and reduced-price meals.

Nutritional Guidelines

Meals and snacks offered as part of the National School Lunch Program or the School Breakfast Program meet, at a minimum, the requirements established by state and federal law and regulation.

Competitive foods, as defined herein, comply with state and federal requirements.[1]

Schools make potable water available and accessible without restriction to children at no charge in the place(s) where lunches are served during the meal service.

Definitions

"Competitive food" means all food and beverages other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the school campus during the school day. Competitive foods meet the nutrient guidelines established by the Board of Education, including the guidelines for calories, fat, sugar and sodium.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[1] School boards may impose additional restrictions on competitive foods, provided that they are not inconsistent with federal regulations.

"Fundraiser" means a school-sponsored activity where food or nonfood items are sold on the school campus during regular school hours by a school-sponsored organization to raise money for a school-related program or activity. One fundraiser is defined as one or more fundraising activities by one or more school-sponsored organizations that last one school day. If multiple school-sponsored organizations conduct fundraisers on the same day, the combined activities are counted as one fundraiser. If a fundraising activity lasts more than one school day, each subsequent day's activity is considered as one fundraiser and counts toward the total number of permitted fundraisers.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

"School day" means the period from the midnight before to 30 minutes after the end of the official school day.

School Sponsored Fundraisers[2]

Each school may conduct ____[3] school-sponsored fundraisers per school year during which food that does not meet the nutrition guidelines for competitive foods may be available for sale to students. Fundraisers are not conducted during school meal service times.

Advertising and Marketing

BLANK School Division permits the marketing and advertising of only foods that meet the nutrition guidelines for competitive foods, serve to promote student health, prevent childhood obesity, and combat problems associated with poor nutrition and physical inactivity.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[2] School boards may, but are not required to, permit schools to conduct fundraisers at which competitive foods that do not meet the otherwise applicable nutrition standards are available for sale to students. A board which does not permit any such fundraisers should not adopt this section of this policy or the definition of "fundraiser".

[3] Each school board that permits fundraisers must select the number of school-sponsored fundraisers that will be permitted. The maximum number permitted is 30.

Unpaid Meal Charges[4]

Students[5] who do not have money on account or in hand to cover the cost of a meal[6] at the time of service **CHOOSE ONE** [may be permitted to charge the meal] **OR** [may be given an alternative meal **OR** [insert local practice].[7] Students may charge no more than [$___ **OR** ___ meals] to their accounts.[8]

A student carrying a negative balance of $____ or more is not permitted to charge any additional amounts. A student who is not permitted to charge any additional amounts is permitted to buy a meal if the student has cash on hand. Reasonable efforts are used to avoid calling attention to a student's inability to pay.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[4] The U.S. Department of Agriculture directs divisions which participate in the National School Lunch Program or School Breakfast Program to have a policy in place for participating children who do not have money in their account or in hand to cover the cost of the meal at the time of service. SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies, July 8, 2016, https://www.fns.usda.gov/sites/default/files/cn/SP46-2016os.pdf

The U.S. Department of Agriculture directs the division's policy on unpaid meal charges to be delivered to all households at the start of the school year and to households that transfer into the school division during the school year. SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies, July 8, 2016. The division may also wish to publicize the policy in other ways, such as by inclusion in student handbooks and/or in online portals used to access student accounts.

[5] Divisions may choose to create different rules for students at different grade levels.

[6] This policy assumes that students are not permitted to charge a la carte or extra items. If a division does permit students to charge such items, the policy, or an accompanying regulation, should clarify that fact.

[7] Neither state nor federal law requires schools to permit students to charge meals or to provide alternative meals. If the division charges students for alternative meals, that information should be included here.

[8] If the division does not permit students to charge meals, the policy should be adjusted accordingly.

Notices of low or negative balances in a student's meal account are sent[9] to parents[10] and the school principal. Parents are expected to pay all meal charges in full by the last day of the school year.

If a parent regularly fails to provide meal money or send food to school with the student and the student does not qualify for free or reduced benefits the child nutrition director[11] will inform the principal, who will determine the next course of action, which may include notifying the department of social services of suspected child neglect and/or taking legal steps to recover the unpaid meal charges.[12]

The superintendent ensures that federal child nutrition funds are not used to offset the cost of unpaid meals and that the child nutrition program is reimbursed for bad debt.[13] In order to accomplish those goals, the following procedures[14] are followed:

- At least one written notice is provided to a student and the student's parent or guardian prior to the student being denied reimbursable meals for exceeding the division's charge limit.
- If payment of the negative balance is not received within ___ working days of the maximum charge limit being reached, the debt will be turned over to the superintendent or superintendent's designee for collection. If the debt is not paid within __ days of notice being given, it is considered bad debt for the purposes of federal law concerning unpaid meal charges.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

[9] Divisions may want to provide more detail regarding the points at which notice will be sent either in the policy or in an accompanying regulation. For example, a division may provide notice any time the balance in an account reaches a certain point and/or may provide a periodic report regardless of the balance in the account.

[10] Notice may be given by a letter addressed to the parent and sent home with the student.

[11] Divisions may substitute the title of a different staff person.

[12] Any other steps that the division may take to recover funds should be added here.

[13] The U.S. Department of Agriculture directs that information regarding the collection of delinquent meal charge debt be included in this policy. More information regarding how federal regulations apply to the nonprofit school food service account (NSFSA) may be found in SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016, https://www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf.

[14] Any additional procedures followed in the division should be included here or in an accompanying regulation.

Students who cannot pay for a meal at school or who owe a school meal debt are not required to do chores or other work to pay for such meal or wear a wristband or hand stamp.

Recordkeeping

The BLANK School Board is responsible for maintaining records that document compliance with this policy. Those records include documentation used to assess the nutritional profile of food items and determine whether a food item is an allowable completive food, such as recipes, nutrition labels and/or product specifications for the competitive food available for sale to students.

The School Board is also responsible for

- maintaining records documenting compliance with the competitive food nutrition standards for food available for sale in areas that are outside of the control of the school nutrition programs operations
- ensuring any organization or school activity designated as responsible for food service at the various venues in the school, other than the school nutrition programs, maintains records documenting compliance with the competitive food nutrition standards
- maintaining records each school year documenting the number of exempt fundraisers, if any, conducted at each school within the division
- designating an individual at the division or school level to monitor and ensure compliance with this policy in all areas that are outside the control of the school nutrition programs operation. The designee may not be a school nutrition personnel.

Adopted:

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_____

Legal Refs: 42 U.S.C. § 1758.

U.S. Department of Agriculture, SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies, July 8, 2016.

U.S. Department of Agriculture, SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016.

7 C.F.R. 210.11.

Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.7, 22.1-207.4.

8 VAC 20-740-10.

8 VAC 20-740-30.

8 VAC 20-740-35.

8 VAC 20-740-40.

Cross Refs:

EFB	Free and Reduced Price Food Services
IGAE/IGAF	Health Education/Physical Education
JHCF	Student Wellness
JL	Fund Raising and Solicitation
KG	Sales and Solicitations in Schools
KJ	Advertising in the Schools
KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

Every employee of BLANK School Board who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq. shall immediately report the matter to

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

Notice of Reporting Requirement

The School Board posts in each school a notice that

- any teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and
- all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

Complaints of Abuse and Neglect

The School Board and the local department of social services have adopted a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student. The interagency agreement is based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services.

© 5/15 VSBA policy deleted 5/19 SCHOOL DIVISION NAME

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-253.13:7.A, 22.1-291.3, 63.2-1509, 63.2-1511.

Cross Refs.: JFHA/GBA Prohibition Against Harassment and Retaliation
GBLA Third Party Complaints Against Employees

© 5/15 VSBA policy deleted 5/19 SCHOOL DIVISION NAME

SUICIDE PREVENTION

Duties of Teachers and Administrative Staff

Any person licensed as administrative or instructional personnel by the Board of Education and employed by the BLANK School Board who, in the scope of his employment, has reason to believe, as a result of direct communication from a student, that such student is at imminent risk of suicide, ~~shall,~~ contacts, as soon as practicable, ~~contact~~ at least one of such student's parents to ask whether such parent is aware of the student's mental state and whether the parent wishes to obtain or has already obtained counseling for such student.

~~Contacting the Parent/Guardian~~

~~If the section below titled "Abuse or Neglect" does not apply, then the staff member shall call at least one of the student's parents/guardians. When contacting a parent/guardian, the staff member should:~~

1. ~~Provide his/her name and position in the school;~~
2. ~~Tell the parent/guardian that he has reason to believe, as a result of direct communication from the student, that the student is at imminent risk of suicide;~~
3. ~~Assure the parent/guardian that the student is currently safe;~~
4. ~~State the legal requirement for the call, citing Va. Code § 22.1-272.1;~~
5. ~~Ask the parent/guardian whether he or she is aware of the student's mental state;~~
6. ~~Ask the parent/guardian whether he or she wishes to obtain or has obtained mental counseling for the student;~~
7. ~~Provide names of community counseling resources if appropriate and offer to facilitate the referral; and~~
8. ~~Determine the parent's intent to seek appropriate services for the student.~~

Abuse or Neglect

If the student has indicated that the reason for being at imminent risk of suicide relates to parental abuse or neglect, contact ~~shall not be~~ is not made with the parent. Instead, the staff person ~~shall,~~ notifies, as soon as practicable, ~~notify~~ the local department of social services of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or the state Department of Social Services' toll-free child abuse and neglect hotline as required by Policy ~~JHG/GAE~~ GAE

Child Abuse and Neglect Reporting and Va. Code § 63.2-1509. When giving this notice to the local or state department, the person ~~shall stress~~ stresses the need to take immediate action to protect the child from harm.

