

ADVISORY COMMITTEES TO THE SCHOOL BOARD

The School Board may appoint advisory councils or committees of citizens of the school division for consultation with reference to specific matters pertaining to local schools. In addition, pursuant to Board of Education regulations, the School Board establishes advisory committees for the following programs: special education and career and technical education. ~~These committees serve without compensation for one-year terms.~~

In addition, the School Board establishes the following advisory bodies: LIST ANY ADVISORY GROUPS ESTABLISHED BY THE SCHOOL BOARD.

Adopted:

Legal Refs.: ~~20 U.S.C. §§ 5964, 6318.~~

Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-18.1, 22.1-86, ~~22.1-214, 22.1-227, 22.1-275.1.~~

~~8 VAC 20-40-60.~~

8 VAC 20-81-230.

8 VAC 20-120-50.

Cross Ref.:	BCE	School Board Committees
	BDD	Electronic Participation in School Board Meetings from Remote Locations
	BDDL (Optional)	Electronic Participation in Committee Meetings from Remote Locations
	EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
	EBB	Threat Assessment Teams
	IC/ID	School Year/School Day
	IGBB	Programs for Gifted Students
	KC	Community Involvement in Decision Making

BOARD-STAFF COMMUNICATIONS

The BLANK School Board supports and encourages two-way communication between the ~~board~~ Board and ~~employees.~~ employees.¹ The superintendent is the official representative of the ~~school board~~ School Board in its relations and communications with its employees.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the ~~school board~~ School Board and/or the superintendent or superintendent's designee.

The ~~school board~~ School Board desires to develop and maintain the best possible working relationship with the employees of the school division. The ~~school board~~ School Board welcomes the viewpoints of employees, and allows time at its meetings for employees to be heard.

The ~~school board~~ School Board does not discriminate against any employee because of membership in an employee organization, or participation in any lawful activities of the organization.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

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

¹ School boards which have entered into collective bargaining agreements should revise this sample policy as necessary to reflect any relevant provisions of the collective bargaining agreements.

SEVERANCE BENEFITS

Any severance benefits provided to a departing Superintendent will be publicly announced prior to the Superintendent's departure.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 15.2-1510.1.

Cross Ref.: CBB Appointment and Term of the Division Superintendent
 CBD Superintendent's Contract, Compensation and Benefits

FUNDS FOR INSTRUCTIONAL MATERIALS AND OFFICE SUPPLIES

The School Board may, by resolution and subject to the approval of the appropriating body, establish accounts in each of its departments and schools committed solely for the purchase of instructional materials and office supplies. The School Board may authorize the transfer of a percentage of the funds budgeted for a school or division department, not to exceed thirty-five percent of the allocation, into the account.

The account shall be managed by the principal of the school or head of the division department who shall file a monthly accounting of the funds with the superintendent. No additional funds shall be transferred into any such account unless the monthly accounting has been filed. The funds in the account may be disbursed for payment of obligations by issuing a negotiable check signed by the principal or head of the division department, and a second person designated by the School Board. _____¹ At the close of the fiscal year, all funds remaining in the accounts shall be returned to the School Board simultaneously with a full accounting of the disbursements. All such accounts shall be subject to an annual audit as prescribed by Va. Code § 15.2-2511 and to relevant provisions of the Virginia Public Procurement Act.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-122.1.

Cross Refs.:	DG	Custody and Disbursement of School Funds
	DJA	Purchasing Authority
	DJB	Petty Cash Funds
	DJF	Purchasing Procedures
	DJG	Vendor Relations
	DK	Payment Procedures

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

¹ The school board should designate a second person to sign disbursement checks.

PURCHASING AUTHORITY

Purchasing Agent

The superintendent with the School Board's formal approval may designate a qualified employee to serve as the purchasing agent for the Board. In this capacity, the agent for the Board may purchase or contract for all supplies, materials, equipment, and contractual services required by the school division subject to federal and state laws and regulations and School Board policies. All purchases made by the school division will be in accordance with the Virginia Public Procurement Act.

~~All personnel in the division who desire to purchase equipment and supplies shall follow the established procurement procedures within their departments or schools for the issuance of a requisition or purchase order. All purchase orders must be forwarded to the superintendent or superintendent's designee for approval and processing.~~

Internal Controls

The superintendent, or superintendent's designee, establishes appropriate procedures for internal accounting controls.

All personnel in the division who desire to purchase equipment and supplies shall follow the established procurement procedures within their departments or schools for the issuance of a requisition or purchase order. All purchase orders must be forwarded to the superintendent or superintendent's designee for approval and processing.

Purchasing and Contracting

BLANK School Board encourages full and open competition whenever practicable among potential contractors and suppliers by competitive bidding practices; to centralize purchasing and contracting within the school division to realize the economies resulting therefrom; and to seek maximum educational value for every dollar expended.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-4300 et seq., 22.1-70 and 22.1-78.

Cross Refs.:	<u>DA</u>	<u>Management of Funds</u>
	<u>DG</u>	<u>Custody and Disbursement of School Funds</u>
	<u>DGC</u>	<u>School Activity Funds</u>
	<u>DGD</u>	<u>Funds for Instructional Materials and Office Supplies</u>
	<u>DI</u>	<u>Financial Accounting and Reporting</u>

DJ	Small Purchasing
DJB	Petty Cash Funds
DJF	Purchasing Procedures

PETTY CASH FUNDS

The ~~school board~~ School Board may by resolution establish one or more petty cash funds for the payment of properly itemized bills for materials, services, or supplies furnished to the school division under conditions calling for immediate payment to the vendor upon delivery. Such funds shall not exceed \$2,000 each.

If it establishes any petty cash funds, the ~~school board~~ School Board will appoint an agent or other person authorized only to approve payment of claims arising from commitments made pursuant to provisions of law from such petty cash funds. Any agent or person into whose hands any such fund is placed may pay such claims therefrom without necessity of prior receipt and audit of the claims by the ~~school board~~ School Board and without approval and issuance of the warrant of the ~~school board~~ School Board.

The clerk of the ~~school board~~ School Board shall report payments from petty cash funds to the ~~school board~~ School Board or to any appointed agent of the ~~school board~~ School Board for approval and reimbursement promptly after any claim has been paid.

A bond in the amount of \$4,000.00 will be required for each person distributing petty cash funds, but no additional bond shall be required of any person already bonded in the required amount.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-123.

Cross Ref.: DJF Purchasing Procedures

PAYMENT PROCEDURES

School Board

The School Board examines all claims against it, except those to be paid from petty cash funds or funds for the purchase of instructional materials and office supplies, and when approved, orders or authorizes payment thereof. A record of such approval and order or authorization is made in the minutes of the School Board. Payment of each claim shall be ordered or authorized by a warrant drawn on the treasurer or other officer charged by law with the responsibility for the receipt, custody and disbursement of the funds of the School Board. The face of the warrant shall state the purpose or service for which such payment is drawn and the date of the order entered or authority granted by the School Board.

