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## Section J: Students

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JB	Equal Education Opportunities/Nondiscrimination
JB-F	Report of Discrimination
JBA	504 Nondiscrimination Policy and Grievance Procedures
JC	School Attendance Areas
JCB	Transfers by Student Victims of Crime
JCC	School Choice for Students Enrolled in Schools Identified for Improvement
JCJ	Classroom Assignment for Twins
JEA	Option 1- School Board Compulsory Attendance
JEB	Entrance Age Admission of Persons Not of School Age
JEC	School Admission
JEC-R	School Admission and Determination of Tuition
JECA	Admission of Homeless Children
JECB	Option 1 Admission of Non-Public Students for Part-time Enrollment
JED	Students Absences Excuses Dismissals
JED-R	Students Absences Excuses Dismissals
JEG	Exclusions and Exemptions from School Attendance
JEGA	Pupil Accounting Records
JFB	Student Involvement in Decision Making
JFC	Student Conduct
JFC-R	Charles City County Public Schools Standards of Student Conduct
JFCA	Teacher Removal of Students from Class
JFCB	Regulation
JFCB	Sportsmanship, Ethics, and Integrity

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## Section J: Students

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JFCC	Student Conduct on Buses
JFCD	Weapons in School
JFCE	Gang Activity or Association
JFCF	Option 2 (Superintendent)
JFCH/GBEC	Tobacco Free School for Staff and Students
JFCI	Substance Abuse Student Assistance Program
JFCJ	Written Notification of Violation of School Policies by Students in Alternative Education Programs
JFCL	Notification Regarding Prosecution of Juveniles as Adults
JFG	Search and Seizure
JFHA/GBA	Prohibition against Harassment and Retaliation
JHHA-F/ GBA-F	Report of Harassment
JGA	Corporal Punishment
JGD	Option 1 School Board Student Suspension Expulsion
JGD/JGE-R	Student Suspension Expulsion
JGDA	Disciplining Students with Disabilities
JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
JHC	Student Health Services and Requirements
JHCA	Physical Examination of Students
JHCB	Students Immunizations
JHCC	Communicable Diseases
JHCCA	Blood Borne Pathogens

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## Section J: Students

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JHCCA-E	Guidelines for School Attendance for Students with Human Immunodeficiency Virus
JHCD-R	Administering Medicines to Students
JHCE	Recommendation of Medication by School Personnel
JHCF	Student Wellness
JHCH	School Meals and Snacks
JHDA	Human Research
JHG	Child Abuse and Neglect Reporting
JHH	Suicide Prevention
JJAC	Student Athlete Concussions during Extracurricular Activities
JL	Fundraising and Solicitation
JM	Restraint and Seclusion of Students
JN	Student Fees, Fines, and Charges
JO	Student Records
JOD	Release of Student Data Records
JOH	Acceptance of Electronic Signatures and Records
JP	Student Publications

## EQUAL EDUCATIONAL OPPORTUNITIES/NONDISCRIMINATION

### I. Policy Statement

Equal educational opportunities shall be available for all students, without regard to sex, race, color, national origin, gender, ethnicity, religion, disability, ancestry, or marital or parental status. Educational programs shall be designed to meet the varying needs of all students.

No student, on the basis of sex or gender, shall be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege or advantage or be denied equal access to educational and extracurricular programs and activities.

The School Board shall

- provide facilities, programs and activities that are accessible, usable and available to qualified disabled persons;
- provide a free, appropriate education, including non-academic and extracurricular services to qualified disabled persons;
- not exclude qualified disabled persons, solely on the basis of their disabilities from any preschool, daycare, adult education or career and technical education programs; and
- not discriminate against qualified disabled persons in the provision of health, welfare or social services.

### II. Complaint Procedure

#### A. File Report

Any student who believes he or she has been the victim of prohibited discrimination should report the alleged (discrimination as soon as possible to one of the Compliance Officers designated in this policy or to any other school personnel. The alleged discrimination should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited discrimination should report such conduct to one of the Compliance Officers designated in this policy or to any school personnel. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the Compliance Officers designated in this policy.

The reporting party should use the form. Report of Discrimination, JB-F, to make complaints of discrimination. However, oral reports and other written reports shall also be accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the superintendent.

The complaint, and identity of the complainant and of the person or persons allegedly responsible for the discrimination, will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant. A complainant who wishes to remain anonymous will be advised that such confidentiality may limit the school division's ability to fully respond to the complaint

## B. Investigation

Upon receipt of a report of alleged prohibited discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint, by giving written notice that the complaint has been received, to both the person complaining of discrimination and the person or persons allegedly responsible for the discrimination. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the person or persons allegedly responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the complainant and the person or persons responsible for the alleged discrimination. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged discrimination conducted under this policy or by an appropriate state or federal agency.

## C. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the superintendent or designee determines that prohibited discrimination occurred, the Charles City County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge

#### D. Appeal

If the superintendent or designee determines that no prohibited discrimination occurred, the student who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the complainant and the person or persons responsible for the alleged discrimination. If the superintendent or designee determines that prohibited discrimination occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appeal<sup>^</sup>.

#### E. Compliance Officer and Alternate Compliance Officer

The Charles City County School Board has designated Mrs. Tina Smith, Director of Special Education, Charles City County Public Schools, 10910 Courthouse Road, Charles City, Virginia 23030, (804) 652-4612, tismith@co.charles-citv.va.us as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer, Mr. Melvin D. Robertson, Director for Administrative Services, Charles City County Public Schools, 10910 Courthouse Road, Charles City, Virginia 23030, (804) 652-4612, mdrobertson@.co.charles-citv.va.us.

The Compliance Officer shall

- receive reports or complaints of discrimination;
- conduct or oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation.

#### III. Retaliation

Retaliation against students or school personnel who report discrimination or participate in the related proceedings is prohibited. The school division shall take appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations of how to report any subsequent problems

#### IV. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

#### V. Prevention and Notice of Policy

Training to prevent discrimination should be included in employee and student orientations as well as employee in-service training. This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their parents/guardians shall be notified annually of the names and contact information of the Compliance Officers.

#### VI. False Charges

Students or school personnel who knowingly make false charges of discrimination shall be subject to disciplinary action.

Adopted: April 20, 2004

Revised: December 18, 2012

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Legal Refs: 20 U.S.C. §§ 1681-1688.  
 29U.S.C. §§ 794.  
 42 U.S.C. §§ 2000d through 2000d-7  
 34 CFR 106.9.Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901,2.2-3902.

Cross Refs: AC Nondiscrimination  
 AD Educational Philosophy  
 GB Equal Employment Opportunity/Nondiscrimination  
 JB-F Report of Discrimination  
 JBA Section 504 Nondiscrimination Policy and Grievance Procedures  
 JFHA/GBA Prohibition Against Harassment and Retaliation



## Report of Discrimination

Name of Complainant: \_\_\_\_\_

Student's School and Class: \_\_\_\_\_

Address, Phone Number  
and Email Address: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date(s) of Alleged Discrimination: \_\_\_\_\_

Name(s) of person(s) you believe discriminated against you or others: \_\_\_\_\_

\_\_\_\_\_

Please describe in detail the incident(s) of alleged discrimination, including where and when then incident(s) occurred. Please name any witnesses that may have information regarding the situation. Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

I certify that the information provided in this report is true, correct and complete to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Complaint Received By: \_\_\_\_\_



## SECTION 504 NONDISCRIMINATION POLICY AND GRIEVANCE PROCEDURES

The Charles City County School Board does not discriminate against individuals on the basis of disability. Where a student believes that he or she has been discriminated against on the basis of disability, the student shall have the right to file an informal or formal grievance in accordance with the following procedures:

### A. Formal Procedure

#### A. Filing a Complaint

Any student who believes he or she has been the victim of discrimination on the basis of a disability should submit a complaint alleging discrimination as soon as possible to the compliant officer designated in this policy (Compliance Officer) or to any other school or School Division staff. The complaint should be submitted as soon as possible and generally within 15 school days of the alleged discrimination. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the Compliance Officer, their supervisor, or to any other school or School Division staff.