~~Inability to Reach Parent/Guardian~~

~~If the staff member is unable to make contact with the parent/guardian by the end of the school day, then he shall follow the school's crisis management plan.~~

~~Required Documentation~~

~~The staff member shall document the phone call to the parent/guardian by recording: (a) the time and date of the call; (b) the individual contacted; (c) the parent/guardian's response; and (d) anticipated follow-up.~~

~~Additional Concerns~~

~~If parental/guardian contact is made and, in the course of this contact, relevant issues of abuse or neglect are discovered (e.g., a parent acknowledges the child's suicidal intent but indicates no intent to act for the well-being of the child), the staff member shall report the abuse or neglect in accordance with policy JHG/GAE Child Abuse and Neglect Reporting.~~

~~Duty to Keep Student Safe and Secure~~

~~A student who is at imminent risk of suicide shall remain under adult supervision until a parent/guardian or other authorized individual accepts responsibility for the student's safety.~~

Parental Review of Materials

Parents have the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Prior to the use of any such material, the parent of a child participating in such a program is provided written notice of the parent's right to review the material and the right to excuse the child from participating in the part of such program utilizing such material.

Adopted:

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Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-207.1:1, 22.1-272.1 and 63.2-1509.

~~Va. Board of Education "Suicide Prevention Guidelines," (Revised 2003).~~

Cross Refs:	~~JHG/GAE~~ GAE	Child Abuse and Neglect Reporting
	EB	School Crisis, Emergency Management and Medical Emergency Response Plan
	EBB	Threat Assessment Teams

STUDENT-ATHLETE CONCUSSIONS ~~DURING EXTRACURRICULAR ACTIVITIES~~

~~Definitions~~

~~Concussion: a brain injury that is characterized by an onset of impairment of cognitive and/or physical functioning, and is caused by a blow to the head, face or neck, or a blow to the body that causes a sudden jarring of the head (i.e., a helmet to the head, being knocked to the ground). A concussion can occur with or without a loss of consciousness, and proper management is essential to the immediate safety and long-term future of the injured individual.~~

~~Licensed Health Care Provider: a physician, physician assistant, osteopath or athletic trainer licensed by the Virginia Board of Medicine; a neuropsychologist licensed by the Board of Psychology; or a nurse practitioner licensed by the Virginia State Board of Nursing.~~

~~Return-to-Learn: instructional modifications that support a controlled, progressive increase in cognitive activities while the student recovers from a brain injury allowing the student-athlete to participate in classroom activities and learn without worsening symptoms and potentially delaying healing.~~

~~Return-to-Play: to participate in a nonmedically supervised practice, game, or athletic competition.~~

~~I.~~ ~~[SCHOOL DIVISION] Concussion Management Team~~

~~a.~~ ~~The [SCHOOL DIVISION] Concussion Management Team ("CMT") shall be appointed by the superintendent and shall consist of a school administrator, an athletic administrator, a licensed health care provider, a coach, a parent or guardian of a student-athlete, a student-athlete and any such other person or persons the superintendent determines will assist the CMT in its actions.~~

~~b.~~ ~~The CMT shall develop concussion training materials for school personnel, volunteers, student-athletes and parents of student-athletes. Those materials may address the proper fitting and maintenance of helmets. The CMT shall also develop concussion reporting, management and review protocols for the school division. The CMT shall maintain a record of all incidents where a student-athlete has been removed from a game, competition or practice because he or she has been suspected of sustaining a concussion.~~

~~c.~~ ~~The CMT shall meet at least once per semester and shall evaluate the division's training materials, concussion reporting, management and review protocols annually.~~

~~II.~~ ~~Required Concussion Training for School Personnel and Volunteers:~~

~~a.~~ ~~Every coach, assistant coach, school staff, adult volunteer, or other person~~

~~serving in a coaching or advisory role over student-athletes during games, competitions or practices shall receive training in the signs and symptoms of sports-related concussions, strategies to reduce the risk of concussions, how to seek proper medical treatment for concussions and the process by which a concussed student-athlete may safely return to practice or competition. Each school and the CMT shall maintain a written record of the names and dates of completion for all persons completing the school's concussion training.~~

b. ~~Each school shall ensure that no person is allowed to coach or advise a student-athlete in any practice, game, or competition who has not completed the school's concussion training within the previous twelve months.~~

III. ~~Distribution of Training Materials for Student-Athletes and Parent/Guardian:~~

a. ~~Prior to participating in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review concussion training materials developed by the CMT and sign a statement acknowledging receipt of such information. The concussion training materials shall describe the short-and long-term health effects of concussions.~~

b. ~~The signed statements acknowledging the receipt of concussion training materials shall be valid for one calendar year and will satisfy the concussion training requirements for all of a student-athlete's extracurricular physical activities for a calendar year.~~

IV. ~~Removal from Extracurricular Physical Activities~~

a. ~~A student-athlete suspected by a student-athlete's coach, athletic trainer or team physician of sustaining a concussion or brain injury in a practice, game or competition shall be removed from the activity immediately, evaluated and, if necessary, referred for further treatment. A student-athlete who has been removed from play, evaluated, and suspected to have sustained a concussion or brain injury shall not return to play that same day.~~

b. ~~In determining whether a student-athlete removed from play is suspected of having sustained a concussion, an appropriate licensed health care provider or other properly trained individual, shall evaluate the student-athlete at the time of removal utilizing a standardized concussion sideline assessment instrument (e.g., Sideline Concussion Assessment Tool (SCAT-II, SCAT III, ChildSCAT3), the Standardized Assessment of Concussion (SAC), or the Balance Error Scoring System (BESS)).~~

c. ~~The determination of whether a student-athlete removed from play is suspected of having sustained a concussion shall be the sole determination of the licensed health care provider or other properly trained individual conducting the concussion sideline assessment. Such determination is final and may not be~~

overruled by another licensed health care provider or other properly trained individual, coach, assistant coach, school staff, or other person serving in a coaching or advisory role, the student-athlete or the parent or guardian of the student-athlete.

d. The coach of a student-athlete may elect not to return the student-athlete to play, even if after the concussion sideline assessment it is determined that the student-athlete is no longer suspected of having sustained a concussion.

V. Return-To-Play Protocol

a. No student-athlete shall be allowed to return to extracurricular physical activities, which includes the student-athlete's practices, games or competitions, until the student presents a written medical release from the student-athlete's licensed health care provider. The written medical release shall certify that (i) the provider is aware of the current medical guidance on concussion evaluation and management; (ii) the student-athlete no longer exhibits signs symptoms or behaviors consistent with a concussion at rest or with exertion; and (iii) that the student-athlete has successfully completed a progressive return to sports participation program. The length of progressive return to sports participation program shall be determined by the student-athlete's licensed health care provider but shall last a minimum of five calendar days.

b. The coach of a student-athlete may elect not to allow a student-athlete to return to extracurricular physical activities, even after the production of written medical release from the student-athlete's licensed health care provider, if the coach observes signs and symptoms of sports-related concussions. If the student-athlete's coach makes such a decision, the coach shall communicate the observations and concerns to the student-athlete's parent or guardian within one day of the decision not to allow such student-athlete to return to extracurricular physical activities.

VI. Return-to-Learn Protocol

a. School personnel shall be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning and problem solving.

b. School personnel shall accommodate the gradual return to full participation in academic activities by a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

~~VII. Helmet Replacement and Reconditioning~~

~~a. All helmets used in school physical activities must conform to the National Operations Committee on Standards for Athletic Equipment (NOCSAE) and certified as conforming by the manufacturer at the time of purchase.~~

~~b. Reconditioned helmets that have been purchased must be recertified as conforming to the NOCSAE by the reconditioner.~~

~~VIII. Athletic Activities Conducted by Non-School Organizations on School Property~~

~~The school division may provide this policy and the Board of Education's Guidelines for Policies on Concussions in Student-Athletes to organizations sponsoring athletic activity for student-athletes on school property. The school division does not enforce compliance with the policy or Guidelines by such organizations.~~

Generally

In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian must review, on an annual basis, information on concussions provided by the school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian must sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education.

Return to Play Protocol

A student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game is removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury does not return to play that day or until the student-athlete is

- evaluated by an appropriate licensed health care provider as determined by the Board of Education and
- in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

Return to Learn Protocol

School personnel are alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including

- difficulty with concentration, organization, and long-term and short-term memory;
- sensitivity to bright lights and sounds; and
- short-term problems with speech and language, reasoning, planning, and problem solving.