The warrant shall be signed by the chairman or vice-chairman, and countersigned by the clerk or deputy clerk, made payable to the person or persons, firm or corporation entitled to receive such payment and recorded in the form and manner prescribed by the Board of Education.

Fiscal Agent

The School Board may, by resolution, appoint an agent and deputy agent to examine and approve claims against it. A record of such approval and order or authorization shall be made and kept with the records of the School Board. Payment of each such claim so examined and approved by such agent or his deputy agent shall be ordered or authorized by a warrant drawn on the treasurer or other officer charged by law with the responsibility for the receipt, custody, and disbursement of the funds made available to the School Board. The warrant shall be signed by such agent or his deputy agent and countersigned by the clerk or deputy clerk of the School Board.

However, (1) when the agent is the superintendent, who also occupies the position of School Board clerk, a countersignature from the chairman or vice-chairman is required and (2) when the deputy agent and the deputy clerk is one and the same person, the warrant must be countersigned by either the clerk or the agent of the School Board.

Each warrant shall be payable to the person or persons, firm or corporation entitled to receive payment. The face of the warrant shall state the purpose or service for which such payment is made and also that such warrant is drawn pursuant to authority delegated to such agent or his deputy agent by the School Board on the specified date.

Any such agent or deputy agent must furnish a corporate surety bond. The School Board shall set the amount of such bond or bonds and the premium therefore shall be paid out of funds made available to the School Board.

Special Warrants¹

The BLANK County School Board may provide, by resolution, for the drawing of special warrants in payment of compensation, when such compensation has been earned and is due, for

- all employees under written contract,
- all other employees whose rates of pay have been established by the School Board or its properly delegated agent, upon receipt of certified time sheets or other evidence of service performed, and
- payment on contracts for school construction projects according to the terms of such contracts.

All such special warrants shall be signed by the clerk or deputy clerk of the School Board and countersigned by the superintendent or the chairman or vice-chairman of the School Board. When the superintendent and clerk is one and the same person, such special warrants shall be countersigned by such chairman or vice-chairman. Such payrolls and contracts so paid shall be reviewed and approved by the School Board at its next regular meeting.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-122, 22.1-122.1, 22.1-123.

Cross Refs.:	DG	Custody and Disbursement of School Funds
	DJB	Petty Cash Funds
	DGD	Funds for Instructional Materials and Office Supplies

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

¹ Because only county school boards can use special warrants, city school boards should not adopt this section of the policy.

NON-LOCALLY FUNDED PROGRAMS

In order to further the goals and objectives of the school division, the ~~school board~~ School Board may seek sources of revenue to supplement the funds provided through local, state and federal funding.

To promote efficiency in developing proposals and making application for specially funded programs, the superintendent may establish procedures for the preparation of proposals and their review. The superintendent shall ensure that none of the conditions of acceptance is in conflict with the policies of the ~~board~~ Board, the objectives of the division, or state or federal law.

The superintendent or superintendent's designee may submit proposals or applications for grants prior to approval by the ~~school board~~ School Board. No such application or proposal shall be binding on the ~~board~~ Board without its ~~approval.~~ approval.¹

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79, 22.1-88.

Cross Ref.:	AE	School Division Goals and Objectives
	KH	Public Gifts to the Schools
	KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

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

¹ If the school board authorizes the superintendent to approve grant applications for certain grants, such as those seeking up to a specified dollar amount, that information should be included here.

REPORTING OF HAZARDS

Any employee who discovers a dangerous condition should report the condition immediately to the employee's supervisor, the superintendent or the superintendent's designee.

The superintendent shall name a designee to evaluate and label toxicity of all art materials used in the division in accordance with criteria established by the Virginia Department of Education. All materials which meet the criteria as toxic shall be so labeled. Such materials are not used in kindergarten through grade 5.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-274.1.

~~8 VAC 20-530-10, et seq.~~

8 VAC 20-530-20.

8 VAC 20-530-30.

8 VAC 20-530-40.

8 VAC 20-530-50.

8 VAC 20-530-60.

8 VAC 20-530-70.

8 VAC 20-530-80.

SCHOOL CLOSINGS

The superintendent or superintendent's designee may order the closing, the delay in opening or the early dismissal of any or all schools in order to protect the safety and welfare of the students and staff. When any or all schools are ordered to be closed for in-person instruction, the superintendent or superintendent's designee may declare an unscheduled remote learning day consistent with applicable laws and policies.

Unless employees are notified that their work schedule is changed because of adverse weather or emergency conditions, it is expected that all employees will work according to the terms of their contract and division policy.

During adverse weather or emergency conditions, employees follow guidelines from the superintendent school division policy and regulations related to work schedules. The guidelines may be reviewed by the school board. The superintendent may establish any regulations necessary regarding employee work schedules during school closings.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-98.

Cross Ref.: GAA Staff Time Schedules
 IC/ID School Year/School Day

BUILDINGS AND GROUNDS MANAGEMENT AND MAINTENANCE

The superintendent has the general responsibility for the care, custody, and safekeeping of all school property. The principal of each school is responsible for the operation, supervision, care and maintenance of the school plant.

Each school maintains records of regular safety, health and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections is determined by the School Board in consultation with the local health and fire departments. In addition, the school administration equips all exit doors with panic hardware as required by the Uniform Statewide Building Code.

The school division maintains documentation of any pesticide application that includes the target pest, the formulation applied and the specific location of the application.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79, 22.1-132.2, 22.1-293.

8 VAC 20-131-260.

Cross Refs.:	CF	School Building Administration
	EA	Support Services
	EB	School Crisis, Emergency Management and Medical Emergency Response Plan
	EBCB	Safety Drills
	FE	Playground Equipment
	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	IIBEA-R/GAB-R	Technology Use Guidelines
	KF	Distribution of Information/Materials
	KG	Community Use of School Facilities
	KGB	Public Conduct on School Property
	KJ	Advertising in the Schools
	KL	Public Complaints
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

INVENTORY AND REPORTING OF LOSS OR DAMAGE

I. Inventories

The superintendent is responsible for implementing a system of inventory of school property to identify items for the purpose of insurance and to control the loss of property.

The inventory shall include, but not be limited to the following: buildings, movable equipment, vehicles and all other items of significant value. Each school shall keep a complete inventory of all equipment, listing make, source, date of purchase, model, serial number, and other identifying data.

II. Reporting Losses

All loss of or damage to school property shall be promptly reported to the superintendent or superintendent's designee.