The complainant should use the "Complaint of Discrimination" form (see end of this policy) to make a complaint of discrimination. However, oral complaints shall also be accepted. The complaint should be filed with the school principal, other school or school division staff or the Compliance Officer. School or school division staff receiving a complaint of discrimination shall forward it to the school principal; who shall immediately forward the complaint of discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Superintendent. The complaint and the identity of the complainant, the individual who reported the alleged discrimination (if other than the complainant), and the persons allegedly responsible for the discrimination will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint, or as authorized by the complainant.

#### B. Investigation

Upon receipt of a report or complaint of discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school staff or a third party designated by the School Division. The investigation shall be completed as soon as practicable, which should generally be not more than 15 school days after receipt of the complaint of alleged discrimination by the Compliance Officer. Within 3 school days of receiving the complaint, the Compliance Officer shall send written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination.

Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 15 school days will be required to investigate the complaint, he or she will notify the complainant and the persons allegedly responsible for the discrimination of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded. The investigation may consist of personal interviews with the complainant, the persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint.

The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The School Division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all the facts and circumstances revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated, and recommendations for corrective action, if any. The Compliance Officer's written report, and all written notices sent pursuant to this policy shall be maintained and distributed in accordance with the Family Educational Rights and Privacy Act.

C. Action by the Superintendent

Within 10 school days of receiving the Compliance Officer's report, the Superintendent or designee shall issue a decision regarding: (1) whether this policy was violated and, if so (2) what action, if any, will be taken. This decision must be provided in writing to the complainant. If the Superintendent determines that discrimination occurred, the School Division shall take prompt, appropriate action to address and remedy the harm and prevent any recurrence. Such action may include discipline up to and including recommending that a student be expelled or that an employee be discharged.

D. Appeal

If the Superintendent or designee determines that no discrimination occurred, the complainant may appeal this determination to the School Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Superintendent, who shall forward the Compliance Officer's report and any documentation or information deemed relevant by the Compliance Officer during the course of the investigation to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may require oral or written argument from the complainant, the Superintendent, and any other individual it deems appropriate. An extension of the 30calendar day limit may occur if necessary as determined by the School Board Chair. If the Superintendent or designee determines that discrimination occurred and discipline is imposed, the disciplined person (i.e. student or employee) may appeal the disciplinary sanction in accordance with existing School Board policies and regulations.

#### E. Compliance Officer and Alternate Compliance

The School Board has designated Melvin D. Robertson, Director for Administrative Service, 10910 Courthouse Road, Charles City, Virginia 23030, (804) 652-4612, as the Compliance Officer responsible for identifying, preventing and remedying discrimination. Complaints of discrimination may also be made to Tina J. Smith of Special Education, 10910 Courthouse Road, Charles City, Virginia 23030, (804) 652-4612, the Alternate Compliance Officer. The Compliance Officer duties may include the following:

- a. receive reports and complaints of discrimination
- b. conduct or oversee the investigation of any alleged discrimination;
- c. assess the training needs of the School Division in connection with this policy  
arrange necessary training to achieve compliance with this policy;
- d.

#### B. INFORMAL PROCEDURE

If the complainant and the persons allegedly responsible for the discrimination agree, the school principal, designee, or the Compliance Officer may arrange for them to resolve the complaint informally with the assistance of a counselor, teacher, or other school or School Division staff.

If the complainant and the persons allegedly responsible for the discrimination agree to attempt to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the above formal procedures.

If the complaint is resolved informally, the counselor, teacher, or other school or School Division staff shall notify the School Principal of the resolution. The School Principal shall notify the complainant, the persons allegedly responsible for the discrimination, and the Compliance Officer in writing that the complaint has been resolved informally.

#### C. RETALIATION

Retaliation against students, school staff, or School Division staff who report discrimination or participate in the related proceedings is prohibited. The School Division shall take appropriate action against any student or employee who retaliates against another student or employee who reports alleged discrimination or participates in related proceedings.

#### D. FALSE CHARGES

Students, school staff, or School Division staff who make false charges of discrimination shall be subject to disciplinary action

Adopted: September 19, 2000  
Revised: July 19, 2011

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Legal Ref.: 29 U.S.C. §79434 CFR Part 104.7(b)

Cross Ref: JB      Equal Educational Opportunities/Nondiscrimination  
                  JO      Student Records

## SCHOOL ATTENDANCE AREAS

School attendance areas for each school are established by the School Board. Students attend the school in the attendance area in which they reside and to which they are assigned, unless special permission is granted by the School Board.

Changes in attendance areas are determined by the School Board, upon recommendation of the superintendent based on the need to provide for the orderly administration of the schools, the competent instruction of the students and the health, safety, best interests and general welfare of all students.

Adopted: April 12, 2005

Revised: April 15, 2014

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Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-79, 22.1-253.13:7.

Cross Refs: JCA Transfers by Student Victims of Crime  
JCB Transfers by Students in Persistently Dangerous Schools

## TRANSFERS BY STUDENT VICTIMS OF CRIME

Whenever any student has been the victim of any crime against the person pursuant to Chapter 4 (section 18.2-30) of Title 18.2 of the Code of Virginia including crimes by mobs, crimes by gangs, terrorism offenses, kidnapping and related offenses, assaults and bodily woundings, robbery, extortion or other threats, or sexual assault, and such crime was committed:

- by another student attending classes in the school, or
- by an employee of the school board, or
- by any volunteer, contract worker or other person who regularly performs services in the school, or
- if the crime was committed upon the school property or on any school bus owned or operated by the school division.

The student upon whom the crime was committed shall, upon written request from the student's parents, or the student, if such student is an emancipated minor, be permitted to transfer to another comparable school within the division if available. Any transportation services to such students shall be provided in accordance with School Board policies.

For purposes of this policy, "victim" means any student who has been the victim of a crime against the person pursuant to Chapter 4 (section 18.2-30 et seq.) of Title 18.2, and who has suffered physical, psychological, or economic harm as a direct result of the commission of such crime.

Adopted: April 20, 2004

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Legal Refs.: 20 U.S.C. section 7912. Code of Virginia, sections 22.1-3, 22.1-3.3

Cross Ref.,: JC Student Attendance Areas  
JCB Transfers by Students in Persistently Dangerous Schools  
JCC School Choice for Students in Schools Identified for Improvement

## TRANSFERS BY STUDENTS IN PERSISTENTLY DANGEROUS SCHOOLS

Any student attending a school which has been designated as a persistently dangerous school by the Virginia Department of Education will be offered the opportunity to transfer to another school in the division which is not so designated. If there is not another school in the division to which students may transfer, the division may explore other appropriate options such as an agreement with a neighboring division to accept transfer students. In the event that a student elects to transfer, the transfer may remain in effect as long as the student's original school is identified as persistently dangerous.

Adopted: April 20, 2004

Legal Refs.: 20 U.S.C. § 7912.  
Attachment A {No Child Left Behind Act of 2001 Unsafe School Choice Option Persistently Dangerous Schools Identification Process and Criteria) to Superintendent's Memo No. 86 (May 9, 2003).

Cross Ref.: JC Student Attendance Areas  
JCA Transfers By Student Victims of Crime  
JCC School Choice for Students in Schools Identified for Improvement

SCHOOL CHOICE FOR STUDENTS ENROLLED IN SCHOOLS IDENTIFIED FOR  
IMPROVEMENT

Students enrolled in a school which does not make "adequate yearly progress" after being identified for school improvement as provided by the No Child Left Behind Act of 2001 will no later than the first day of the school year following such identification, be given the option of transferring to a division school which has not been so identified. The Superintendent will determine the school(s) to which students may transfer.

A student who transfers to another school pursuant to this policy may remain at the school until the student completes the highest grade at that school. Transportation will be provided until the end of the school year in which the student's original school ceases to be identified for school improvement.

The Superintendent or designee shall, to the extent practicable, establish a cooperative agreement with other divisions in the area to allow the transfer of any student at a school to which has failed to make "adequate yearly progress" after being identified for school improvement when there is no other district school to which the student may transfer.

Adopted: April 20, 2004

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Legal Refs.: 20 U.S.C. § 6316.

Cross Ref.: JC School Attendance Areas



## CLASSROOM ASSIGNMENTS FOR TWINS

A parent of twins or higher order multiples in the same grade level may request that the children be placed in the same classroom or in separate classrooms if they are at the same elementary school. A parent must request the classroom placement no later than 3 days after the first day of each school year or 3 days after the first day of attendance of the children during a school year. Schools may recommend classroom placement to the parent.