School personnel accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

Procedures

The superintendent is responsible for developing, and biennially updating, procedures regarding the identification and handling of suspected concussions in student-athletes.[1]

Athletic Activities Conducted by Non-School Organizations on School Property

The school division may provide this policy to organizations sponsoring athletic activity for student-athletes on school property. The school division does not enforce compliance with the policy by such organizations.

Adopted:

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Legal Refs.: Code of Virginia, 1950, as amended, ~~§§ 22.1-271.5, 22.1-271.6.~~ § 22.1-271.5.

~~Virginia Board of Education Guidelines for Policies on Concussions in Student-Athletes (Adopted January 22, 2015).~~

Cross Refs.: KG Community Use of School Facilities
KGB Public Conduct on School Property

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] Va. Code § 22.1-271.5 requires that this policy also be updated biennially.

STUDENT RECORDS

Generally

The BLANK School Board maintains accurate and complete records for every student enrolled in the public schools in accordance with all federal and state laws.

The superintendent and/or his designee(s) is responsible for the collection of data, record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The superintendent also provides for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of this policy.

Definitions

For the purposes of this policy, the BLANK Public Schools uses the following definitions.

Authorized representative – any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 CFR § 99.31(a)(3) to conduct, with respect to federal- or state-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Directory information - information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational institution attended. Directory information may not include the student's social security number. Directory information may include a student identification number or other unique personal identifier used by a student for accessing or communicating in electronic systems if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user or a student ID number or other unique personal identifier that is displayed on a student ID badge, if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity such as a PIN or password or other factor known or possessed only by the authorized user.

Early childhood education program – a Head Start program or an Early Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children's cognitive, social, emotional, and physical development and is a state prekindergarten program, a program under section 619 or Part C of the Individuals with Disabilities Education Act, or a program operated by a local educational agency.

Education program - any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Education records - any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the BLANK School Board or an agent of the school division which contains information directly related to a student, except

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record;
- records created and maintained for law enforcement purposes by the BLANK School Board's law enforcement unit, if any. A law enforcement unit is any individual, office, department, or division of the school division that is authorized to enforce any local, state, or federal law, refer enforcement matters to appropriate authorities or maintain the physical security and safety of the school division;
- in the case of persons who are employed by the BLANK School Board but who are not in attendance at a school in the division, records made and maintained in the normal course of business which relate exclusively to the person in his capacity as an employee;
- records created or received after an individual is no longer in attendance and that are not directly related to the individual's attendance as a student;
- grades on peer-graded papers before they are collected and recorded by a teacher; and
- any electronic information, such as email, even if it contains personally identifiable information regarding a student, unless a printed copy of the electronic information is placed in the student's file or is stored electronically under an individual student's name on a permanent and secure basis for the purpose of being maintained as an educational record. For purposes of this policy, electronic information that exists on a back-up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.

Eligible student - a student who has reached age 18.

Parent - a parent of a student, including a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Student - any person who is or has been in attendance at BLANK Public Schools regarding whom the school division maintains education records or personally identifiable information.

Dissemination and Maintenance of Records About Court Proceedings

Adjudications

The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G. contained in a notice received pursuant to Va. Code § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

A parent, guardian, or other person having control or charge of a student, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 received by a superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260, the notice shall become a part of the student's disciplinary record.

Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in Va. Code § 22.1-253.13:4.

Petitions and Reports

The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to Va. Code § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

- If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department which sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.
- Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel within the division. The principal may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.
- If the superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

Protective Orders and Orders Prohibiting Contact with a Child

Any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations district court, or magistrate has issued a protective order for the protection of any child who is enrolled at the school, or any other order prohibiting contact with such a child, notifies licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued.

Annual Notification

The school division annually notifies parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) including

- the right to inspect and review the student's education records and the procedure for exercising this right;
- the right to request amendment of the student's education records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedure for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- the type of information designated as directory information and the right to opt out of release of directory information;
- that the school division releases records to other institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

Procedure to Inspect Education Records

Parents of students or eligible students may inspect and review the student's education records within a reasonable period of time, which shall not exceed 45 days, and before any meeting regarding an IEP or hearing involving a student with a disability. Further, parents have the right to a response from the school division to reasonable requests for explanations and interpretations of the education record.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or appropriate school official) will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

Copies of Education Records

The BLANK Public Schools will not provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review the records.

Fees for Copies of Records

The fee for copies will be _____ per page. The actual cost of copying time and postage will be charged. The BLANK Public Schools does not charge for search and retrieval of the records. The BLANK Public Schools does not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

Types, Locations, and Custodians of Education Records

The BLANK Public School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types of records that the BLANK Public Schools maintain, their locations, and their custodians.

Types	Location	Custodian	Information

THE SCHOOL DIVISION WILL COMPLETE THIS SECTION AS APPROPRIATE.

Disclosure of Education Records

The BLANK Public Schools discloses education records or personally identifiable information contained therein only with the written consent of the parent or eligible student except as authorized by law. Exceptions which permit the school division to disclose education record information without consent include the following.

1. To school officials who have a legitimate educational interest in the records.
   A school official is:
   - a person employed by the School Board
   - a person appointed or elected to the School Board
   - a person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
   - a contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct

control of the school division with respect to the use and maintenance of education records

A school official has a legitimate educational interest if the official is:

- performing a task that is specified in his or her position description or by a contract agreement
- performing a task related to a student's education
- performing a task related to the discipline of a student
- providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must

enter into a written agreement with the organization conducting the study which

- specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
- requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
- requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
- requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
    - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
    - the parties to whom the division disclosed the information.
11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
12. Directory information so designated by the school division.
13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

The school division will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

Unauthorized Disclosure of Electronic Records

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation federal or state law applicable to such information, the school division shall notify, as soon as practicable,

the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

Disclosure to Federal Agencies

Notwithstanding any other provision of law or policy, no member or employee of the BLANK School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

Disclosure of Information Relating to Home Instructed Students

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B 1 of Va. Code § 22.1-254. However, the superintendent or School Board may disclose, with the written consent of a student’s parent, such information to the extent provided by the parent’s consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

Audit or Evaluation of Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connection with an audit or evaluation of federal- or state- supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the individual or entity as an authorized representative;
- specifies the personally identifiable information to be disclosed, specifies that the purposes for which the personally identifiable information is disclosed to the authorized representative is to carry out an audit or evaluation of federal- or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31(a)(3) including a description of how the personally identifiable information will be used;

- requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
- specifies the time period in which the information must be destroyed; and
- establishes policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally identifiable information from further disclosure and unauthorized use, including limiting use of personally identifiable information to only authorized representatives with legitimate interests in the audit or evaluation of a federal- or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

Military Recruiters and Institutions of Higher Learning

The BLANK Public Schools provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student. The school division notifies parents of the option to make a request and complies with any request.

The school division provides military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

Record of Disclosure

The BLANK Public Schools maintains a record, kept with the education records of each student, indicating all individuals (except school officials who have a legitimate educational interest in the records), agencies or organizations which request or obtain access to a student's education records. The record will indicate specifically the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records and to persons or organizations which audit the operation of the system.

The requirements related to records of disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 2331 or other acts listed in 18 U.S.C. § 2332b(g)(5)(B).

Personal information will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party permits access to information, or fails to destroy information, the division will not permit access to information from education records to that third party for a period of at least five years.

Directory Information

The BLANK School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

No school discloses the address, telephone number, or email address of a student pursuant to ~~34 C.F.R. § 99.31(a)(11) or~~ the Virginia Freedom of Information Act unless the parent or eligible student affirmatively consents in writing to such disclosure. Except as required by state or federal law, no school discloses the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the school or to school board employees for educational purposes or school business and the parent or eligible student has not opted out of such disclosure in accordance with Virginia law and this policy or (b) the parent or eligible student has affirmatively consented in writing to such disclosure.

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

SCHOOL BOARD SHALL INSERT
LIST OF DIRECTORY INFORMATION

Correction of Education Records

The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows.

1. Parents or the eligible student must request in writing that the BLANK Public Schools amend a record. In so doing, they should identify the part of the record they want changed and specify why

they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.

2. BLANK Public Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
3. Upon request, BLANK Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
4. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. BLANK Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
7. If BLANK Public Schools decides that the information is inaccurate, misleading or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If BLANK Public Schools decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

Confidentiality of HIV and Drug and Alcohol Treatment Records

The BLANK Public Schools complies with the confidentiality requirements of Va. Code § 32.1-36.1 providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school division maintains

confidentiality of drug and alcohol treatment records as required by federal and state law.

Adopted:

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Legal Refs.: 18 U.S.C. §§ 2331, 2332b.
20 U.S.C. §§1232g, 7908.
42 U.S.C. § 290dd-2.

34 C.F.R. 99.3, 99.7, 99.10, 99.11, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37.

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3705.4, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-254.1, 22.1-279.3:2, 22.1-287, 22.1-287.01, 22.1-287.02, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-36.1.