Adopted:

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

Cross Refs.:	EC	Buildings and Grounds Management and Maintenance
	ECAB	Vandalism
	EI	Insurance Management
	JFC-R	Standards of Student Conduct

~~AUTHORIZED USE OF SCHOOL-OWNED FACILITIES AND MATERIALS~~

~~To ensure the security and efficient use of school property, the superintendent shall develop regulations governing the use of all school-owned property. The regulation shall address the use of school division facilities, supplies, materials and equipment by employees and outside organizations.~~

~~Employees are prohibited from utilizing school property for personal use or gain.~~

Adopted:

~~Legal Ref.: Code of Virginia, §§ 22.1-70, 22.1-131, 22.1-132.~~

~~_____ Acts 2016, c. 647.~~

~~Cross Refs.: DN _____ Disposal of Surplus Items
GBEC/JFCH Tobacco Free School for Staff and Students
HBEA/GAB Acceptable Computer System Use
KF _____ Distribution of Information/Materials
KG _____ Community Use of School Facilities
KGA _____ Sales and Solicitations in Schools
KGC _____ Use of Tobacco and Electronic Cigarettes on School
Premises~~

EDUCATIONAL TECHNOLOGY FOUNDATIONS AND PUBLIC SCHOOL FOUNDATIONS

The school board may establish educational technology foundations for the express purpose of implementing a public/private partnership to expand access to and improve the quality of educational technology in the division.¹ The school board may also establish public school foundations for the express purpose of implementing a public/private partnership to implement public school improvement projects approved by the school board. Such foundations may be established directly by the school board or by the school board and other organizations or persons, on behalf of the school board by a third party, or through a contract with a corporation as defined by Va. Code § 2.2-212.2:2. The foundations may be established as a cooperative regional effort with other school boards.

I. Requirements

Upon establishing or contracting with a corporation, whether or not other organizations, school boards, or persons are involved, the school board shall:

- Review and approve the articles of incorporation and bylaws
- Establish a system of accounting to protect public funds
- Establish agreement that, upon dissolution of the corporation, any assets remaining after payment of just debts shall be transferred to and become the property of the school board or, if a regional effort, the procedure by which the property may be divided among the school boards
- Require, in any instance in which the school board advances, contributes or loans funds to the corporation, that such contract shall provide for the posting of a bond with surety by the officers of the corporation conditioned to protect the rights of the school board
- Establish terms for the allocation of any profits or revenues between the school board and the corporation
- Take such other steps as may be necessary to comply with applicable law

II. Funding

The school board may (i) advance, contribute or loan funds to such foundations, and (ii) establish an escrow fund for the purpose of funding various educational technology projects.

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

¹ School boards may establish an Educational Technology Foundation, a Public School Foundation, both types of foundations or no foundation. If the school board chooses to establish one type of Foundation but not the other, it should amend the policy as necessary to reflect that choice.

III. Procurement

In making purchases through its public school foundation or purchasing educational technology through its educational technology foundation, the school board is exempt from the Virginia Public Procurement Act, except, relative to such purchases, the school board shall comply with the provisions of Va. Code §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

Adopted:

Legal Ref: Code of Virginia, §§ 2.2-4311, 2.2-4343, 2.2-4367 through 2.2-4377, 22.1-212.2:2.

Cross Refs.:	JRCA	School Providers' Use of Personal Information
	KA	Goals for School-Community Relations
	KH	Public Gifts to the Schools
	KM	Relations with Community Organizations
	KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

PLAYGROUND EQUIPMENT

When any playground equipment is installed on School Board property the Board assumes ownership of that equipment unless specifically stated otherwise by agreement. For this reason the maintenance of the playground equipment installed by a school or community group is the responsibility of the School Board.

Once equipment is installed on School Board property, the principal of the ~~school~~ school, or the principal's designee, has the responsibility to inspect the equipment on a regular basis and the ~~authority,~~ authority to order its repair or removal from the school property. The principal may also restrict or deny the use of such equipment until such time as, in ~~his or her~~ the principal's opinion, it is restored to safe a condition.

~~Consideration should be given to designing the outdoor learning environment to support classroom learning.~~

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79, 22.1-293.

~~Guidelines for School Facilities in Virginia's Public Schools (Virginia Department of Education, September 2013).~~

Cross Ref.: KH Public Gifts to the Schools

~~ENERGY EFFICIENT CONSTRUCTION~~

~~Efficient use of energy in construction and operation of school division buildings is a high priority. To the extent permitted by the Public Procurement Act, a proposed project which contains the most energy efficient plans within an acceptable budget shall have priority. Energy efficiency will be considered in the architectural evaluation.~~

~~A continuous study of energy use shall be maintained by the administration for future planning in new construction.~~

Adopted:

~~Legal Ref.: Code of Virginia, 1950, as amended, sections 22.1-70, 22.1-78.~~

~~Cross Refs.: DJF _____ Purchasing Procedures
FA _____ Facilities Development
FEA _____ Educational Facilities Specifications~~

SCHOOL NAMES NAMING SCHOOL FACILITIES

It is the responsibility of the BLANK School Board to determine the name of schools and school facilities in the division. The Board will use the following procedure when naming or renaming a school or school facility in the division:¹

The Board will solicit and accept input from the public regarding the names of schools and school facilities but reserves the right to make the final decision regarding the name of any school or school facility. Suggestions regarding the name of a school or school facility must be in writing, must state the name of the person or group making the suggestion and must state the reasons supporting the suggestion. The School Board may create a committee to make recommendations to the Board on the naming of any school or school facility.

No school or school facility will be named for a living individual. Schools and school facilities may be named for individuals who have been deceased for at least 10 years.

The Board may rename a school or school facility upon a determination that it is appropriate to do so. ~~The procedure for renaming a school or school facility will be the same as the procedure outlined above.~~

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78, 22.1-79.

Cross Ref.: BCE School Board Committees
FF Public Dedication of New Facilities
KH Public Gifts to Schools

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

¹ This sample policy includes an example of a procedure for naming schools. Each school board should determine what procedure is appropriate for the division and revise the policy to reflect that procedure.

NOTICE OF HOW EMPLOYEES WHO WORK LESS
THAN 12 MONTHS ARE TO BE PAID

This notifies **[name of employee]** that BLANK school division requires ~~him or her~~ the employee to be paid over 12 months regardless of the fact that ~~he or she~~ the employee will actually work over a shorter time period. Specifically **[name of employee]** will receive **[school division should choose one of the following]**

12 equal monthly payments of **[dollar amount of each payment]** beginning on **[date]**

24 equal bi-monthly payments (or 26 equal payments every two weeks) of **[dollar amounts of each payment]** beginning on **[date]**.

In the event that a separation from service occurs before the end of the 12-month payment period, **[name of employee]** will be entitled to an additional payment for the amount actually earned from the beginning of the 12-month pay period until the date of separation from service which has not yet been paid. This additional payment will be included in the employee's final paycheck. For this purpose, "separation from service" has the same meaning as that term is defined in section 1.409A-1(h) of the Treasury Regulations.

BOARD-STAFF COMMUNICATIONS

The BLANK School Board supports and encourages two-way communication between the ~~board~~ Board and employees. The superintendent is the official representative of the ~~school board~~ School Board in its relations and communications with its employees.