Schools must provide the placement requested by the children's parent, unless the division superintendent or his designee makes a classroom placement determination following the school principal's request, at the end of the initial grading period, and in consultation with the children's classroom teacher, based upon a determination that the requested classroom placement is disruptive to the school or is harmful to the children's educational progress.

Adopted: July 21, 2009

Revised: July 17, 2012

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Legal Ref.: Code of Virginia, as amended, § 22.1-79.3.F.

## COMPULSORY ATTENDANCE

Every parent, guardian, or other person having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall send such child to a public school or otherwise provide the child with an education in accordance with state law unless the child is exempt from the state's compulsory attendance requirement.

Further, in the case of any five-year-old child, the requirements of this policy may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

The requirements of this policy apply to

- any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday, and
- any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in Va. Code §§ 22.1-253.13:1.C and 22.1-254.01.

The requirements of this policy do not apply to

- any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan, and
- any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements.

### Individual Student Alternative Education Plan

The School Board may allow the compulsory attendance requirements to be met pursuant to an individual student alternative education plan developed in conformity with guidelines prescribed by the Board of Education under the following conditions:

1. The student must be at least sixteen years of age
2. There shall be a meeting of the student, the student's parents, and the principal or principal's designee of the school in which the student is enrolled to develop the plan, which must include the following:
  - Career guidance counseling
  - Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the School Board, with attendance reported to the principal or principal's designee
  - Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment

- Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma
  - Counseling on the economic impact of failing to complete high school; and
  - Procedures for re-enrollment
3. A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan shall be in violation of the compulsory attendance law, and the superintendent or attendance officer shall seek immediate compliance with such law.

#### Alternative Education Programs

The School Board may, in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and upon a finding that a school-age child has been

- charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person;
- found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of Va. Code § 16.1-260;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled from school attendance pursuant to Va. Code §§ 22.1-277.06, 22.1-277.07, or subsection B of § 22.1-277,

require a student to attend an alternative education program as provided by Va. Code § 22.1-209.1:2 or 22.1-277.2:1.

Whenever a court orders any pupil into an alternative education program, including a program of general educational development, offered in the public schools, the School Board will determine the appropriate alternative education placement of the pupil regardless of whether the pupil attends the public schools it supervises or resides within its school division.

Adopted: July 19, 2011  
Revised: July 17, 2012

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1 -254.

Cross Ref.: JEG Exclusions and Exemptions from School Attendance  
LED Home Instruction

## ENTRANCE AGE/ADMISSION OF PERSONS NOT OF SCHOOL AGE

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

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

Adopted: August 15, 2006

Revised: June 18, 2013

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-5 22 1-19922.1-254.

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

## SCHOOL ADMISSION

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

A person of school age is deemed to reside in the school division:

- when the person is living with a natural parent, or a parent by legal adoption, in the Charles City County Public Schools;
- when, in accordance with the provisions of Va. Code § 22,1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 United States Code § 1044b by the custodial parent;
- when the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
- when the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either
  - i. the court-appointed guardian, or has legal custody of the person,
  - ii. acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code § 63.2-1200; or
  - iii. an adult relative providing temporary kinship care as that term is defined in Va. Code § 63.2-100. Both parents and the relative providing kinship care must submit signed, notarized affidavits
    - a. explaining why the parents are unable to care for the person,
    - b. detailing the kinship care arrangement, and
    - c. agreeing that the kinship care provider or a parent will notify the school within 30 days of when the kinship care arrangement ends.

The parent must also provide a power of attorney authorizing the adult relative to make educational decisions regarding the person. A parent or the kinship care provider must also obtain written verification from the department of social services where the parent or parents live, and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. If the kinship care arrangement lasts more than one year, the school division must receive continued verification directly from both departments of social services that the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment

- when the person is living in the school division not solely for school purposes as an emancipated minor; or when the person has been placed in a foster care placement within the school division by a local social services agency.

The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child.

No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

Certain other students may be admitted into the public schools of the division and maybe charged tuition In accordance with Va. Code § 22.1-5 and pursuant to Charles City County Public Schools School Board Regulation JEC-R School Admission.

No child of a person on active military duty attending a school free of charge in accordance with this policy shall be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school. Such children shall be counted in the average dally membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

#### ADDITIONAL ADMISSION REQUIREMENTS

- A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.
- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in former school.

- D. The School assigns a unique student Identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.
- E. Tuition rates are established each year in accordance with the provisions of Va. Code § F.
- F. Prior to admission to the Charles City County Public Schools, the parent, guardian or other person having control or charge of the child shall provide, upon registration,
- a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the commonwealth or another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
  - a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va Code §1M-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the superintendent and by any others to whom he disseminates it separately from all other records concerning the student.

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

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

- G. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in Virginia or in another state or for whom admission has been withdrawn by a private school in Virginia or another state may be excluded from attendance in the Charles City County Public Schools regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission upon a finding that the student presents a danger to the other students or staff of the school division after (i) written notice of the student his/her parent that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the superintendent or his/her designee; and the decision has been to exclude the student from attendance. The student or his parent may file a written petition for review with the School Board within 15 days of notice of the decision of the superintendent of his/her designee. If the school board grants a review of the record, the decision of the superintendent of his/her designee may be altered.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, committee thereof, or superintendent or his designee, as the case may be at the relevant hearing, the student may petition the School Board for readmission. If the petition for readmission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for readmission

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

In excluding any such expelled student from school attendance, the School Board may accept or reject any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The excluding School Board shall not impose additional conditions for readmission to school.

- H. This policy does not preclude contractual arrangements between the Charles City County Public School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend Charles City County Public Schools.
- I. Prior to admission, the student must document compliance with, or eligibility for exemption physical examination and immunization requirements contained in Va. Code §§22.1-270, 22.1-271.2 and 32.1-46 and policies JHCA Physical Examinations of Students.

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

Adopted: September 15, 2015

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Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 22.1-288.2, 32.1-46, 63.2-100, 63.2-900, and 63.2-1200.  
2007 Va. Opin. AG 07-015.  
1987-88 Va. Opin. AG 374.

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



## SCHOOL ADMISSION AND DETERMINATION OF TUITION

### Admission of Nonresident Students

Students who reside outside of the boundaries of Charles City County (nonresidents) may be enrolled in the Charles City County Public Schools on a space/program available basis as tuition paying students. Admission by tuition is for one year only and application must be made each year (annually) thereafter. Upon admission, a tuition student becomes a student of the Charles City County Public Schools and is therefore under control of the School Board. The parent/guardian must assume responsibility for transportation of the admitted nonresident student to and from the school site. The student and parents/guardians must sign an agreement acknowledging that the student will comply with the rules and regulations that are applicable to students in the Charles City County Public Schools and that permission to attend the Charles City County Public Schools may be withdrawn in the event that the student fails to comply with such rules and regulations or if it is determined that such action is in the best interests of the school system.

### Tuition

Tuition contracts must be executed by the student's parents or legal guardian. Tuition payments must be paid in two equal installments: the first payment is due by September 1 of the school year and the second payment is due by January 15<sup>th</sup> of the same school year. Tuition for a student entering the Charles City County Public Schools after the semester has started will be calculated based upon the number of school days remaining in the school year. The School Board will periodically review and adopt the annual tuition rates for elementary and secondary students. Failure to pay the tuition when due will be grounds for withdrawing permission for the student to attend Charles City County Public Schools. There shall be no refund of tuition for any student who does not remain enrolled for the full period for which tuition was paid, regardless of the reason of the withdrawal of the student. Tuition will be reimbursed on a pro-rata basis for students for whom permission to attend the Charles City County Public Schools has been withdrawn by the school system. Charles City Public Schools

### Changes in Residency for Charles City County Public Schools Students

Students whose residence changes to a location outside of the Division after the start of the school year may complete that year in the Charles City County Public Schools on a tuition basis under the requirements applicable to non-resident students set forth above. The parent must assume responsibility for transportation. Charles City High School students who are in the second semester of their junior year or who have completed their junior year whose residences change to a location outside of Charles City County and who have successfully completed two or more consecutive years in the high school immediately prior to the time of residence change may attend the 12 grade in Charles City High School on a tuition basis under the requirements applicable to non-resident students set forth above. The student/parent/guardian must assume responsibility for transportation.