Cross Refs.:

IJ	Guidance and Counseling Program
JEC	School Admission
JEC-R	School Admission
JECA	Admission of Homeless Children
JFC	Student Conduct
JGDA	Disciplining Students with Disabilities
JGD/JGE	Student Suspension/Expulsion
JHCB	Student Immunizations
JHCD	Administering Medicines to Students
JOA	Student Transcripts
JRCA	School Service Providers' Use of Student Personal Information
KBA-R	Requests for ~~Information~~ Public Records
KBC	Media Relations
KNB	Reports of Missing Children
KP	Parental Rights and Responsibilities
LBD	Home Instruction
LEB	Advanced/Alternative Courses for Credit

ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES

I. Instructional Materials and Surveys

A. Inspection of Instructional Materials

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be ~~used as part of the educational curriculum for a student or which will be~~ used in connection with any survey, analysis, or evaluation as part of any federally funded program ~~shall be~~ are available for inspection by the parents or guardians of the student in accordance with Policy KBA Requests for ~~Information.~~ Public Records.

B. Participation in Surveys and Evaluations

No student ~~shall be~~ is required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveals information concerning

(1) political affiliations or beliefs of the student or the student's parent,
(2) mental or psychological problems of the student or the student's family,
(3) sex behavior or attitudes,
(4) illegal, anti-social, self-incriminating, or demeaning behavior,
(5) critical appraisals of other individuals with whom respondents have close family relationships,
(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
(7) religious practices, affiliations, or beliefs of the student or student's parent, or
(8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

C. Surveys Requesting Sexual Information

In any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to Va. Code § 32.1-73.8, other information on controlled substance use, or any other information that the School Board deems to be sensitive in nature is to be administered, the School Board ~~shall notify~~ notifies the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice ~~will inform~~ informs the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how information collected by the questionnaire or survey will be used, who will have access to such information, the steps that will be

taken to protect student privacy, and whether and how any findings or results will be disclosed. In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the School Board with all information required to be included in the notice to parents. The parent has the right to review the questionnaire or survey in a manner mutually agreed upon by the school and the parent and exempt the parent's child from participating in the questionnaire or survey. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey ~~shall~~ do not disclose personally identifiable information.

No questionnaire or survey requesting that students provide sexual information shall be administered to any student in kindergarten through grade six.

D. Additional Protections

~~A parent or emancipated student may, upon request, inspect any instructional material used as part of the educational curriculum of the student and any survey created by a third party before the survey is administered or distributed to a student. Any inspection shall be in accordance with Policy KBA Requests for Information. Public Records.~~

In ~~addition, in~~ the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection I.B. above, the privacy of students to whom the survey is administered ~~will be~~ is protected by: **[insert list of arrangements to protect student privacy in the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection I.B. above.]**

II. Physical Examinations and Screenings

If the BLANK School Division administers any physical examinations or screenings other than

- those required by Virginia law, and
- surveys administered to a student in accordance with the Individuals with Disabilities Education Act,

policies regarding those examinations or screenings will be developed and adopted in consultation with parents.

III. Commercial Use of Information

Questionnaires and surveys ~~shall not be~~ are not administered to public school students during the regular school day or at school-sponsored events without written, informed parental consent when participation in such questionnaire or survey may

subsequently result in the sale for commercial purposes of personal information regarding the individual student.

This subsection does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- college or other postsecondary education recruitment, or military recruitment;
- book clubs, magazines, and programs providing access to low-cost literary products;
- curriculum and instructional materials used by elementary schools and secondary schools;
- tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

IV. Notification

Notification of Policies

The Board ~~shall provide~~ provides notice of this policy directly to parents of students annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy. The Board ~~will also offer~~ also offers an opportunity for the parent (or emancipated student) to opt the student out of participation in

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection I.B. above; or
- any nonemergency, invasive physical examination or screening that is
    - required as a condition of attendance;
    - administered by the school and scheduled by the school in advance; and
    - not necessary to protect the immediate health and safety of the student, or of other students.

Notification of Specific Events

The Board ~~will directly notify~~ directly notifies the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection I.B. above; or
- any nonemergency, invasive physical examination or screening that is
    - required as a condition of attendance;
    - administered by the school and scheduled by the school in advance; and
    - not necessary to protect the immediate health and safety of the student, or of other students.

V. Definitions

Instructional material: the term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Invasive physical examination: the term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Parent: the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Personal information: the term "personal information" means individually identifiable information including

- a student or parent's first and last name;
- a home or other physical address (including street name and the name of the city or town);
- a telephone number; or
- a Social Security identification number.

Survey: the term “survey” includes an evaluation.

Adopted:

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Legal Refs.: 20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, § 22.1-79.3.

Cross Refs.:		
	INB	Teaching About Controversial Issues
	JHDA	Human Research
	KBA	Requests for ~~Information~~ Public Records
	KF	Distribution of Information/Materials

STUDENT PUBLICATIONS

Definition of Official School Publications

Official school publications such as newspapers, yearbooks, and literary magazines may be prepared in regularly scheduled classes and are components of the curriculum approved by the School Board. These publications are not intended to provide a public forum for students or the general public. ~~In all instances related~~ With regard to these publications, the School Board ~~will be~~ is the publisher, the principal ~~will be~~ is the editor, the faculty sponsor ~~will be~~ is the co-editor, and students appointed by the co-editor may serve as assistant editors and journalists.

Responsibilities of Student Editors and Journalists

Student assistant editors and journalists ~~shall be~~ are responsible for preparing and writing factual material that is not obscene, defamatory, or an invasion of privacy or that

- is reasonably foreseeable to lead to the substantial disruption of school activities or to endanger the health or safety of students or staff;
- ~~which~~ advocates the commission of an unlawful act or the violation of a lawful school policy or regulation;
- ~~which~~ advertises or advocates illegal products or services; or
- ~~which~~ advocates prejudice, hatred, violence, or ~~harassment on the basis of race, religion, national origin, ancestry or disability.~~ harassment.

Responsibilities of Student Publications Faculty Co-Editor

School publications faculty co-editors ~~shall~~ instruct students in ~~the Code of Ethics of the American Society of Newspaper Editors and help students to understand and follow it.~~ the recognized practices and ethical considerations of journalism. Faculty members ~~shall~~ instruct students in ~~correct and~~ appropriate journalistic techniques and consult with the ~~principal, who is the editor, on~~ principal regarding material that may violate the law or the ~~journalism Code of Ethics.~~ recognized principles of journalism. Material that may be considered controversial by some members of the school community should be carefully considered by students and the faculty editor, and brought to the attention of the ~~principal (editor).~~ principal.

Responsibilities of the School ~~Principal (Editor)~~ Principal

The school principal is responsible for approving all publications in accordance with School Board policy and ~~his/her~~ the principal's judgment and discretion.

Adopted:

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Legal Refs Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 261, 108 S. Ct. 562, 98 L.Ed.2d 592 (1988).

Cross Refs:	AC	Nondiscrimination
	GB	Equal Employment Opportunity/Nondiscrimination
	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JFHA/GBA	Prohibition Against Harassment and Retaliation
	~~GBECA~~	~~Electronic Cigarettes~~
	~~KGC~~	~~Use of Tobacco and Electronic Cigarettes on School Premises~~

PUBLIC INFORMATION PROGRAM

The BLANK School Board recognizes the importance of providing information regarding the school division to the community. The Board will utilize all appropriate means and media in order to

- explain the programs, achievements, and needs of the school division;
- keep students, parents/guardians, and staff members fully informed about Board policies and procedures as well as their own rights and responsibilities;
- communicate factual information regarding the school division: and
- involve students, parents/guardians, and the community in discussions regarding education programs, student activities, and Board policy.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78.

Cross Refs.: KA Goals for School Community Relations
KBA Requests for ~~Information~~ Public Records
KBC Media Relations

REQUESTS FOR PUBLIC RECORDS

BLANK School Board complies with the Virginia Freedom of Information Act (FOIA). Except as otherwise specifically provided by law, all public records are open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. All requests for information are processed in accordance with KBA-R Requests for Public Records.

Officers, employees, and members of the School Board who fail to provide public records as required by FOIA because they altered or destroyed the requested records with the intent to avoid the provisions of FOIA are subject to penalties in their individual capacity of up to $100 per record altered or destroyed.

The name(s) and contact information for the person(s) BLANK School Board has designated as its Freedom of Information Act (FOIA) Officer(s)[1] is listed in regulation KBA-R Requests for Public Records and posted at the school board office and on the division's website. The FOIA Officer(s) serve(s) as a point of contact for members of the public in requesting public records and coordinate(s) the school board's compliance with FOIA. The FOIA officer(s) receive(s) training at least annually from the school board's legal counsel or the Virginia Freedom of Information Advisory Council.

Adopted:

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3704, ~~2.2-3704.2.~~ 2.2-3704.2, 2.2-3714.

Cross Ref.: KBA-R Requests for Public Records

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

[1] Each school board may name one or more FOIA Officers. The name and contact information of the FOIA Officer(s) must be made available in a way reasonably calculated to provide notice to the public, including posting at the school board office, posting on the school board's website or including the information in school board publications.