Employees are encouraged to communicate their ideas and concerns in an orderly and constructive manner to the ~~school board~~ School Board and/or the superintendent or superintendent's designee.

The ~~school board~~ School Board desires to develop and maintain the best possible working relationship with the employees of the school division. The ~~school board~~ School Board welcomes the viewpoints of employees, and allows time at its meetings for employees to be heard.

The ~~school board~~ School Board does not discriminate against any employee because of membership in an employee organization, or participation in any lawful activities of the organization.¹

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

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

¹ School boards which have entered into collective bargaining agreements should revise this policy as necessary to reflect any relevant provisions of the collective bargaining agreement.

LACTATION SUPPORT FOR EMPLOYEES

The superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the BLANK School Board ~~or enrolled as a student in the division~~ may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view and free from intrusion.

Adopted:

Legal Refs.: 29 U.S.C. § 218d.

42 U.S.C. § 2000gg.

Code of Virginia, 1950, as amended, §§ 2.2-3905, 22.1-79.6.

Cross Refs.: JHCL Lactation Support for Students

LEAVE WITHOUT PAY

Employee's Debilitating or Life-Threatening Illness or Injury

A leave of absence, without pay, may be granted to employees of the school division who have a debilitating or life-threatening illness or injury and who are not eligible for Family and Medical Leave as described in Policy GCBE Family and Medical Leave because they have not worked for the division for 12 months or have not worked at least 1250 hours according to the Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

Employees with a debilitating or life-threatening illness who are entitled to leave under this policy may take up to ~~thirty (30)~~¹ _____¹ days unpaid leave during their first year of employment with the school division. ~~Leave may be taken only in full-day increments. Leave may be taken only when the employee has no other leave (such as sick leave) available.~~

~~Employees must submit medical documentation of their need for leave. Whenever possible, documentation must be provided prior to leave being taken.~~

~~Approval must be obtained prior to leave being taken.~~

~~All rights under this policy expire at the end of the employee's first year of service.~~

Other Work During Leave

Employees who are on unpaid leave pursuant to this policy or any other policy, except those on leave pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) (see Policy GCBE Military Leave and Benefits), may not engage in work for which they receive pay or any other type of remuneration without the prior written approval of the ~~superintendent.~~ superintendent or superintendent's designee.

Adopted:

Legal Ref.: 29 C.F.R. 825.216.

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

~~¹The number of days of unpaid leave is up to the School Board.~~

¹ Virginia law does not mandate the amount of leave school boards must provide. Each school board should determine the amount of leave it wants to provide and state that amount here.

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

Cross Refs.:	GCBD	Staff Leaves and Absences
	GCBE	Family and Medical Leave
	GCBEB	Military Leave and Benefits
	GCQA	Nonschool Employment by Staff Members

PROFESSIONAL STAFF DISCIPLINE

A. Probation and Dismissal

Teachers may be dismissed for incompetency, immorality, non-compliance with school laws and regulations, disability in accordance with State and federal law, conviction of a felony or a crime of moral turpitude or other good and just cause.

A teacher shall be dismissed if such teacher is or becomes the subject of a founded complaint of child abuse and neglect, pursuant to Va. Code § 63.2-1505, 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 School Board to recommend that the Board of Education revoke such person's license to teach.

In those instances when licensed personnel are dismissed or resign due to a conviction of any felony; any offense involving the sexual molestation, physical or sexual abuse or rape of a child; any offense involving drugs; or due to having become the subject of a founded case of child abuse or neglect, the School Board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

If a current employee is dismissed because of information appearing on his/her the employee's criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

Administrative regulations shall be developed for the dismissal or placing on probation of continuing contract teachers and probationary teachers during the school year.

No teacher shall be dismissed or placed on probation solely on the basis of the teachers' refusal to submit to a polygraph examination requested by the School Board.

B. Suspension

Employees of BLANK School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

C. Failure to Perform Nonemergency Health-Related Services

With the exception of school administrative personnel and employees who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and

glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

"Health-related services" means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

D. Effect of Probation Pursuant to Va. Code §18.2-251

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

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-251, 22.1-274, 22.1-296.2, 22.1-307, 22.1-313, 22.1-315.

Cross Refs.:	GBM	Professional Staff Grievances
	GCE	Part-Time and Substitute Staff Employment
	GCG	Professional Staff Probationary Term and Continuing Contract
	GCDA	Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect
	GCPF	Suspension of Staff Members
	JHC	Student Health Services
	JHCD	Administering Medicines to Students

SUPPORT STAFF EMPLOYMENT STATUS

Support staff are not issued written contracts unless such contracts are required by law.

The school division employs three types of support staff:

- Temporary employees who are hired for short term needs on a daily basis; these employees do not receive benefits and are paid only for hours worked.
- Probationary employees who are fully qualified new employees assigned to authorized positions; these employees are eligible for salary increases and receive benefits.
- Regular employees who have successfully completed the prescribed probationary period; regular employees receive all employment benefits available under School Board policy.

The employment of support personnel may be terminated with fifteen calendar days' notice. Support personnel may also be subject to immediate dismissal for just cause.

Support personnel who are removed from employment for just cause shall be ineligible thereafter for employment by BLANK School Board.

Employees of BLANK School Board may be suspended as provided in Policy GCPF Suspension of Staff Members.

Adopted:

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

Cross Ref.:	GCD	Effect of Criminal Conviction or Founded Complaint of
		Child Abuse or Neglect
	GDG	Support Staff Probationary Period
	GBMA	Support Staff Grievances
	GCPF	Suspension of Staff Members

ACADEMIC FREEDOM

The School Board seeks to educate young people in the democratic tradition, to foster a recognition of individual freedom and social responsibility, and to inspire meaningful awareness of and respect for the Constitution and the Bill of Rights.

Freedom of individual conscience, association, and expression are encouraged and fairness in procedures is observed both to safeguard the legitimate interests of the schools and to exhibit by appropriate examples the basic objectives of a democratic society as set forth in the Constitutions of the United States and the Commonwealth of Virginia.

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Such home and classroom work is evaluated by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by the school.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-203.3.

Cross Ref.: ~~IKB~~ Homework
INDC Religion in the Schools

SCHOOL YEAR/SCHOOL DAY

School Year

The length of the school year is at least 180 teaching days or 990 teaching hours. The School Board offers in-person instruction to each student enrolled in an elementary or secondary school in the division for at least 990 teaching hours except as otherwise permitted by Va. Code § 22.1-98.C.4 or Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia. 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 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 or in an unscheduled remote learning day for a school or schools in the 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.

If severe weather conditions or other emergency situations result in the closing of any school in the school division for in-person instruction, the school division may declare an unscheduled remote learning day whereby the school provides instruction and student services that are consistent with guidelines established by the Department of Education to ensure the equitable provision of such services. No more than 10 unscheduled remote learning days will be declared in a school year unless the Superintendent of Public Instruction grants an extension.