### Nonresident Employees' Children

Nonresident, full-time employees may request permission for their children to attend the Charles City County Public Schools on a tuition-free basis. The Superintendent, or designee, will make a determination on initial enrollment or continued enrollment, considering, but not limited to, the following factors:

- Space/program availability,
- The need for hiring additional staff,
- The cost of any needed additional services,
- The disciplinary record of the student.

If approved, the employee will be responsible for transportation of his/her children to and from school. Admission will be reviewed on a yearly basis or more frequently should conditions warrant an earlier review. The employee and child will be required to sign an agreement acknowledging that the student will comply with all of the rules and regulations applicable to students in the Charles City County Public Schools and that permission to attend the Charles City County Public Schools may be withdrawn in the event that the student fails to comply with such rules and regulations or if it is determined that such action is in the best interests of the school system. In such instances, Virginia High School League regulations govern the student's participation in interscholastic competition.

Adopted: September 15, 2015

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Legal Refs: 8CFR214.2.  
Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-5 and 22.1-287.02.  
1999 Va. Op. Atty. Gen. 105

Cross Refs.: JEC School Admission  
JECA Admission of Homeless Children

## ADMISSION OF HOMELESS CHILDREN

The Charles City County School Board is committed to educating homeless children and youth. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless. The school division will coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students and with other school divisions as may be necessary to resolve interdivisional issues.

The Charles City County School Division will serve each homeless student according to the student's best interest and will

- continue the student's education in the school of origin for the duration of homelessness
- if the student becomes homeless between academic years or during an academic year; or
- for the remainder of the academic year, if the student becomes permanently housed during an academic year; or
- enroll the student in any public school that non homeless students who live in the attendance area in which the student is actually living are eligible to attend.

In determining the best interest of a homeless student, the Charles City County School Board shall

- to the extent feasible, keep the student in the school of origin, except when doing so is contrary to the wishes of the student's parent or guardian;
- provide a written explanation, including a statement regarding the right to appeal as described below, to the homeless student's parent or guardian, if the division sends the student to a school other than the school of origin or a school requested by the parent or guardian; and
- in the case of an unaccompanied youth, ensure that the division's homeless liaison assists in placement or enrollment decisions regarding the student, considers the views of such unaccompanied youth, and provides notice to such youth of the right to appeal described below.

### Enrollment

The school selected in accordance with this policy shall immediately enroll the homeless student, even if the student is unable to produce records normally required for enrollment, such as previous academic records, birth records, medical records, proof of residency, or other documentation.

The enrolling school shall immediately contact the school last attended by the student to obtain relevant academic and other records.

If the student needs to obtain immunizations, or immunization, birth, or medical records, the enrolling school shall immediately refer the parent or guardian of the student to the division's homeless liaison, who shall assist in obtaining necessary immunizations, or immunization, birth, or medical records.

If the documentation regarding the comprehensive physical examination required by Policy JHCA Physical Examinations of Students cannot be furnished for a homeless child or youth, and the person seeking to enroll the pupil furnishes to the school division an affidavit stating that the documentation cannot be provided because of the homelessness of the child or youth and also indicating that, to the best of his or her knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the division's homeless liaison who shall, as soon as practicable, assist in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and shall immediately admit the pupil to school.

The decision regarding placement shall be made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.

### Enrollment Disputes

If a dispute arises over school selection or enrollment in a school

- the homeless student shall be immediately admitted to the school in which enrollment is sought and provided all services for which he or she is eligible, pending resolution of the dispute;
- the parent or guardian of the student shall be provided with a written explanation of the school's decision regarding school selection or enrollment, including the rights of the parent, guardian, or student to appeal the decision;
- the student, parent, or guardian shall be referred to the division's homeless liaison who shall carry out the appeal process as expeditiously as possible after receiving notice of the dispute; and
- in the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

### Appeal Process

#### Oral Complaint

In the event that an unaccompanied student or the parent or guardian of a student (hereinafter referred to as the Complainant) disagrees with a school's decision regarding the student's eligibility to attend the school, the Complainant shall orally present his position to the division's homeless liaison.

#### Written Complaint

If the disagreement is not resolved within five (5) school days, the Complainant may present a written complaint to the homeless liaison. The written complaint must include the following information: the date the complaint is given to the homeless liaison; a summary of the events surrounding the dispute; the name(s) of the school division personnel involved in the enrollment decision; and the result of the presentation of the oral complaint to the homeless liaison.

Within five (5) school days after receiving the written complaint, the homeless liaison will reach a decision regarding the contested enrollment and shall provide a written statement of that decision, including the reasons therefore, to the Complainant.

The liaison will inform the Superintendent of the formal complaint and its resolution.

### Appeal to Superintendent

If the Complainant is not satisfied with the written decision of the homeless liaison, the Complainant may appeal that decision to the Superintendent by filing a written appeal. The homeless liaison shall ensure that the Superintendent receives copies of the written complaint and the response thereto. The Superintendent or designee shall schedule a conference with the Complainant to discuss the complaint. Within five (5) school days of receiving the written appeal, the Superintendent, or designee, shall provide a written decision to the Complainant including a statement of the reasons therefore.

### Comparable Services

Each homeless student shall be provided services comparable to services offered to other students in the school attended by the homeless student including the following:

- transportation services;
- educational services for which the student meets the eligibility criteria, such as services provided under Title 1, educational programs for children with disabilities, and educational programs for students with limited English proficiency;
- programs in vocational and technical education;
- programs for gifted and talented students; and
- school nutrition programs.
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### Transportation

At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation will be provided for a homeless student to and from the school of origin as follows:

- if the homeless child or youth continues to live in the area served by the division in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the division in which the school of origin is located.
- if the homeless child's or youth's living arrangements in the area served by the division in which the school of origin is located terminate and the child or youth, though continuing his or her education in the school of origin, begins living in an area served by another division, the division of origin and the division in which the homeless child or youth is living shall agree upon a method to apportion the responsibility and costs for providing the child with transportation to and from the school of origin. If the divisions are unable to agree upon such method, the responsibility and costs for transportation shall be shared equally.

## Definitions

The term "homeless student" means an individual who lacks a fixed, regular, and adequate nighttime residence and includes:

1. children and youths, including unaccompanied youths who are not in the physical custody of their parents, who
  - a. are sharing the housing of other persons due to loss of housing, economic hardship, or other causes; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations or in emergency, congregate, temporary, or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
  - b. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
  - c. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
2. migratory children who qualify as homeless for the purposes of this policy because the children are living in circumstances described above.

The term migratory child means a child who is, or whose parent or spouse is, a migratory agricultural worker, including a migratory dairy worker, or a migratory fisher, and who, in the preceding 36 months, has moved from one school division to another in order to obtain, or accompany such parent or spouse in order to obtain, temporary or seasonal employment in agricultural or fishing.

The term "school of origin" means the school that the student attended when permanently housed or the school in which the student was last enrolled.

The term "unaccompanied youth" includes a youth not in the physical custody of a parent or guardian.

Adopted: July 19, 2004

Revised: June 18, 2013

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Legal Refs.: 20 U.S.C. § 6399  
42 U.S.C. §§ 11302, 11431, 11432, 11433.  
Code of Virginia, 1950 as amended, §§ 22.1-3, 22.1-70, 22.1-78, 22.1-253.13:1, 22.1-270.  
Superintendent's Memo No. 64 (Dec. 5, 2003).

Cross Ref.: JEC School Admission  
JHCA Physical Examinations of Students

## ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

The Charles City County School Board acknowledges the provisions for equivalent instruction under Virginia law. The Board further observes that equivalent or "acceptable alternative" home or private school instruction is not the same as the education delivered in the public school system.

The parents of students attending private school or being home schooled pursuant to Va. Code § 22.1-254:1 who wish to enroll their students on a part-time basis in the Charles City County Public Schools for participation in academic and/or extracurricular/club activities shall, along with the students, conform with the following provisions:

### I. Admission

The parents shall identify their children as private school or home school students who desire part-time enrollment in academic courses of study. Students admitted under this policy shall be designated as part-time students. At the time of applying for admission, students shall designate the academic course(s) they want to attend and each extracurricular or club activity in which they wish to participate. Students enrolled on a part-time basis will be counted in the division's average daily membership (ADM). Part-time students who are either enrolled in a nonpublic school or are receiving home instruction pursuant to Va. Code § 22.1-254.1 and are enrolled in any in arithmetic, science, English, history, social science, career and technical education, fine arts, foreign language, health education or physical education course in the Charles City County Public Schools shall be counted in the division's ADM on a pro rata basis. Each such course enrollment by such students will be counted as 0.25 in the ADM. However, no such nonpublic or home school student will be counted as more than one-half a student for purposes of such pro rata calculation. The pro rata calculation will not include enrollments of such student in any other public school courses.