INTERNET PRIVACY

The BLANK School Board is committed to complying with the Government Data Collection and Dissemination Practices Act and the Virginia Freedom of Information Act. The BLANK School Board does not collect unnecessary personal information by means of its website, and collects only appropriate personal information to the extent necessary to serve its constituents and the community.

~~Personal information collected and retained by the school division's website is maintained in compliance with the Government Data Collection and Dissemination Practices Act. Any individual wishing to learn the purpose for which information has been recorded and the particulars of its use and dissemination may contact the superintendent or the superintendent's designee regarding this information. Any person wishing to correct, erase or amend inaccurate, obsolete or irrelevant information may do so by procedures established by the superintendent or the superintendent's designee.~~

~~The School Board informs the public of any personal information collected through its website by posting the following privacy statement or a link to this privacy statement in a conspicuous fashion at the top of the website home page:~~

~~BLANK School Board~~
~~Internet Privacy Policy Statement~~[1]
~~(last updated on [date])~~

~~The following information explains the Internet Privacy Policy, which the BLANK School Board has adopted for its website. The following is intended to explain our current Internet privacy practices, but shall not be construed as a contractual promise. We reserve the right to amend our Internet Privacy Policy Statement at any time without notice.~~

~~Virginia law~~

~~We protect our records in accordance with our obligations as defined by applicable Virginia statutes, including, but not limited to, Government Data Collection and Dissemination Practices Act and the Virginia Freedom of Information Act and by any applicable federal laws.~~

~~Links to other websites~~

~~Footnotes are for reference only. They should be eliminated from an individual board's policy.~~

[1] ~~The following Internet Privacy Policy Statement is a sample. Each school board should amend it as necessary to reflect the actual practices in the school division.~~

Our website may contain links to other public or private entities' websites, whose privacy practices we do not control.

Information we collect

When you access our website, the routing information, and the essential and nonessential technical information listed below, is automatically collected. No other information is collected through our website except when you deliberately decide to send it to us (for example, by clicking on a link to send us an e-mail). The information you might choose to send us is listed below as "optional information."

Routing information: the Internet domain and Internet address of the computer you are using.

Essential technical information: identification of the page or service you are requesting, type of browser and operating system you are using and the date and time of access.

Nonessential technical information: the Internet address of the website from which you linked directly to our website, [and the "cookie information" described below][2].

Optional information: when you send us an e-mail, your name, e-mail address, and the content of your e-mail, and/or when you fill out online forms, all the data you choose to fill in or confirm.

Cookies[3]:

Our website does not place any "cookies" on your computer.

OR

Our website places “cookies” on your computer unless your browser is set to reject cookies. The cookies enable our website to recognize you when you return to the website at a later date or time and enable us to personalize the website with preferences or information you have provided during prior sessions. The cookie information placed on your computer by this website includes the following: _____.

Footnotes are for reference only. They should be eliminated from an individual board’s policy.

[2] If a school board’s website does not collect cookies, this phrase should not be adopted.

[3] Each division should choose one of the options below.

How the collected information is used

Routing information is used to route the requested web page to your computer for viewing. We send the requested web page and the routing information to our Internet Service Provider (ISP) or other entities involved in transmitting the requested page to you. We do not control the privacy practices of those entities. Essential and nonessential technical information helps us respond to your request in an appropriate format, or in a personalized manner and helps us plan website improvement.

Optional information enables us to provide services or information tailored more specifically to your needs or to forward your message or inquiry to another entity that is better able to do so, and also allows us to plan website improvements.

We may keep your information indefinitely, but we ordinarily delete the routing information from our computer within [X] days after the web page is transmitted and do not try to obtain any information to link it to the individuals who browse our website. We use this routing information primarily in a statistical summary type format to assess site content and server performance. We may share this summary information with our business partners when needed.

However, on rare occasions when a "hacker" attempts to breach computer security, logs of routing information are retained to permit a security investigation and in such cases may be forwarded together with any other relevant information in our possession to the appropriate law enforcement agency.

Optional information is retained in accordance with the Records Retention Schedules promulgated by the Library of Virginia.

Under the Freedom of Information Act, any records in our possession at the time of a request for information, including the collection of logs and data of a website, may be subject to being inspected by or disclosed to members of the public for any purpose.

Choice to provide information

There is no legal requirement for you to provide any information at our website. However, our website will not work without routing information and the essential technical information. Failure of your browser to provide nonessential technical information will not prevent your use of our website but may prevent certain features from working. Failure to provide optional information may mean that

~~the particular feature or service associated with that part of the web page will not be available to you.~~

~~**Comments or review**~~

~~If you have questions about this privacy statement or the practices of this website or if you choose to review or correct any information, please contact us at [PROVIDE CONTACT INFORMATION].~~

BLANK School Board collects the following information through its website: **insert list of information collected here.**

The following information is collected automatically by accessing the website: **insert list of information collected here.**

Each School Board should select one of the following:

Our website does not place any "cookies" on your computer.

OR

Our website places “cookies” on your computer unless your browser is set to reject cookies. The cookies enable our website to recognize you when you return to the website at a later date or time and enable us to personalize the website with preferences or information you have provided during prior sessions. The cookie information placed on your computer by this website includes the following: _____.

Information collected through the division’s website is used as follows: **insert list of how information is used here.**

The Superintendent is responsible for creating and updating, as necessary, an internet privacy policy statement. The statement is available of the division’s website in a conspicuous manner.

Adopted:

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Legal Refs: Code of Virginia, 1950, as amended, § ~~2.2-3803(B).~~ 2.2-3803.

~~Internet Privacy Guidelines (Final Draft), Virginia Department of Technology Planning.~~

DISTRIBUTION OF INFORMATION/MATERIALS

The BLANK School Board seeks to minimize intrusions on the time of students and employees by communications from sources other than the school division. ~~The division superintendent, or his/her designee, must approve, in advance, any materials sought to be distributed or made available by non-school organizations, including parent-teacher organizations and booster clubs.~~ Approval must be obtained from the superintendent, or superintendent's designee, before any materials may be distributed or made available at the request of non-school organizations. Approval will be granted only for materials from governmental organizations and nonprofit community organizations regarding activities related to the educational mission of the BLANK School Division.

Approval will not be given for materials which

- are likely to cause substantial disruption of, or a material interference with, school activities;
- endorse or encourage the use of alcohol, ~~tobacco, electronic cigarettes~~ tobacco products, nicotine vapor products, or any illegal substance or action;
- endorse or encourage any violation of the Standards of Student Conduct (see Policy JFC-R); or
- are obscene, pornographic, or defamatory.

Materials from nonprofit community organizations approved for distribution must clearly indicate their source and must include the following statement: "These materials and the activity described herein, are not sponsored or endorsed by the BLANK School Board."

The superintendent, by regulation, will establish the time, place, and manner of distribution of approved materials. No distribution will be permitted during class time.

Political Communications

Students shall not be required to convey or deliver any material that advocates (1) the election or defeat of any candidate; (2) the passage or defeat of any referendum question or (3) the passage or defeat of any matter pending before a local school board, local governing body, the General Assembly or Congress

This Policy shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects.

Adopted:

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_____

Legal Refs.: U. S. Constitution amend. I.

Child Evangelism Fellowship of Maryland, Inc. v. Montgomery County Public Schools, 457 F.3d 376 (4th Cir. 2006)

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79.3, 22.1-79.5, 22.1-131, 22.1-279.6 and ~~22.1-293(B-D).~~ 22.1-293.

Acts 2016, c. 647.

Cross Refs.:	JFC-R	Standards of Student Conduct
	~~KFB~~ JOB	Administration of Surveys and Questionnaires
	KG	Community Use of School Facilities
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

COMMUNITY USE OF SCHOOL FACILITIES

The School Board may permit use of school property by members of the community when such use will not impair the efficiency of the school. The superintendent shall develop guidelines and applications for use of school property. Requests for the use of any school facilities shall be made to the superintendent or superintendent's designee. The superintendent shall report actions taken under this policy to the School Board at the end of each month.

If the School Board permits the use of its facilities by members of the community or the distribution of literature on school property or at school functions, it will permit such use or such distribution by the Boy Scouts of America, the Girl Scouts of the United States of America, and other youth groups designated as patriotic societies by federal law, to the same extent and in the same manner as all other persons or groups.

Adopted:

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Legal Refs.: 20 U.S.C. § 7905

Code of Virginia, 1950, as amended, §§ 22.1-79.3, 22.1-130.1, 22.1-131, 22.1-132.

Acts 2016, c. 647.

Cross Refs.:	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	IGDA	Student Organizations
	KF	Distribution of Information/Materials

PUBLIC CONDUCT ON SCHOOL PROPERTY

All visitors must register at the school office on arrival.

No one may possess or consume any alcoholic beverage in or on the grounds of any public school during school hours or school or student activities. In addition, no one may consume, and no organization shall serve, any alcoholic beverage in or on the grounds of any public school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

In accordance with Policy KGC ~~Use of Tobacco and Electronic Cigarettes on School Premises,~~ Tobacco Products and Nicotine Vapor Products, ~~smoking and the use of electronic cigarettes~~ use of tobacco products and nicotine vapor products is not permitted in ~~schools~~ schools, at school-sponsored events, or ~~school~~ in school vehicles.