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 School Board establishes the division's calendar in accordance with state law.¹ The School Board establishes teaching contracts in accordance with applicable

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

¹ School divisions may set the school calendar such that the first day students are required to attend is up to 14 days before Labor Day. Divisions beginning school prior to Labor Day must close from the Friday immediately preceding Labor Day through Labor Day except as follows. Divisions granted a waiver to open prior to Labor Day for the 2018-2019 school year may begin school earlier than 14 days before Labor Day but must close the Friday immediately preceding Labor Day. Divisions granted a waiver to open prior to Labor Day for the 2011-2012 school year may begin school earlier than 14 days before Labor Day and are not required to close the Friday immediately preceding 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

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.

Joint or Regional Schools

School boards operating joint or regional high schools, including regional charter schools, offering a specialized curriculum leading to a high school diploma and a postsecondary credential, such as industry certification, career certificate, or degree may, by agreement, establish alternative schedules for the delivery of instruction. Those schedules may include alternatives to standard school day and year requirements, subject to the issuance of any necessary waivers by the Board of Education and relevant Board of Education regulations.

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:

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

Acts 2019, cc. 569, 570 and 637.

(footnote 1 continued)

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.

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.

The Virginia Department of Education has prepared information that provides a convenient source for school divisions to determine whether they have had waivers in the past and thus which legal provisions apply to the division. That information can be found at http://www.doe.virginia.gov/boe/pre-labor-day_waiver/index.shtml.

Cross Ref.:	BCF	Advisory Committees to the School Board
	DL	Payroll Procedures
	<u>EBCD</u>	<u>School Closings</u>
	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.

PARENTAL ASSISTANCE WITH INSTRUCTION

The BLANK School Board encourages parents to provide instructional assistance to their children in the home. The school division may offer a voluntary training program to the parents of children in kindergarten through third grade to assist them in developing the skills necessary to provide effective instructional assistance to their children.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § ~~22.1-253.13:7.C.5.~~ 22.1-253.13:7.

Cross Ref.: IGBC Parental Involvement
 IKB Homework

HOMWORK

Homework provides an essential communication link between the school and the home. One measure of a program or course is the quality of the work done at home by the student. A strong home-school partnership, with many lasting benefits for the individual student and the student's family, can be greatly enhanced by a sound program of homework. In addition, homework should be an important tool in developing independent thought, self-direction and self-discipline. It assists the student in developing good work habits and in the wise use of time.

Guidelines for homework include:

- Homework should be assigned after introduction and thorough explanation of the skills necessary to successfully complete the assignment.
- Homework should be assigned in such a manner that it will be clearly understood by all students.
- Homework should serve a valid purpose and be closely related to classroom activities.
- A student's access to resource materials should be considered when making assignments.
- Homework should be evaluated promptly and returned to the student. Appropriate rewards should be given to those students who successfully complete assigned work. Effort and competency should be recognized and rewarded.
- Teachers should seek to determine the cause if a student regularly fails to complete assigned work. Teachers should not avoid giving homework because they believe students will not do the work.
- Excessive homework, like the absence of homework, should be avoided.
- Homework should not be used for disciplinary purposes
- Teachers and administrators should take appropriate steps to communicate with parents regarding the division's homework policy and to solicit their support.

Adopted:

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

Cross Ref.: ~~IB Academic Freedom~~
~~IGBC Parental Involvement~~
~~IKA Parental Assistance with Instruction~~

THE VIRGINIA ASSESSMENT PROGRAM AND GRADUATION REQUIREMENTS

Generally

The Board of Education has established educational objectives known as the Standards of Learning (SOLs), which form the core of Virginia's educational program, and other education objectives, which together are designed to ensure the development of the skills that are necessary for success in school and in preparation for life in the years beyond.

The BLANK School Board has developed and implemented a program of instruction that is aligned to the Standards of Learning and that meets or exceeds¹ the requirements of the Board of Education. It awards diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as are prescribed by the school board and approved by the Board of Education.²

BLANK School Board awards diplomas and certificates in accordance with state laws and regulations. The requirements for a student to earn a diploma and graduate from high school are those in effect when the student enters ninth grade for the first time.

Children of Certain Federal Employees

In order to facilitate the on-time graduation of children of federal ~~employes~~ employees serving under orders pursuant to Title 22 or 50 of the United States Code enrolled in kindergarten through grade 12, the superintendent or superintendent's designee

- waives specific courses required for graduation if similar coursework has been satisfactorily completed in a local education agency in the state from which the child is sent, brought, or caused to be sent or brought or provides reasonable justification for denial of such waiver. If a waiver is not granted to a student who would qualify to graduate in the state from which the student is sent, brought, or caused to be sent or brought, the school division provides an alternative means of acquiring required coursework so that graduation may occur on time; and

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

¹ Divisions which have graduation requirements which exceed the requirements of the Board of Education should include them in this ~~policy, or in an accompanying regulation.~~ policy.

² Divisions which do not have requirements other than those prescribed by the Board of Education should not adopt the portion of this sentence beginning with "and meet".

- accepts, in lieu of testing requirements for graduation in Virginia, (i) exit or end-of-course exams required for graduation from the state from which the student is sent, brought, or caused to be sent or brought, (ii) national norm-referenced achievement tests, or (iii) alternative testing acceptable in Virginia.

The parent serving under orders pursuant to Title 22 or 50 of the United States Code must present documents indicating that the parent is required to move in order to perform the parent's job responsibilities and such move results in the student's relocation to the school division.

Virginia Assessment Program

In kindergarten through eighth grade, where the administration of Virginia Assessment Program tests are required by the Board of Education, each student is expected to take the tests following instruction. Students who are accelerated take the test aligned with the highest grade level, following instruction in the content. No student takes more than one test in any content area in each year, except in the case of expedited retakes as provided for in 8 VAC 20-131-30. Schools use the test results in kindergarten through eighth grade as part of a set of multiple criteria for determining the promotion or retention of students.

Each student in middle and secondary school takes all applicable end-of-course SOL tests following course instruction. The superintendent certifies to the Department of Education that the division's policy for dropping courses ensures that students' course schedules are not changed to avoid end-of-course SOL tests. Students who achieve a passing score on an end-of-course SOL test will be awarded a verified unit of credit in that course in accordance with 8 VAC 20-131-110. Students may earn verified credits in any courses for which end-of-course SOL tests are available. Students are not required to take an end-of-course SOL test in an academic subject after they have earned the number of verified credits required for that academic content area for graduation unless such test is necessary in order for the school to meet federal accountability requirements. Middle and secondary schools may consider the student's end-of-course SOL test score in determining the student's final course grade.

Participation in the Virginia Assessment Program by students with disabilities is prescribed by provisions of their Individualized Education Program (IEP) or 504 Plan. All students with disabilities are assessed with appropriate accommodations and alternate assessments where necessary.