### Enrollment

Students must enroll in at least one academic class (high school) or one instructional unit (elementary/middle school) more than the requested course(s) and for each extracurricular or club activity in which they choose to participate. (Example: if the request is to enroll in one math class, the student must enroll in the math class plus one other class; and, if the student also requests one extracurricular/club activity, he or she must enroll in another class for a total of 3 classes.) If no activity participation is sought, a minimum of two classes must be attended. Students wishing to participate in an academic class shall have completed all prerequisite course work or the equivalent required of full-time public school students wishing to enroll in the course. If part-time enrollment causes to<sup>^</sup> enrollment in a class or grade level to exceed the maximum allowed by state or local policy (e.g. resulting in the need to employ another teacher) admission will be denied.

Once enrolled, the student shall comply with behavioral, disciplinary, attendance and other rules applicable to all students, including rules governing the use of the division's computer systems. If a student fails to comply, the school may withhold credit and/or terminate the student's participation in addition to taking any disciplinary action that would be taken against a full-time student for similar conduct.

### III. Activities

Students wishing to participate in a Virginia High School League (VHSL) governed extracurricular or club activity shall satisfy the same or equivalent criteria for such activities that VHSL "take five pass five" requirement. Students admitted under this policy shall participate in any try-out or selection process required of full-time students.

### IV. Transportation

The parents of the children for whom part-time admission is sought shall be responsible for the transportation of the child to and from school, including any expenses incident thereto.

### V. Academic Credit

Class ranking and grade-point-average shall not be computed for part-time private/home school students.

Adopted: January 16, 2007

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Legal Refs.: Code of Virginia, as amended, §§ 22.1-254.1; 22.1-253.13:2.C.  
1973-74 Ops. Va. Att'y Gen. 305.

Cross Refs.: JECA            School Admission  
              JHCB            Student Immunizations  
              IGDA            Extracurricular Activities  
              IHB             Class Size  
              IIBBEA        Acceptable Computer System Use



## STUDENT ABSENCES/EXCUSES/DISMISSALS

### I. Student Attendance Policy

Student attendance is a cooperative effort and the School Board shall involve parents and students in accepting the responsibility for good attendance.

Each parent/guardian or person having control or charge of a child within the compulsory attendance age shall be responsible for such child's regular and punctual attendance at school as required under provisions of the law.

A reasonable effort shall be made to contact a parent/guardian of each absent student every day, and to obtain an explanation for the student's absence, where there is no indication that the student's parent is aware of and supports the absence. A log will be kept of call attempts.

Students who are absent must bring a valid note stating the reason for absence upon returning to school. Unexcused absences shall be handled according to regulations issued by the superintendent.

The superintendent's regulations will include procedures for excusing students who are absent by reason of observance of a religious holiday. Such regulations will ensure that a student is not deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, which he missed by reason of such absence, if the absence is verified in an acceptable manner.

Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative work-study program. All other exceptions to a full day schedule must be approved on an individual basis by the superintendent or designee.

High school students may spend school days each academic year participating in internship programs such as High School to Work Partnerships established pursuant to guidelines developed by the Board of Education. The superintendent's regulations will specify that students who miss a partial or full day of school while participating in Partnership programs will not be counted as absent for the purposes of calculating average daily membership. The regulations will also include procedures by which students may make up work missed while participating in a High School to Work Partnership.

Nothing in this policy shall be construed to limit in any way the authority of any attendance officer or the division superintendent to seek immediate compliance with the compulsory school attendance law,

### II. Compulsory Attendance Procedures

#### A. Upon Fifth Absence Without Parental Awareness and Support

If (1) a student fails to report to school for a total of five scheduled school days for the school year, and (2) there is no indication that the student's parent is aware of and supports the absence; and (3) reasonable efforts to notify the parent of the absences have failed, then the Principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school principal or his designee or the attendance officer, the pupil, and the pupil's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance

B. Upon Sixth Absence Without Parental Awareness and Support

If the pupil is absent an additional day after direct contact with the pupil's parent and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, either the school principal or his designee or the attendance officer shall schedule a conference within ten school days, which must take place no later than the fifteenth school day after the sixth absence. At the conference, the pupil, his parent, and school personnel, shall meet to resolve issues related to the pupil's nonattendance. Other community service providers may also be included in the conference.

C. Upon Additional Absence Without Parental Awareness and Support

Upon the next absence after the conference without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the Principal or designee shall notify the attendance officer or Superintendent or his designee who shall enforce the compulsory attendance rules by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined § 16.1-228 or (ii) instituting proceedings against the parent pursuant to § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts already undertaken to resolve the pupil's absence. If the student's parents have joint physical custody of the student and the school has notice of the custody arrangement, then both parents shall be notified at their last known addresses.

D. Parental Cooperation in Remediating Excessive Unexcused Absences

It is expected that parents will cooperate with the attendance officer and other school officials to remedy the student's attendance problem. Where direct contact with a parent cannot be made, despite reasonable efforts, or where parents otherwise fail to cooperate in remediating the student's attendance problem, the superintendent or the superintendent's designee may seek immediate compliance with the compulsory school attendance laws. The attendance officer, with the knowledge and approval of the Superintendent, shall institute proceedings against any parent who fails to comply with the requirements of the compulsory attendance laws. Where the complaint arises out of the parent's failure to comply with the requirements of § 22.1-258, the attendance officer shall document the school division's compliance with this Code section.

### III. Report for Suspension of Driver's License

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

### IV. Attendance Reporting

Student attendance shall be monitored and reported as required by state law and regulations. At the end of each school year, each public school principal shall report to the Superintendent the number of pupils by grade level for whom a conference was scheduled pursuant to Part II (B) above. The Superintendent shall compile this information and provide it annually to the Superintendent of Public Instruction.

#### V. Dismissal Precautions

Principals shall not release a student during the school day to any person not authorized by the student's parent/guardian to assume responsibility for the pupil. Students shall be released only on request and authorization of parent or guardian. The superintendent shall provide procedures for release of pupils who are not residing with or under the suspension of a parent/guardian. The burden of proof on the authority of the person to receive the student is on the requesting party. A formal check-out system shall be maintained in each school.

Adopted: July 21, 2009

Revised: July 16, 2013

Revised: July 20, 2010

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-254, 22.1-258 through 22.1-269, 22.1-279.3, 46.2-323 and 46.2-334.001.  
8 VAC 20-110-10 et seq.

Cross Refs.: IGAJ Driver Education  
JFC Student Conduct  
JFC-R Standards of Student Conduct

## STUDENT ABSENCES/EXCUSES/DISMISSALS

### A. Generally

The administration and staff of the Charles City County Public Schools believe that regular attendance is valuable and critical to each student's academic achievement and personal success. Each parent or guardian having charge of a child within the compulsory attendance age shall be responsible for the child's regular and punctual attendance at school as required under provisions of state law. Students attending the Charles City County Public Schools are encouraged to attend school and class every day as there is a direct relationship between poor attendance and class failure. Students who have good attendance usually achieve higher grades, enjoy school more, and are likely to be more successful at the conclusion of their school careers than students who have poor attendance records.

Every teacher in every school in Charles City County shall keep an accurate daily or class record of attendance of all assigned students. Teachers are urged to stress the importance of regular attendance to their assigned students. Each meeting of the class should be planned so that regular attendance is a necessity if the student is to complete satisfactorily the requirement of the course. Excessive absenteeism from a class will then result in poor or unsatisfactory grades because of inability of the student to compensate fully for the class activities which were missed.

### B. Attendance Expectations

To benefit maximally from the instructional program, students will be expected to arrive at school on time and maintain at least 95% attendance in a class in order to receive credit. Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full day unless they are enrolled in a cooperative work-study program. The Superintendent or the Superintendent's designee must approve all other exceptions to a full day schedule on an individual basis. A student who is approved to participate in a school-sponsored field trip or other approved activity shall be counted as in attendance.