Any person found to be engaged in or advocating illegal activity while on school property, including school buses, shall be reported by the principal to the local law enforcement authorities.

Any person who willfully and maliciously damages, destroys or defaces any school district building, or damages or removes any school property from a school building, will be required to compensate the school division and may be prosecuted.

Any person who willfully interrupts or disturbs the operation of any school or, being intoxicated, disturbs the same, whether willfully or not, may be ejected and/or prosecuted.

Adopted:

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Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ 4.1-309, 18.2-415, 18.2-128, 18.2-138, 22.1-78, 22.1-79.5.

Cross Refs:

ECAB	Vandalism
~~GBEC/JFCH~~	~~Tobacco-Free School for Staff and Students~~
~~GBECA~~	~~Electronic Cigarettes~~
~~KGC~~	~~Use of Tobacco and Electronic Cigarettes on School Premises~~
GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
KK	School Visitors
KN	Sex Offender Registry
KNA	Violent Sex Offenders on School Property

~~USE OF TOBACCO AND ELECTRONIC CIGARETTES ON SCHOOL PREMISES~~ TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

~~Smoking is prohibited~~

- ~~in the interior of indoor facilities owned or leased or contracted for and utilized for the provision of regular kindergarten, elementary, or secondary educational or library services to children;~~
- ~~on every public school bus and all other vehicles used by the division for transporting students, staff, visitors, or other persons; and~~
- ~~in every indoor facility, or portion of such facility, owned or leased or contracted for and utilized for the provision of regular or routine health care, day care, or early childhood development (Head Start) services.~~

~~For purposes of this policy, "smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.~~

~~Each principal shall post signs stating "No Smoking," or containing the international "No Smoking" symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every school cafeteria or other dining facility in the school.~~

~~Designated Smoking Areas~~

~~The School Board may direct the superintendent to issue regulations designating smoking areas on school grounds outside buildings.~~

~~Electronic Cigarettes~~

~~Students are prohibited from possessing electronic cigarettes on school buses, on school premises and at school-sponsored activities.~~

~~All other persons are prohibited from using electronic cigarettes on school premises and school vehicles.~~

Generally

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, on a school bus, on school property, or at an on-site or off-site school-sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

Definitions

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

Adopted:

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Legal Refs.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ ~~15.2-2820, 15.2-2824, 15.2-2827, 22.1-78,~~ 18.2-371.2, 22.1-79.5, 22.1-279.6.

Cross Refs.:

CLA	Reporting Acts of Violence and Substance Abuse
GBEC/JFCH	Tobacco Products and Nicotine Vapor Products
~~JFCH/GBEC~~	~~Tobacco-Free School for Staff and Students~~
~~GBECA~~	~~Electronic Cigarettes~~
JFC-R	Standards of Student Conduct
KG	Community Use of School Facilities
KGB	Public Conduct on School Property

PUBLIC GIFTS TO THE SCHOOLS

The School Board ~~shall act~~ acts on offers of gifts to schools or to the school division. The School Board may impose reasonable conditions on donations.

When any real or personal property is given to and accepted by the Board, it ~~shall be vested~~ vests in the Board unless inconsistent with the terms of the gift, devise or bequest, and ~~shall be~~ is managed by the Board, according to the wishes of the donor or testator. The Board ~~shall,~~ in addition to the regular settlement it is required to make of all school funds, ~~settle~~ settles annually before the commissioner of accounts so far as the management of the property bequeathed or devised is concerned.

In the case of any change in the boundaries of the division, the Board shall make provision for continuing the fulfillment of the purposes of the donor as far as practicable and settlement shall be made as provided for above.

Adopted:

_____

_____

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-126.

Cross Ref:	FFA	Naming School Facilities
	KJ	Advertising in the Schools
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

ADVERTISING IN THE SCHOOLS

Individual schools may not endorse or imply endorsement of any product. All requests for endorsement ~~should~~ must be directed to the superintendent or superintendent's designee.

School organizations must secure approval from the principal before soliciting advertisements for school publications. If there is need for policy clarification, the principal ~~shall consult~~ consults with the superintendent.

Commercial establishments whose primary source of revenue is the sale of intoxicants may not advertise in school publications.

~~Neither the facilities, nor the staff, nor the students of any school may be used in any manner for advertising or otherwise promoting the interests of any commercial or other non-school organization.~~

Adopted:

_____

_____

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78.

Cross Refs.:

DJG	Vendor Relations
JP	Student Publications
KF	Distribution of Information/Materials
KGA	Sales and Solicitations in Schools
KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

BLANK SCHOOL DIVISION
REQUEST FOR RECONSIDERATION OF LEARNING RESOURCES

Request By _____

Representing _____ Myself

_____ Organization or Group (please identify) _____

Address _____ E-mail address _____

Telephone _____

How do you prefer to be contacted? _____

Title or Description of Item _____

Author or Editor _____

Type of Material (book / film / record / speaker / software / other (specify)) _____

1. Did you examine, review, or listen to this learning resource or presentation in its entirety?

   ❑ YES ❑ NO

2. Have you discussed this material with school staff who ordered it or who use it?
   ❑ YES ❑ NO

   If yes, please identify the staff person(s) with whom you had the discussion:

   _____
   [Print name of staff person(s)]

   Are you aware of evaluations of this material by professional critics?
   ❑ YES ❑ NO

   If no, would you be interested in receiving this information?
   ❑ YES ❑ NO

3. Describe what prompted your concern about the material. Please cite page numbers and/or specific information from the material to support your concerns (attach additional material, if necessary).

4. Does the general purpose for the use of the material, as described by the school staff or in the BLANK school division's program objectives, seem a suitable one for you?
   ❑ YES ❑ NO

   If not, please explain (attach additional material, if necessary)

5. What action[s] would you like to see the school take regarding this material?

   ❑ Do not assign it to my child ❑ The school should reevaluate the material

   ❑ Other—
   Explain:_____
   _____

6. Are there other materials of the same subject and format that you would suggest for consideration in place of this material? ❑ YES ❑ NO

   If yes, please identify your suggestions.
   _____
   _____
   _____

Signature _____ Date _____

RETURN COMPLETED FORM TO SCHOOL PRINCIPAL

RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

Investigations by Law Enforcement Officers at School

When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the principal is contacted immediately. The principal or principal's designee makes a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the ~~conference.~~ interrogation. If the parent or guardian cannot be present for the ~~conference,~~ interrogation, then the principal or principal's designee is present throughout the interrogation.

Service of Process at School

Should there be a need to serve a student or school employee with any "legal process", the School Board encourages the process server to make all reasonable attempts to serve such documents off school premises; however, if the documents must be served on school premises, they should be served at the principal's office of the school which the student attends or the main office of the facility at which the employee is assigned.

In any case in which custody or visitation of a minor child is at issue and a summons is issued for the attendance and testimony of a teacher or other school employee who is not a party to the proceeding, if such summons is served on school property, it may be served only by a sheriff or his deputy.

Development of Programs

The superintendent seeks to develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs and procedures to prevent violence and crime on school property and at school-sponsored events. The superintendent obtains and uses Sex Offender Registry information in accordance with Policy KN Sex Offender Registry Notification.

Report to Law Enforcement Officials

Except as may otherwise be required by federal law, regulation or jurisprudence, the principal immediately reports to local law-enforcement officials all incidents listed below that may constitute a criminal offense:

1. assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Va. Code §§ 18.2-47 or 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property or at a school-sponsored activity; or
2. any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance or an anabolic steroid on a school bus, on school

property or at a school-sponsored activity, including the theft of or attempted theft of student prescription medications; or

3. any threats against school personnel while on a school bus, on school property or at school-sponsored activity; or
4. the illegal carrying of a firearm, as defined by Va. Code § 22.1-277.07, onto school property;
5. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85, or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1 or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property or at a school-sponsored activity; or
6. any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses.

The principal may report to local law enforcement officials any incident involving the assault or assault and battery, without bodily injury, of any person on a school bus, on school property or at a school-sponsored activity.

If the local law-enforcement agency employs school resource officers, the School Board and the agency have a memorandum of understanding that sets forth the powers and duties of the school resource officers.[1] The School Board and the law-enforcement agency review and amend or affirm the memorandum of understanding at least once every five years or at any time upon the request of either party.

Adopted:

_____

_____

Legal Refs.: Code of Virginia, 1950, as amended, §§ 8.01-47, 8.01-293, 9.1-101, 16.1-264, 22.1-279.3:1, 22.1-279.9, 22.1-280.2:1, 22.1-280.2:3, 22.1-293.

Cross Refs.:

JFC	Student Conduct
JGD/JGE	Student Suspension/Expulsion
CLA	Reporting Acts of Violence and Substance Abuse
KN	Sex Offender Registry Information

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] If there are no school resource officers in the school division, the School Board should not adopt this paragraph.