Any student identified as an English Learner (EL) participates in the Virginia Assessment Program. A school-based committee convenes and makes determinations regarding the participation level of EL students in the Virginia Assessment Program. In kindergarten through eighth grade, EL students may be granted a one-time exemption from SOL testing in the areas of writing, and history and social science.

Definitions

Authentic Performance Assessment

An “Authentic Performance Assessment” is a test that complies with guidelines adopted by the Board of Education that requires students to perform a task or create a product that is typically scored using a rubric.

Standard Unit of Credit

A “standard unit of credit” or “standard credit” is a credit awarded for a course in which the student successfully completes 140 clock hours of instruction and the requirements of the course. A standard unit of credit may be awarded based on a waiver of the 140 clock hour requirement as provided in Policy IKFD Alternative Paths to Attaining Standard Units of Credit.³

Verified Unit of Credit

A “verified unit of credit” or “verified credit” is a credit awarded for a course in which a student earns a standard unit of credit and completes one of the following:

1. Achieves a passing score on a corresponding end-of-course SOL test.
2. Achieves a passing score on an additional test, as defined in 8 VAC 20-131-5, as a part of the Virginia Assessment Program.
3. Meets the criteria for the receipt of a locally awarded verified credit when the student has not passed a corresponding SOL test.
4. Meets the criteria for the receipt of a verified credit for English (writing) by demonstrating mastery of the content of the associated course on an authentic performance assessment that complies with guidelines adopted by the Board of Education.

Students may also earn verified credits by taking alternative tests to the SOL assessment. Such tests may only be those approved by the Virginia Board of Education, and the student may earn verified credits only by achieving that score established by the Board of Education.

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

³ Policy IKFD Alternative Paths to Attaining Standard Units of Credit is optional. School boards which do not adopt it should not include this sentence.

Virginia Assessment Program

The “Virginia Assessment Program” is a system used to evaluate student achievement that includes SOL tests and additional tests that may be approved from time to time by the Board of Education.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-370, 22.1-371, 22.1-380, 22.1-253.13:1, 22.1-253.13:4.

8 VAC 20-131-5.

8 VAC 20-131-30.

8 VAC 20-131-50.

8 VAC 20-131-51.

8 VAC 20-131-110.

~~Guidelines for Graduation Requirements; Local Alternative Paths to Standard Units of Credit (Virginia Board of Education Oct. 2015).~~

Cross Refs.:	IAA	Notification of Learning Objectives
	IGBA	Programs for Students with Disabilities
	IKFA	Locally Awarded Verified Credits
	IKFD	Alternative Paths to Attaining Standard Units of Credit
	IKH	Retaking SOL Assessments

LOCALLY AWARDED VERIFIED CREDITS

Generally

The BLANK School Board awards verified credits in accordance with Virginia law and Virginia Board of Education regulations.

To be eligible for locally awarded verified credits as credit accommodations, students with disabilities must meet all criteria established by Virginia law or regulation and eligibility for such credit accommodations must be established in the student's Individualized Education Program (IEP) or Section 504 plan.

Review Panels

The BLANK School Board appoints review panels comprised of at least three educators to consider evidence of the student's achievement. Different panels may be appointed for individual schools or groups of schools.

The review panel reviews information which provides evidence of the student's achievement of adequate knowledge of the Standards of Learning content. The panel has discretion in determining the information it considers. That information may include, but is not limited to, results of classroom assessments, divisionwide exams, course grades and additional academic assignments (e.g. papers, projects, essays or written questions) as the panel deems appropriate.

Based on the evidence it reviews, the review panel may:

- award the verified credit;
- deny the verified credit;
- suggest participation in a remedial program and retesting; or
- make additional academic assignments prior to determining whether to award the verified credit.

The school board must choose one of the following statements:

The decision of the review panel is final.

OR

The decision of the review panel may be appealed to the ~~school board~~ School Board in accordance with ~~regulations~~ procedures developed by the ~~board~~ Board.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:3.

8 VAC 20-131-110.

Revised Guidance Governing the Use of Locally-Awarded Verified Credits (Virginia Department of Education May 11, 2018) (attachment to Virginia Department of Education Superintendent's Memo No. 130-18 (May 11, 2018)).

RELIGION IN THE SCHOOLS

The BLANK School Board is neutral in matters of religion. This means that the BLANK schools

- assume no role or responsibility for the religious training of any student and
- do not become involved in the religious belief, disbelief or doubt of any student.

This neutrality does not preclude or hinder the BLANK school division in fulfilling its responsibility to educate students to be tolerant and respectful of religious diversity. The division recognizes that one of its educational responsibilities is to advance the students' knowledge and appreciation of the role that religion has played in the social, cultural and historical development of civilization.

Therefore, the division approaches religion from an objective, curriculum-related perspective, encouraging all students and staff members to be aware of the diversity of beliefs and respectful of each other's religious and/or non-religious views. In that spirit of respect, students and staff members may be excused from participating in activities that are contrary to their religious beliefs.

The School Board may authorize, as an elective in grades nine through 12 with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observances and rites of world religions.

Adopted:

Legal Refs.: U.S. Const. amend. I.

Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-202.1.

Cross Refs.: IB Academic Freedom

DRUGS IN SCHOOL

I. Generally

No person may manufacture, sell or distribute or possess with intent to sell, give or distribute any “controlled substance,” “imitation controlled substance,” or “marijuana,” as all are defined in Virginia law, while

- on the property, including building or grounds, of any public school;
- on public property or any property open to public use within 1,000 feet of the property, including building or grounds, of any public school;
- on any school bus; or
- at any designated school bus stop or any public property or any property open to public use within 1,000 feet of such school bus stop during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school sponsored activity.

A. Expulsion

A student who is determined to have brought a controlled substance, imitation controlled substance, or marijuana onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of the particular case that special circumstances exist and no disciplinary action or another form of discipline is appropriate. The School Board authorizes the superintendent or superintendent’s designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Any disciplinary action imposed pursuant to such a review must 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 has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, 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.

C. Required Reporting to Parents and Local Law Enforcement

The principal reports a violation of this policy to parents and local law enforcement as required by Policy CLA Reporting Acts of Violence and Substance Abuse.

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 Section I and Section II, 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 by federal law 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:

Legal Refs: 20 U.S.C. § 1415
21 U.S.C. § 812.

Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-250, 18.2-255.2,
22.1-277.08, 54.1-3401.

8 VAC 20-81-10.

Cross Refs:	CLA	Reporting Acts of Violence and Substance Abuse
	JGD/JGE	Student Suspension/Expulsion
	JFC	Student Conduct
	JGDA	Disciplining Students with Disabilities

DRUGS IN SCHOOL

I. Generally

No person may manufacture, sell or distribute or possess with intent to sell, give or distribute any “controlled substance,” “imitation controlled substance,” or “marijuana,” as all are defined in Virginia law, while

- on the property, including building or grounds, of any public school;
- on public property or any property open to public use within 1,000 feet of the property, including building or grounds, of any public school;
- on any school bus; or
- at any designated school bus stop or any public property or any property open to public use within 1,000 feet of such school bus stop during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school sponsored activity.