A student who is tardy to school or leaves early from school, regardless of whether it is excused or not, may disrupt the learning environment for all students. For elementary and middle students, the principal or his/her designee must approve tardies to school or early dismissals from school. Any three unapproved tardies to school or early dismissals from school in a nine-week grading period will result in parental notification by telephone or written communication. Tardies to school or early dismissals from school may be considered excused for the same reasons as are listed for absences in Section C.

If a student misses 15 consecutive days, he/she is automatically withdrawn from the roll. However, if such student is subject to the compulsory attendance law, action must be taken by the school to enforce compulsory attendance. If a student is irregular in attendance due to illness, the school may request a doctor's statement. If the excused absence extends beyond 15 days because of illness, homebound instruction may be available.

The possibility of child neglect on the part of parents or guardians should be investigated in cases of habitual absenteeism.

All students must be present at school for the entire first period class in order to be marked present for the day.

### C. Absences

There are times when a student is unable to attend school. Each parent or legal guardian having charge of a child enrolled in Charles City County Public Schools shall inform the school each day his or her child is absent all or part of any school day. School will make reasonable effort to contact a parent or legal guardian of each absent student every day and a log will be kept of contact attempts.

Absences that may be considered excused upon receipt of a valid written note or other form of notice approved by the school from the parent or guardian on the day of the student's return to school include:

1. Death in the family;
2. Bona fide religious observances;
3. Medical and dental appointments;
4. illness (for an accumulation of days for illness beyond three days the school will require a note from the physician. The days do not have to be consecutive.);
5. Other serious personal or family problems; and,
6. Extenuating circumstances which are determined by the school administration or the school administration and the superintendent.

The parent will be required to verify any absence within twenty-four hours or the absence will be classified as truancy and disciplinary action will be taken. For a day of absence for which there is no valid written excuse, the principal or his/her designee will make a reasonable effort to contact the parent or guardian directly. For repeated absences, the principal will initiate corrective actions as stated in Section D.

The Code of Virginia (22.1-258) requires that the school notify the parent when a student is absent from school.

### D. Excessive Absences

Excessive absences are those which cause a student's attendance, at any point during the year to be lower than the expectations stated in Section B. A student who displays a pattern of excessive absences, tardies or early dismissals, whether excused or not, may be referred to the principal or his/her designee who shall investigate and recommend appropriate corrective action, including a conference with the parent or guardian, alternative placement or referral to the appropriate agencies, such as the Department of Social Services (TANF) and juvenile and domestic relations court

For any student whose absences exceed, during a semester, more than five (5) school days or five (5) class periods of a course scheduled daily or the equivalent class periods of a course on the block schedule, the principal or his/her designee may require a conference with the parent or guardian to discuss the implications for learning and achievement, the consequences of failure to attend school, and any corrective actions to be made. Further the principal or his/her designee may require documentation beyond the written excuse.

Any student whose absences exceed, during a school year, ten (10) school days in a year or ten (10) class periods of a course scheduled daily or five (5) class periods for a block class will not receive credit for the course unless the student completes tutoring or an alternate learning module as prescribed by the principal or his/her designee. The principal, in consultation with the Superintendent, may require the parent, guardian or student to pay for the costs associated with tutoring or the alternative learning module. The principal may waive this requirement upon consideration of extenuating circumstances. The consequence complies with the State Standards for Accrediting Public Schools that defines the standard awarding

course credit for graduation. For elementary and middle school students excessive absences may be a factor in decisions regarding a student's promotion to the next grade.

#### Unexcused Absences.

For any student whose absences are in excess of five (5) scheduled days for the school year and there is no indication that the parent is aware of and supports the student's absence, the principal or his/her shall make a reasonable effort to contact the parent directly to obtain an explanation and explain the consequences of non-attendance. A conference will be scheduled and a plan will be developed jointly with the parent and student to resolve the student's non-attendance. If the student is absent for an additional day after the direct contact and again the parent is unaware, a conference shall be scheduled with the parent and student within ten (10) days and held no later than 15 days after the sixth absence. Upon the seventh absence of which the parent unaware, the principal or his/her designee will notify the Intervention/Prevention Coordination to take the actions prescribed by VA Code § 22.1-258. Actions include with the juvenile and domestic relations court alleging the student is a child in need of supervision or (ii) instituting proceedings against the parent pursuant to Va. Code §§ 18,2-371 or 22.1-262.

In addition to any other actions taken pursuant to this policy, if a student driver who is under 18 years of age has 10 or more unexcused absences from school, or tardies to school, on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student\*s driver's license.

#### E. Consequences to Unsatisfactory Attendance

The parent and the student will be informed, in writing, when the student has three (3) absences from school or in a class. If the student reaches five (5) absences from school or in a course during a semester, the parent and student will receive a second notification to indicate that the student is in jeopardy of failing for the school year. Immediately upon the sixth (6) absence during the first semester and the tenth (10) absence for the year, the parent/guardian will be sent information about the waiver process and change in grade if the waiver is granted. \*Parents should be aware that the 11<sup>th</sup> absence from school will result in failure for the school year. To apply for a waiver, the student and his/her guardian must follow the appeal process which takes place in a student/parent/school attendance meeting. When considering whether to grant a waiver, the student's entire attendance history for that semester must be considered.

To apply for a waiver, the student and his/her parent/guardian must follow the appeal process.

#### F. Make-up Work

It is the student's responsibility, or the responsibility of the parent or guardian of an elementary student, to communicate with the teacher on the day he or she returns to class to schedule the make-up of missed work. Students are expected to make up all work missed immediately upon return to class and in a time period not to exceed five (5) days from return to school. Students in grades three through 12 who turn in missed work after the established time period will receive a grade no higher than a 69; a student whose work earns a grade below 69 will receive the grade earned. The principal or his/her designee, however, may consider extenuating circumstances in extending the time limit.

### G. Attendance Committee

To review requests for extensions of absences from school, each school will establish an attendance committee. The committee will consist of the principal or designee, Intervention/Prevention Coordinator, school nurse (if appropriate), teacher and/or department chair, school counselor and school psychologist (if appropriate).

When there is a request to do so, an Attendance Committee will review all cases exceeding the above mentioned five (5) days per semester or ten (10) days per year in order that consideration be given to those students who may have extenuating circumstances. The Attendance Committee shall have the power to waive this directive if warranted by the circumstances. Students and parents should note that the allocated days of the absence are to be used only as indicated in Section C above and Guideline 8 that follows:

The following guidelines will be used in implementing the policy;

1. A copy of the policy will be sent to each student's home at the beginning of each school year.
2. A copy of the policy and guidelines will be given to each student by his or her homeroom teacher.
3. Whoever an enrolled student is absent from school, the office will make contact with the home. Students are required to attend school for a full day unless otherwise excused. After every three (3) absences from school, the parent(s) or guardian will be notified in writing. **THE ABSENCES DO NOT HAVE TO BE SUCCESSIVE ABSENCES.** (Absences from class refer to absences other than for cutting class.) The teacher must turn in daily absentees to the office

If an attempt is made to contact the parent(s) or guardian(s) by phone and the contact is unsuccessful, the person trying to make contact must then send a letter. The person who makes the contact with the home must keep a record of the contact whether it is done by phone or in writing. In cases where written contact has been made, a copy of the correspondence **MUST** be kept on file. **DURING EACH CONTACT, THE PARENT OR GUARDIAN MUST BE INFORMED ABOUT THE LOSS OF CREDIT OR POSSIBLE GRADE RETENTION IF MORE THAN THE ALLOCATED DAYS ARE MISSED FROM SCHOOL/CLASS DURING A SEMESTER/YEAR.**

When the student has missed the fifth day from a semester course or the tenth (10) day from a year-long course, a letter will be sent from the principal reminding the parents or guardians of the consequences and inviting them to discuss the seriousness of the problem.

4. A student who is absent must bring a note, upon return, signed by a parent or guardian. The note should include the reason(s) for the absence as well as the date(s).
5. Students are expected to make up all work missed because of absence. It is the student's/parent's responsibility to make arrangements with the grade/subject teacher to make up work within five (5) days after returning to class. Students who fail to make the necessary arrangements will forfeit their rights to make up work and will receive a failing grade for any such work that was missed.