COMMERCIAL, PROMOTIONAL AND CORPORATE SPONSORSHIPS AND PARTNERSHIPS

Generally

The BLANK School Board recognizes that corporate and other private sponsorship of programs and activities related to education can provide valuable enhancement of the educational program offered by the Board. For that reason, the BLANK School Board may enter into commercial, promotional and corporate sponsorship and partnership arrangements under certain conditions.

Definitions

An “educational partnership” is a mutually beneficial, co-operative relationship in which partners share values, objectives and/or human or financial resources to enhance learning for students.

An “educational sponsorship” is a an arrangement pursuant to which the sponsor provides money, price reductions, equipment, materials, services or other benefits in exchange for recognition of its products or entity for a specified period of time.

Authority to Enter into Agreements

On behalf of the School Board, principals may enter into sponsorships and partnerships for their schools when the sponsorship or partnership does not extend beyond a single school year or exceed $5,000 in value to the school.

On behalf of the School Board, the superintendent may enter into sponsorships and partnerships which will benefit more than one school or the division as a whole. The superintendent may also enter into sponsorships and partnerships when the sponsorship or partnership extends beyond a single school year or exceeds $5,000 in value.

The School Board may create a Sponsorship Review Committee to approve any sponsorship or partnership which the Board determines should be considered by the Committee. The School Board shall establish criteria identifying proposed sponsorships and partnerships which must be approved by the Committee rather than by a principal or the superintendent. If the Committee’s decision regarding the proposed sponsorship or partnership is not unanimous, the decision may be appealed to the School Board by either the potential sponsor or partner or by a member of the Sponsorship Review Committee.

Requirements

Any agreement to enter into an educational sponsorship or educational partnership will be in writing.

The written agreement shall include:

- A statement of the educational purpose for the relationship.

- A statement that the School Board has the right to terminate the agreement without penalty if it determines that the agreement is having an adverse impact on the educational experience of students.
- A statement that if an agreement is terminated because of an adverse impact on the educational experience of students, no other agreement for an educational partnership or sponsorship will be entered into between the School Board and the partner or sponsor whose agreement has been terminated for a specified period of time.
- A statement detailing the specific benefits to the school or school division from the agreement.
- A statement clearly defining the roles, expectations, rights, and responsibilities of all parties to the agreement. This statement shall include a statement of whether the agreement permits the sponsor or partner to advertise in connection with the agreement and, if so, the extent of such advertising.
- A statement clearly defining whether the agreement creates any exclusive rights for the sponsor or partner and, if such rights are created, clearly defining those rights. If no exclusive rights are created, the agreement shall include a statement that the existence of the sponsorship or partnership will not limit the discretion of the School Board or its personnel in the use of sponsored or nonsponsored materials.
- The duration of the agreement.
- A statement that the school or School Board retains the exclusive right to authorize the use of its name, logo, or other similar information.
- A statement that the school or School Board must approve its identification as a partner or co-sponsor in all publicity materials.
- A statement of the monetary value to be received by the school or school division pursuant to the agreement.
- A statement defining how the benefits arising from agreement will be distributed.
- A statement of the basis on which students will be permitted to participate in the program or otherwise benefit from the agreement.
- A statement that the sponsor or partner assumes the responsibility for obtaining the consent of any student or School Board employee whose likeness may appear in any materials disseminated by the partner or sponsor.
- A statement disclosing any relationship between the sponsor or partner, or any of its employees or major stockholders, and any student, School Board employee, School Board member, or the superintendent.
- A statement that all partnerships and sponsorships will be consistent with all federal and state laws, local ordinances and School Board policies and regulations and with all preexisting School Board contracts. If the terms of the partnership or sponsorship agreement establish that the employees, contractors or others acting on behalf of the partner or sponsor will have direct contact with students on school property during regular school hours or during school-sponsored activities, the School Board will require the

partner or sponsor to provide certification that all such persons have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child.

- A statement that no partnership or sponsorship shall exploit any student or School Board employee.
- A statement that no sponsor or partner shall be permitted to collect personal information, including names, addresses or telephone numbers of students or School Board employees because of the partnership or sponsorship.
- A statement that any curriculum materials provided pursuant to the agreement will be held to the same standards as other curriculum materials.
- A statement that any participation by any student or School Board employee in any activity established pursuant to the agreement will be purely voluntary. If a student or School Board employee wants to participate in any sponsored or partnered activity but objects to using the materials provided by the sponsor or partner, the sponsor or partner must supply substantially similar materials to which the student does not object for that student to use in the activity. If a student objects to using materials provided by the sponsor or partner, the School Board employee in charge of the activity shall provide for a means by which the student's objections are made known to other students involved in the activity and by which those objections are discussed in an educational manner.

Prohibitions

No agreement shall be entered into if the sponsorship or partnership involves or gives the appearance of involving any activity which could result in the following:

- promotion of hostility or violence;
- an attack on ethnic, racial, or religious groups;
- discrimination prohibited by any law or School Board policy;
- promotion of the use of drugs, alcohol, ~~tobacco, electronic cigarettes~~ tobacco products, nicotine vapor products, or firearms;
- promotion of sexual, obscene or pornographic activities; or
- promotion of any image that is not in keeping with the established goals and purposes of the School Board.

Adopted:

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_____

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-79.5, 22.1-89.4, 22.1-296.1.

Cross Refs.:

DJF	Purchasing Procedures
DJG	Vendor Relations
DO	Non-Locally Funded Programs
IIAA	Textbook Selection, Adoption, and Purchase

IIAB	Supplementary Materials Selection and Adoption
IICB/IICC	Community Resource Persons/School Volunteers
JFCB	Sportsmanship, Ethics and Integrity
JHCF	Student Wellness
JL	Fund Raising and Solicitation
KA	Goals for School-Community Relations
KH	Public Gifts to the School
KLB	Public Complaints about Learning Resources

CHARTER SCHOOLS

Purpose

In order to (1) encourage the development of innovative programs; (2) provide opportunities for innovative instruction and student assessment; (3) provide parents and students more choices; (4) provide innovative scheduling, structure and management; (5) encourage the use of performance-based educational programs; (6) establish high standards for teachers and administrators; and (7) develop models for replication in other public schools, the BLANK School Board receives and considers applications for the establishment of charter schools.

Definition of Charter School

A charter school is a public, nonreligious or non-home-based alternative school located within the BLANK School Division or operated jointly by multiple school divisions. A charter school may be created as a new school or by converting all or part of an existing public school. Conversions of private schools or home-based programs are not permitted. A charter school for at-risk pupils may be established as a residential school.

In establishing public charter schools within the division, the School Board gives priority to public charter school applications designed to increase the educational opportunities of at-risk students. At least one half of the public charter schools in the division must be designed for at-risk students. However, conversions of existing public schools into public charter schools that serve the same community as the existing public school do not count in the determination of school division compliance with the one-half requirement.

Enrollment in a charter school is open to any child who resides within the school division or, in the case of a regional public charter school, within any of the relevant school divisions, through a lottery process on a space-available basis, except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students are given the opportunity to enroll in advance of the lottery process. Students eligible to enroll in the school division pursuant to Va. Code § 22.1-3.B because they are the children of military personnel on active military duty who will reside in the division may participate in the lottery process for charter schools in the division at the same time and in the same manner as students who reside in the division.

Public charter schools are subject to all federal laws and authorities as set forth in law and the charter contract. Public charter schools are subject to the same civil rights, health and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided by law.

Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools. Nothing precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the School Board approves such measures.

Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

No public charter school shall discriminate against any student on the basis of limited proficiency in English and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies or operations.

Application Process

Any person, group or organization may submit an application for the formation of a public charter school to the BLANK School Board. A complete application includes the applicant's Virginia Public Charter School Application package submitted to the Board of Education, the result of the Board of Education's review of the application and the Charter School Application Addendum (LC-E [School Division] Charter School Application Addendum). Prior to submitting a charter school application to the School Board, a public charter school applicant shall submit its proposed charter application to the Board of Education for review and comment and a determination as to whether the application meets the approval criteria developed by the Board of Education. Charter School applications initiated by the BLANK School Board must conform to the Virginia Public Charter School Application. However, such applications are not required to receive Board of Education review and comment prior to action by the School Board.

The Board of Education examines all applications, other than those initiated by the School Board, for feasibility, curriculum, financial soundness and other objective criteria it may establish, consistent with existing state law. The Board of Education's review and comment is for the purpose of ensuring that the application conforms with such criteria. The school division may work with a charter school applicant before the application is submitted to the Board of Education for review and recommendation.

All public charter school applicants, other than those initiated by the School Board, must also complete the application addendum in the format provided in Exhibit LC-E [School Division] Charter School Application Addendum. The School Board shall

establish a “review team” consisting of appropriate school personnel, a local business representative and a resident charter school proponent to evaluate charter school applications. The School Board shall designate the chairman of the review team as the contact person for answering questions about the application process and receiving applications.[1] The review team shall work cooperatively with applicants for charter schools. When an application is incomplete, the review team shall request the necessary information; an incomplete application is not grounds for denying a charter. However, if the applicant does not provide the necessary information within a reasonable timeframe (established by the review team)[2] then the application may be denied.