A. Expulsion

A student who is determined to have brought a controlled substance, imitation controlled substance, or marijuana 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 no disciplinary action or 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 has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, 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.

C. Required Reporting to Parents and Local Law Enforcement

The principal reports a violation of this policy to parents and local law enforcement as required by Policy CLA Reporting Acts of Violence and Substance Abuse.

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 Section I and Section II, 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 by federal law 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:

Legal Refs: 20 U.S.C. § 1415.
21 U.S.C. § 812.

Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-250, 18.2-255.2, 22.1-277.08, 54.1-3401.

8 VAC 20-81-10.

Cross Refs:	CLA	Reporting Acts of Violence and Substance Abuse
	JGD/JGE	Student Suspension/Expulsion
	JFC	Student Conduct
	JGDA	Disciplining Students with Disabilities

WRITTEN NOTIFICATION OF VIOLATION OF SCHOOL POLICIES BY
STUDENTS IN ALTERNATIVE EDUCATION PROGRAMS

The School Board requires written notification of an offense to the parent, guardian or other person having charge or control of a pupil in an alternative education program as described in Va. Code § 22.1-209.1:2 when

- a pupil commits an offense in violation of School Board policies and school officials determine the offense was committed without the willful intent to violate such policies, or
- the offense did not endanger the health and safety of the individual or other persons.

The notification identifying the nature of the offense shall be made no later than two school days following the incident. The School Board requires the principal of the school the child attends, or other appropriate school personnel, to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § ~~22.1-209.1:2(D)~~ 22.1-209.1:2.

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:

- justified at its inception and
- 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 persons¹. 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

The school computer system, as defined in Policy GAB/IIBEA Acceptable Computer System Use, is school property. Students are only authorized to use the school's computer system and other similar educational technology consistent with the

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.

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 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:

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, 22.1-280.2:3.

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
~~JFC-R Standards of Student Conduct~~

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

² 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.

JFCD	Weapons in School
JFCF	Drugs in School
KNAJ	Relations with Law Enforcement Authorities

DISCIPLINE OF STUDENTS WITH DISABILITIES FOR INFLICTION OF SERIOUS BODILY INJURY

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 has inflicted serious bodily injury upon another person 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. If no manifestation is found, the student may be disciplined to the extent that a student without disabilities would be disciplined.

In addition, the applicable procedures of Policies JGDA Disciplining Students with Disabilities and JGD/JGE Student Suspension/Expulsion will be followed.

The term serious bodily injury has the same meaning given the term "serious bodily injury" under paragraph (3) of subsection (h) of section 1365 of title 18 of the United States Code.

Adopted:

Legal Refs: 18 U.S.C. § 1365(h)(3).
20 U.S.C. § 1415(k)(1)(G)(iii).
34 C.F.R. §§ 300.530(g) and 300.530(i)(3).

Code of Virginia, 1950, as amended, § 22.1-214.

8 VAC 20-81-10.

8 VAC 20-81-160.

Cross Refs:	JFCD	Weapons in School
	JFCF	Drugs in School
	JGD/JGE	Student Suspension/Expulsion
	JGDA	Disciplining Students with Disabilities

LACTATION SUPPORT FOR STUDENTS

The superintendent shall designate a non-restroom location in each school as an area in which ~~any mother who is employed by the BLANK School Board or anyone who~~ is enrolled as a student in the division may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.6.

Cross Refs.: GBEF Lactation Support for Employees

STUDENT-ATHLETE SUDDEN CARDIAC ARREST

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 provided by the school division on symptoms that may lead to sudden cardiac arrest. After reviewing the materials, 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 Virginia Board of Education.

A student-athlete who is experiencing symptoms that may lead to sudden cardiac arrest must be immediately removed from play. A student-athlete who is removed from play shall not return to play until ~~he~~ the student-athlete is evaluated by and receives written clearance to return to physical activity by an appropriate licensed health care provider as determined by the Virginia Board of Education. The licensed health care provider evaluating student-athletes may be a volunteer.

The superintendent is responsible for developing, biennially reviewing, and updating procedures to implement this policy.¹

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-271.8.

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

¹ Va. Code § 22.1-271.8 requires that this policy also be updated biennially.

RESTRAINT AND SECLUSION OF STUDENTS

Physical restraint and seclusion may only be used by BLANK School Board staff¹ for the purpose of behavioral intervention in accordance with this policy and the Virginia Board of Education Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia.² The School Board encourages the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion.

The superintendent is responsible for developing procedures to address the requirements of the Board of Education Regulations. Those procedures shall include:

- examples of the positive behavioral interventions and support strategies consistent with the student's rights to be treated with dignity and to be free from abuse that the school division uses to address student behavior, including the appropriate use of effective alternatives to physical restraint and seclusion;
- a description of initial and advanced training for school personnel that addresses appropriate use of effective alternatives to physical restraint and seclusion and the proper use of restraint and seclusion;
- a statement of the circumstances in which physical restraint and seclusion may be employed, which shall be no less restrictive than that set forth in 8 VAC 20-750-40 and 8 VAC 20-750-50;
- provisions addressing the
 - notification of parents regarding incidents of physical restraint or seclusion, including the manner of such notification;
 - documentation of the use of physical restraint and seclusion;
 - continuous visual monitoring of the use of any physical restraint or seclusion to ensure the appropriateness of such use and the safety of the student being physically restrained or secluded, other students, school personnel, and others. These provisions shall include exceptions for emergency situations in which securing visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the school personnel implementing the physical restraint or seclusion, result in serious physical harm or injury to persons;

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¹ School divisions that utilize school resource officers must address the use of seclusion and restraint by law enforcement personnel in school settings in their memorandum of understanding with the local law enforcement agency that employs the school resource officers.

² School boards that do not permit the use of physical restraint ~~and~~ or seclusion should not adopt this policy.

- securing of any room in which a student is placed in seclusion. These provisions shall ensure that any seclusion room or area meet specifications for size and viewing panels that ensure the student's safety at all times, including during a fire or other emergency; and
- the appropriate use and duration of seclusion based on the age and development of the student³.

The School Board reviews this policy at least annually and updates it as appropriate. The superintendent reviews the procedures at least annually and updates them as appropriate.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-16, ~~22.1-78~~, 22.1-279.1, 22.1-279.1:1.

8 VAC 20-750-40.

8 VAC 20-750-50.

8 VAC 20-750-70.

Cross Refs.:	BF	Board Policy Manual
	CH	Policy Implementation
	EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
	IGBA	Programs for Students with Disabilities
	JFC	Student Conduct
	JGA	Corporal Punishment
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
	KNAJ	Relations with Law Enforcement Authorities

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

³ A school board that does not authorize the use of seclusion should not adopt this requirement and should remove references to seclusion throughout the policy.