6. School sponsored or sanctioned activities are exempt from, and will not count toward, the total absences. Even though students may be absent because of school-related activities, they are still expected to make up any work that is missed.
7. Students will lose credit in a course after exceeding ten (10) unexcused days.
8. The five (5) days of absence per semester or the 10 days of absence per year allowed in the Policy are to take care of parental excuses (notes) for:
  - a. Death in the family;
  - b. Bona fide religious observances;
  - c. Medical and dental appointments;
  - d. Personal illness (if over three days, the school may require a note from the physician. The days do not have to be consecutive.);
  - e. Other serious personal or family problems; and,
  - f. Extenuating circumstances which are determined by the school administration or the school administration and the superintendent.
9. After a student has missed more than the allocated days, a final notice will be sent to the parents or guardians. The parent(s) or guardian(s) may request that an Attendance Committee meet by calling the principal within two weeks of the mailing date of failure notice. Extenuating circumstances, with written documentation presented at a conference by the parent, MAY be reviewed by the Attendance Committee to determine if consideration for changing the grade needs to be given.
10. NONE OF THE AT LOCATED DAYS ARE TO BE USED AS SKIP DAYS.
11. A student who is suspended from school for a disciplinary problem for any number of days will have that number charged against the total absences. If suspension for any number of days causes the student to reach or pass the 10<sup>th</sup> day, the student will be in jeopardy of failing the course or grade. (Refer to item # 8 of the policy.)

#### H. Tardiness

Tardiness is to be avoided at all cost. Being tardy to class means loss of valuable instruction for each student. If a student is tardy during the homeroom period or after homeroom, an excuse written and signed by the parent or guardian is necessary and must be presented to the school administration office. A student who is tardy to school will be marked tardy to school only and not his first period class. Consequences will be applied as stated in the Student Code of Conduct, Section 1.

1. Tardies Verification: Student must bring a note signed by a parent/guardian or doctor in order for the tardy to be "excused."
2. Early Dismissal Verification: A note is required from the parent/guardian, including a daytime phone number, to verify the reason or dismissal.

Parents must be communicated with immediately when tardies and early dismissals are negatively affecting a student's progress.

Any tardiness to class during the day will be unexcused unless a certified pass has been signed by the school administration.



High School and Middle School students who report to school after 7:30 a.m. and Elementary School students who report to school after 8:45 a.m., must report to the main office to sign in. Students will be issued an admit slip and will then report to the assigned class. Teachers will not accept students to class after 7:35 a.m. at the Middle School and High School and after 8:50 a.m. at the Elementary School, unless they have an admit slip from the office or have otherwise been notified by the administration to admit the student. The attendance aide will notify the administrators when a student has accumulated three unexcused tardies to school or class. A student who is tardy to school will be marked tardy to school only and not his/her first period class. The administrator will notify the student and his or her parents/guardian of the consequences of a fourth unexcused tardy. Furthermore, the attendance aide will notify the administrators of all subsequent tardies.

#### Tardiness Consequences

Elementary School. Middle School/High School:

1 <sup>st</sup> -3 <sup>rd</sup> Tardies	Level 1 and parents notified by telephone or email contact.
4 <sup>th</sup> Tardy	Level 2 and parents notified.
5 <sup>th</sup> Tardy	Overnight suspension and parent/legal guardian must accompany the student back to school.
6 <sup>th</sup> Tardy	Students will be referred to the Intervention/Prevention Coordinator.

Note: Tardies will re-set at zero at the completion of the first semester.

Student Drivers: High school students who drive to school and are tardy to school 3 days per semester will have their driving privileges revoked for two weeks. Student drivers who are tardy to school for 5 days per semester will have their driving privileges revoked for one month upon accumulation of the fifth tardy. The process will repeat itself if student drivers continue to accumulate tardies.

#### I. Class Attendance

A student must be present for two-thirds ( $\frac{2}{3}$ ) of a class period to be counted as present for the class. Therefore, students will need to be present for sixty (60) minutes in the block classes. In a class that meets daily, students will need to be present for forty (40) minutes.

All students must be present at school for the entire first period class in order to be marked present for the day.

Any student on the school grounds is expected to be in his or her assigned class. Any student caught elsewhere without an authorized excuse is subject to suspension. No student should leave from any class without a pass.

#### J. Student Incentives for Good Attendance

Semester Exams: With the parent's approval, a senior who maintains an "A" average and who misses no more than two (2) days\* during a semester, may be exempt from the semester/exam. **Passing the End of Course (EOC) SOL test may be used to exempt students from taking the semester exam with teacher approval.**

**NOTE:** Any student who is exempt may take the semester exam with the option of the exam not having any adverse impact on the semester grade.

**NOTE:** Any student who has been suspended or placed in ISS during a semester will not be exempted from taking the semester exam for that semester.

Any student absence resulting from the student's observance of a religious holiday shall not be counted as an absence for purpose of this policy provided that the parent/guardian of the student notifies the principal in writing in accordance with Board policy. This notification shall specify:

- a. The date(s) of the absence(s).
- b. The name of the religious holiday; and
- c. That the absence is due to the exercise of the student's bona fide religious beliefs.

AP EXAMS: There will be no exam exemption for the students enrolled in AP courses. Students enrolled in AP courses are required to take the exams.

#### K. Attendance Policy Appeal Process

The following guidelines shall apply for recommending appeals to the attendance policy:

1. An "Attendance Appeal Request Form" for an attendance waiver of the attendance policy must be submitted to the principal by the parent/guardian of the student in question no later than the last ten (10) school days prior to the end of the semester. **No appeal request will be accepted after last day of the semester.**
2. If the 11 absence, or the block scheduling equivalent, occurs within the last ten (10) days of the first semester, the request for the waiver must be submitted to the principal within 24 hours. If the 11 absence, **or the block scheduling equivalent**, occurs within the last ten (10) days of the second semester, the request for the waiver must be submitted to the principal within 24 hours.
3. The principal will meet with the student and parent to consider all the evidence and documentation of extenuating circumstances. The student and parent will be notified within five (5) school days. A completed, signed "Attendance Appeals Request Form" will be forwarded to the appropriate committee member.
4. Within five (5) school days, the parent/guardian may appeal the principal's decision by completing the appropriate section of the appeal form and returning the form with the required documentation to the principal.
5. Within five (5) school days, the principal shall forward all information to the School-Court Liaison's office at the School Administrative Office.
6. Within five (5) school days of receipt of the appeals form, the principal will schedule a meeting of the Attendance Policy Appeals Committee to consider the appeal.
7. The principal will notify all parties of the appeal meeting.
8. The Committee shall consist of members or their designees as delineated in Section G.
9. The parent and student will receive written notification of the committee's decision within five (5) school days of the hearing.
10. The decision of the committee will be final.

## EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The School Board shall excuse from attendance at school:

1. Any student who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school.
2. On the recommendation of the juvenile and domestic relations court of the city or county in which the student resides, and for such period of time as the court determines appropriate, any student who, together with his parents, is opposed to attendance at a school by reason of concern for the student's health as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for person's safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

The School Board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any student who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at school; or
2. On recommendation of the juvenile and domestic relations district court of the city or county in which the student resides, any student who, in the judgment of the court, cannot benefit from education at school.

Any request for exemption from attendance shall be presented annually in writing to the superintendent or his/her designee.

The compulsory education requirements do not apply to

- Children suffering from contagious or infectious diseases;
- Children whose immunizations against communicable diseases have not been completed;
- Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live; and
- Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live.

In addition, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

Adopted: July 19, 2011

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-254.

Cross Refs.: JEA Compulsory Attendance  
JHCB Immunization of Students  
JHCC Communicable Diseases  
LBD Home Instruction

## PUPIL ACCOUNTING RECORDS

Periodic checks shall be made of teacher registers, at least three times a year, including a final check of each register at the end of the school term.

The Charles City County Public Schools shall keep an accurate record of each child with a disability attending a school in the division who is not a resident of the school division. This record shall be certified to the state following the end of the school year.

Adopted: September 17, 2002

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Legal Refs.: Code of Virginia, 1950, as amended, section 22.1-259.  
8 VAC 20-110-10 et seq.

## STUDENT INVOLVEMENT IN DECISION MAKING

The School Board recognizes the student body as a significant part of the community and in the decision making process.

Student input is important in the data collection process, and on relevant issues students' views will be sought and considered by the superintendent and the School Board.