The review team shall (1) recommend to the School Board appropriate criteria for reviewing charter school applications; (2) evaluate all charter school applications based on the review criteria adopted by the School Board; (3) recommend one of the following options to the School Board for each application: approve, reject, place on a waiting list or return with suggestions for improvement; (4) monitor charter school progress; and (5) make recommendations for revocation, renewal or non-renewal of charter contracts.

The BLANK School Board shall establish a regulation for receiving, reviewing and ruling on applications for the establishment of charter schools. Such regulation must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based.[3] To provide appropriate opportunity for input from parents, teachers, citizens, and other interested parties and to obtain information to assist the School Board in its decision to grant or deny a public charter school application, the regulation will provide for public notice and the receipt of comment on public charter school applications. The School Board shall give at least 14 days' notice of its intent to receive public comment on an application. A copy of the regulation, including the review criteria, shall be posted on the division’s website and a copy shall be made available to any interested party upon request.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

[1] The School Board must ensure a fair and objective process for receiving and evaluating applications. Fairness and objectivity can be accomplished by establishing a review team.

[2] The law does not address applicants who fail to provide the requested information. However, it seems logical to set some limit on the time for supplying incomplete information. Certainly, if the applicant does not provide the information within the timeframe for approval of applications, as established by the review team, then the application could not be recommended for approval for the next school year.

[3] Virginia law leaves the entire application timeline and review process to the discretion of the School Board.

School Board Decision

If the School Board denies a public charter school application, or revokes or fails to renew a charter agreement, it shall provide to the applicant or grantee its reasons, in writing, for such decision, and it shall post such reasons on its website. A public charter school applicant whose application was denied, or a grantee whose charter was revoked or not renewed, is entitled to petition the School Board for reconsideration. The petition for reconsideration shall be filed no later than 60 days from the date the public charter school application is denied, or the charter agreement is revoked or fails to be renewed. Such reconsideration shall be decided within 60 days of the filing of the petition.

The School Board shall establish a process for reviewing petitions of reconsideration, which shall include an opportunity for public comment. The petition of reconsideration may include an amended application based on the reasons given by the School Board for such decision. Prior to seeking reconsideration, an applicant or grantee may seek technical assistance from the Superintendent of Public Instruction to address the reasons for denial, revocation or non-renewal.

Upon reconsideration, the decision of the School Board to grant or deny a public charter school application or to revoke or fail to renew a charter agreement is final and not subject to appeal. Following a decision to deny a public charter school application or to revoke or fail to renew a charter agreement, the School Board submits documentation to the Board of Education as to the rationale for the School Board's decision. The Board of Education has no authority to grant or deny a public charter school application or to revoke or fail to renew a charter agreement but may communicate any Board finding relating to the rationale for the School Board's denial of the public charter school application or revocation of or failure to renew the charter agreement based on the documentation submitted in any school division in which at least half of the schools receive funding pursuant to Title I, Part A.

Nothing in this policy prohibits an applicant whose application has been denied or a grantee whose charter has been revoked or not renewed from submitting a new application.

Charter Contract

Within 90 days of approval of a charter application, the School Board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the School Board and public charter school, including each party's rights and duties. The 90-day period may be extended by up to 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and

may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.

The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures and metrics that will guide the School Board's evaluations of the public charter school. The performance framework shall include indicators, measures and metrics for:

- student academic proficiency;
- student academic growth;
- achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status;
- attendance;
- recurrent annual enrollment;
- postsecondary education readiness of high school students;
- financial performance and sustainability; and
- the performance and stewardship of the management committee, including compliance with all applicable laws, regulations and terms of the charter contract.

The performance framework shall allow the inclusion of additional rigorous, valid and reliable indicators proposed by the charter school to augment external evaluations of its performance, provided that the School Board approves the quality and rigor of such indicators.

The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status and gifted status.

Annual performance targets shall be set by the public charter school and the School Board and shall be designed to help each school meet applicable federal, state and School Board expectations.

The charter contract shall be signed by the chairman of the School Board and the president or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the School Board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

No public charter school shall commence operations without a charter contract executed in accordance with this policy and approved in an open meeting of the School Board.

Waivers of School Board Policy and State Regulation

A charter school may operate free from School Board policies and state regulations, except the Standards of Quality, the Standards of Accreditation and Standards of Learning, as agreed in the charter contract. The School Board shall request from the Board of Education, on behalf of its charter schools, waivers from state regulation contained in each approved charter application. If the charter school is designed to increase the opportunities of at-risk students, then the School Board shall request that the Board of Education approve an Individual School Accreditation Plan.

Management and Operation

A charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract. The management committee shall be composed of parents of students enrolled in the school, teachers and administrators working in the school and representatives of any community sponsors, or any combination thereof. A charter school shall be responsible for its own operations. However, a charter school may negotiate and contract with the School Board, or any other third party, for the provision of necessary services; services provided by the School Board must be provided at cost.

The applicant and members of the management committee, administrators, and other personnel serving in a public charter school must disclose any ownership or financial interest they may have in renovating, lending, granting, or leasing public charter school facilities.

Personnel

Charter school personnel shall be selected as agreed in the charter contract. Such personnel may, but are not required, to be employees of the School Board. However, all charter school personnel shall be subject to the provisions of §§ Va. Code 22.1-296.1, 22.1-296.2 and 22.1-296.4.

Professional, licensed employees currently employed by the School Board may volunteer for assignment to a charter school and may be assigned by the School Board to a charter school for one contract year and reassigned annually upon the request of the employee and management committee. Professional, licensed employees assigned to a charter school shall receive the same employment benefits as such personnel assigned to noncharter schools. Professional, licensed personnel who request assignment to a noncharter school or who are not recommended for reassignment in

the charter school, other than for reasons cited in § 22.1-307 of the Code of Virginia, shall be transferred to a noncharter school according to School Board policy.[4]

The School Board may employ health, mental health, social services and other related personnel to serve in residential charter schools for at-risk students as determined in the charter agreement. However, the School Board is not required to fund the residential or other services provided by a residential charter school.

The School Board has the final authority to assign professional, licensed personnel to charter or other schools within the division.[5]

Funding

Charter schools shall be funded as provided by law and negotiated in the charter contract.

Revocation and Renewal of the Charter Contract[6]

The School Board may revoke a charter contract if

- the charter school violates the conditions, standards or procedures established in the application;
- the charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board); [7]
- the charter school fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;

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[4] A provision dealing with the transfer of charter school personnel should be added to School Board policies governing personnel.

[5] Unilaterally assigning personnel to a charter school may stifle the innovation and choice which were reasons for granting the charter. However, the ultimate authority to assign personnel rests in the School Board.

[6] Va. Code § 22.1-212.12(C) states that nothing in the section shall be construed to restrict the authority of the School Board to decline to renew a charter contract. This section suggests that the School Board is not limited to the statutory criteria in making a renewal decision. However, if other criteria are used in the renewal decision, then they should be stated in policy or regulation.

[7] Although not explicitly stated in the law, a charter could be revoked for a material violation of its terms.

- the charter school fails to meet generally accepted standards of fiscal management; or
- the charter school violates any provision of law from which it was not specifically exempted.

A charter contract may be renewed for up to five years. The management committee must apply to renew the charter by [INSERT DATE] of the school year the charter expires.[8]

The application for renewal shall contain

- a report on the progress of the charter school in achieving the goals, objectives, program and performance standards for students and other conditions and terms the School Board required in the charter
- a financial statement, on forms prescribed by the Board of Education, disclosing the costs of administration, instruction and other spending categories which is written in a way to allow the School Board and the public to compare such costs to the costs of other schools and comparable organizations
- other information the School Board may require

If a charter contract is revoked or not renewed, or a charter school is dissolved, the management committee shall be responsible for all financial obligations of the charter school.[9]

Reports

The School Board reports the following to the Board of Education:

- the grant or denial of charter applications, applications for renewal, and the revocation of any charter contract; for any such denial, revocation or failure to renew, the report to the Board of Education contains documentation as to the reason for the denial or revocation
- whether a public charter school is designed to increase the educational opportunities of at-risk students

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[8] There is no statutory deadline for submitting a renewal application. Wisdom suggests that the renewal application should be submitted at least six months before the expiration of the charter contract. Therefore, if the charter is not renewed, the conclusion of financial and administrative operations, including the reassignment of personnel may be accomplished.

[9] This provision should be included in the charter contract.

The Board of Education will report the number of public charter schools established in Virginia, and the number of charters denied, in its annual report to the Governor and the General Assembly.

Adopted:

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Legal Refs: 20 U.S.C. § 6311(b)(1)(B).

Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-212.5 et seq.

Cross Refs:	KBA	Requests for ~~Information~~ Public Records
	KBA-F1	Request for Public Records
	KBA-F2	Record of Inspection and/or Delivery of Copies
	KBA-R	Requests for ~~Information~~ Public Records
	LC-E	[School Division] Charter School Application Addendum