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 in connection with any survey, analysis, or evaluation as part of any federally funded program are available for inspection by the parents or guardians of the student in accordance with Policy KBA Requests for Public Records.

B. Participation in Surveys and Evaluations

No student 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.~~
- (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 notifies the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice 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 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

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 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 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 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 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 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:

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 Public Records
	KF	Distribution of Information/Materials

PUBLIC COMPLAINTS

Complaints involving a particular school are handled within the school through the established channel of responsibility. If the complaint cannot be resolved at the level of the principal, it is referred to the superintendent or superintendent's designee. If the central office staff and complainant cannot reach a satisfactory solution, the matter may, at the School Board's discretion, be heard at a regular board meeting.

Any parent, custodian, or legal guardian of a pupil attending the BLANK public schools who is aggrieved by an action of the School Board may, within thirty days after such action, petition the local circuit court to review the action of the School Board. The court will sustain the action of the School Board unless the School Board exceeded its authority, acted arbitrarily or capriciously or abused its discretion.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-87, 22.1-253.13:7.

Cross Refs.:	GB	Equal Employment Opportunity/Nondiscrimination
	GBA/JFHA	Prohibition Against Harassment and Retaliation
	GBLA	Third Party Complaints Against Employees
	<u>IIA</u>	<u>Instructional Materials</u>
	JB	Equal Educational Opportunities/Nondiscrimination
	<u>KLB</u>	<u>Public Complaints About Learning Resources</u>

PUBLIC COMPLAINTS ABOUT LEARNING RESOURCES

It is the responsibility of the BLANK School Board to establish procedures for handling challenged controversial materials.

The procedure for filing a complaint concerning learning resources is as follows:
follows:¹

OPTION 1

1. The complaint should be filed in writing with the principal on the "Request for Reconsideration of Learning Resources" form KLB-E. This form may be obtained from the principal or the central office.
2. A review committee consisting of the principal, the library media specialist, the classroom teacher (if involved), a parent and/or student and the complainant will convene.

The responsibilities of the committee are to:

- a. read, view or listen to the challenged material;
 - b. read several reviews, if available;
 - c. check standard selection aids;
 - d. talk with persons who may be knowledgeable about the material in question and similar material;
 - e. discuss the material;
 - f. make a decision to recommend retaining or withdrawing the material;
 - g. file the recommendation of the committee with the principal and the superintendent or superintendent's designee;
 - h. notify the complainant of its recommendation and the disposition of the challenged material.
3. The complainant may appeal the decision to the superintendent or superintendent's designee and, then, to the School Board².

OPTION 2

Despite the care taken in selecting suitable learning resources, and despite the qualifications and expertise of persons involved in that selection process, it is

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¹ The following language describes two possible procedures. The school board may use one of these or may create its own procedure.

² The School Board may want to specify the procedures that will be followed if the decision of the superintendent or superintendent's designee is appealed.

recognized that occasional objections to materials will be made by the public. It is, therefore, the policy of the School Board to provide channels of communication and a fair procedure for members of the community to follow in expressing and resolving concerns about learning resources, including instructional materials, used in teaching the curriculum.

Complaints about learning resources should be presented in writing using KLB-E, "Request for Reconsideration of Learning Resources" form, which may be obtained from the principal or the central office. The standards and procedure for review shall be consistently applied. Materials shall be considered for their educational suitability and shall not be removed because of partisan or doctrinal disapproval. Challenges which are not resolved at the building level may be submitted to the superintendent or superintendent's designee. The decision of the superintendent may be appealed to the School Board or reviewed at the School Board's request. The decision of the School Board will be final.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

Cross Refs.:	IIA	Instructional Materials
	IGAH	Family Life Education
	INB	Teaching About Controversial Issues
	KL	Public Complaints
	KQ	Commercial, Promotional and Corporate Sponsorships and Partnerships

PUBLIC COMPLAINTS ABOUT LEARNING RESOURCES

Despite the care taken in selecting suitable learning resources, and despite the qualifications and expertise of persons involved in that selection process, it is recognized that occasional objections to materials will be made by the public. It is, therefore, the policy of the School Board to provide channels of communication and a fair procedure for members of the community to follow in expressing and resolving concerns about learning resources, including instructional materials, used in teaching the curriculum.

Complaints about learning resources should be presented in writing using KLB-E, "Request for Reconsideration of Learning Resources" form, which may be obtained from the principal or the central office. The standards and procedure for review shall be consistently applied in recognition of the respective rights and responsibilities of all concerned. Materials shall be considered for their educational suitability and shall not be proscribed or removed because of partisan or doctrinal disapproval. Challenges which are not resolved at the building level may be submitted to the superintendent or superintendent's designee. The decision of the superintendent may be appealed to the School Board or reviewed at the School Board's request¹. The decision of the School Board will be final.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.

Cross Refs.: IIA _____ Instructional Materials
IGAH _____ Family Life Education
INB _____ Teaching About Controversial Issues
KL _____ Public Complaints
KQ _____ Commercial, Promotional and Corporate
Sponsorships and Partnerships

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

¹The School Board may want to specify the procedures that will be followed if the decision of the superintendent or superintendent's designee is appealed or if the Board decides to review the decision.

**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~~ taken regarding this material?

- Do not assign it to my child ~~The school should reevaluate the material~~
Use of the material should be reevaluated.

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 PARENT ORGANIZATIONS

The BLANK School Board encourages the establishment of parent-teacher organizations that seek to advance programs that improve educational opportunities for all students consistent with state and federal law. The School Board requests that parent-teacher organizations maintain a close relationship with the Board, administration and staff, and that they consider School Board and school policies when planning activities.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, ~~22.1-253.13:7.C.4.~~ 22.1-253.13:7.

Cross Refs.: IGBC Parental Involvement
 KF Distribution of Information/Materials

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, sex, sexual orientation, gender, gender identity, 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~~ procedures for receiving, reviewing and ruling on applications for the establishment of charter schools. Such ~~regulation~~ procedures 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~~ procedures 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~~, procedures including the review criteria, shall be posted on the

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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.

division's website and a copy shall be made available to any interested party upon request.

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 Contract⁶

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~~: policy.

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 AMOUNT OF TIME] before 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

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.

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⁸ There is no statutory deadline for submitting a renewal application. Each school board should select a sufficient amount of time before the expiration of the charter contract to allow the conclusion of financial and administrative operations, including the reassignment of personnel, to be accomplished.

⁹ This provision should be included in the charter contract.

Adopted:

Legal Refs: 20 U.S.C. § ~~6311(b)(1)(B)~~. 6311.

Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-212.5 et seq.

Cross Refs:	KBA	Requests for Public Records
	KBA-F1	Request for Public Records
	KBA-F2	Record of Inspection and/or Delivery of Copies
	KBA-R	Requests for Public Records
	LC-E	[School Division] Charter School Application Addendum