Adopted: June 18, 2013

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

Cross Refs.; AE School Division Goals and Objectives  
BBBB Student Liaison to the School Board

## STUDENT CONDUCT

The standards of student conduct are designed to define the basic rules and major expectations of students in the public schools of Charles City County. It is the responsibility of the Charles City County School Board to adopt policy and regulations and the administration to issue regulations establishing rules of conduct for student behavior in order to protect the health, safety and welfare of its students. The local school principal has the responsibility and authority to exercise reasonable judgment in enforcing this Code of Conduct. Principals are responsible for ensuring that all students, staff members, and parents are provided the opportunity to become familiar with this policy.

The superintendent shall issue Standards of Student Conduct, and a list of possible corrective actions for violation of the Standards of Conduct. Each parent of a student enrolled in public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. The Standards of Student Conduct, a notice of the requirements of section 22.1-279.3 of the Code of Virginia, 1950, as amended, and a copy of the compulsory school attendance law shall be sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of the Standards of Student Conduct, the requirements of Va. Code §22.1-279.3, and the compulsory school attendance law shall also be sent. Parents shall be notified that by signing the statement of receipt, parents are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school shall maintain records of the signed statements.

The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or his designee to review the School Board's Standards of Student Conduct and the parent's or parents responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

Each student has the right to expect an educational environment in which he or she can strive to achieve his or her intellectual potential. The student is expected to attend school regularly, be diligent in his/her studies and conduct him/herself in such a way that the rights and privileges of others are not violated. The student is expected to accept and demonstrate the obligation of good citizenship to help prevent problems from happening and help solve problems as they occur.

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school attendance. Parents are also expected to maintain regular communication with school authorities, monitor and require daily attendance, and bring to the attention of the school authorities any problem that affects the student or other children in the school. It is the parents' responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

The school principal may notify the parents of any student who violates a School Board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of court petition. The notice shall state (1) the date and particulars of violations; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the students to meet with school officials; and (4) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

The principal or his designee shall notify the parent of any student involved in an incident required to be reported to the superintendent and Virginia Board of Education.

No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.

If a parent fails to comply with the requirements of this policy, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent in accordance with the requirements of the Code of Virginia.

Students are subject to corrective action for any misconduct that occurs:

- in school or on school property;
- on a school vehicle;
- while participating in or attending any school sponsored activity or trip;
- on the way to and from school; and
- off school property, when the acts lead to: (1) an adjudication of delinquency pursuant to Va. Code § 16.1-305.1 or a conviction for an offense listed in Va. Code § 16.1-260 or (2) a charge that would be a felony if committed by an adult.

Unlawful acts which will lead to police notification and may lead to suspension from classes, exclusion from activities, or expulsion include but are not limited to:

- possession or use of alcohol, illegal drugs, including marijuana, synthetic cannabinoids as defined in Va. Code § 18.2-248.1:1, and anabolic steroids, or drug paraphernalia;
- selling drugs;
- assault/battery;
- sexual assault;
- arson;
- intentional injury (bullying, fighting);
- theft;
- bomb threats, including false threats, against school personnel or school property;• use or possession of explosives (see Policy JFCD);
- possession of weapons or firearms (see Policy JFCD);
- extortion, blackmail, or coercion;
- driving without a license on school property;
- homicide
- burglary
- sex offenses (indecent exposure, obscene phone calls, sodomy, and child molestation);



- malicious mischief;
- shooting;
- any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs;
- stabbing, cutting or wounding;
- unlawful interference with school authorities including threats;
- unlawful intimidation of school authorities; and
- other unlawful acts including being an accessory to any of these or other unlawful acts.

Any student involved in a reportable drug or violent incident shall participate in intervention activities deemed appropriate by the Superintendent or his/her designee. Further, any student who has been found to be in possession of or under the influence of drugs or alcohol on school property or at a school sponsored activity may be required to (1) undergo evaluation for drug or alcohol abuse and (2) participate in a drug and/or alcohol treatment program if recommended by the evaluator and if the parent consents.

The superintendent shall issue regulations listing additional actions which may be cause for corrective action and if serious enough or exhibited repeatedly may lead to suspension or expulsion.

The School Board shall biennially review the model student conduct code developed by the Board of Education to incorporate into policy a range of discipline options and alternatives to preserve a safe and non-disruptive environment for effective learning and teaching.

Adopted: April 18, 2006

Revised: July 19, 2011

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Legal Refs.: Code of Virginia, 1950, as amended, §§16.1-260,18.2-308.1,18.2-308.7,22.1-78,22.1-200.1,22.1-253.13:7.0.3; 22.1-254,22.1-276.3,22.1-277,22.1-277.08,22.1-277.2,22.1-279.1,22.1-279.3,22.1-279.3:1, 22.1-279.6.

Cross Ref.: CLA Reporting Acts of Violence and Substance Abuse  
ECAB Vandalism  
IIBEA/GAB Acceptable Computer System Use  
IIBEA-R/GAB-R Acceptable Computer System Use  
JFHA/GB A Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion  
JGA Corporal Punishment  
JGD/JGE Student Suspension/Expulsion  
JGDA Disciplining Students with Disabilities  
JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury  
JN Student Fees, Fines and Charges

## TEACHER REMOVAL OF STUDENTS FROM CLASS

Teachers have the initial authority to remove students from class for disruptive behavior. "Disruptive behavior" means a violation of School Board regulations governing student conduct that interrupts or obstructs the learning environment.

### Criteria for Removal

In order for a teacher to remove a student from class for disruptive behavior

- removal of the student from the class must be necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior
- interventions by the teacher and/or administrators have been attempted and failed to end the student's disruptive behavior, and
- notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators must have been provided to the student's parents as described below.

When all of the above criteria has been satisfied, a teacher may remove a student from class.

### Requirements for Incident Reports

Teachers should write incident reports regarding all incidents of disruptive behavior. The reports will be filed with the school administration and provided to the student's parents within 24 hours of an incident. The parents must be given the opportunity to meet with the teacher and/or school administrator to discuss the student's behavior and the possible consequences if the behavior continues. The teacher will document, in writing, his or her attempts to request and encourage the parents to meet with him or her or school administrators.

A student may not be removed from class for disruptive behavior unless two written incident reports have been filed with school administrators and provided to the student's parents concerning two prior incidents of disruptive behavior. Upon removal, the teacher shall file a Student Removal Form" (JFCA-E) with school administrators. The teacher will include any other documentation supporting the removal including, but not limited to, the previous two incident reports.

### Procedures for Written Notification of Student and Parents

The teacher shall provide copies of any incident report and Student Removal Form to the student and his or her parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior. Such notice shall be provided within twenty-four hours of each incident. The teacher shall document, in writing, his or her attempts to request and encourage the parents to meet with school administrators and/or the teacher. Such notice and documentation shall be required for each incident report and student removal.

### Guidelines for Alternative Assignment and Instruction of Removed Students

The Principal shall determine the appropriate placement of any student removed from class by a teacher. The principal may

- assign the student to an alternative program
- assign the student to another class
- send the student to the principal's office or study hall. If the principal chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student
- suspend the student or recommend the student for expulsion. If the principal chooses this option, alternative instruction and assignment, if any, shall be provided according to School Board policy and in the case of students with disabilities, in accordance with federal law
- return the student to class in accordance with the procedures below

### Procedure for the Student's Return to Class

The principal shall determine, after consultation with the teacher, the duration of the Student's removal from class. The principal shall notify the teacher of the decision to return the student to class. If the teacher disagrees with the principal's decision to return a student to the class

- the teacher and principal shall discuss the teacher's objection to returning the student to class and the principal's reason for returning the student.
- the teacher, after meeting with the principal, may appeal the principal's decision to the superintendent or designee within one school day. The incident reports and removal form must accompany the appeal. After discussion with the principal and teacher or receiving their written comments, the decision of the superintendent or designee shall be final. The decision shall be made within forty-eight hours of the teacher's appeal. During the appeal process, the student shall not be returned to class and the principal will determine an appropriate placement for the student.

Once the decision has been made to return the student to class, the teacher and principal shall develop a plan to address future disruptive behavior.

### Other Provisions

The principal shall ensure that students removed from class under this policy continue to receive an education in accordance with School Board policies.

Application of this policy to students with disabilities shall be consistent with federal and state law and regulations as well as School Board policy regarding students with disabilities.

Teacher deficiencies in classroom management shall be addressed in teacher evaluations pursuant to Policy GCN Evaluation of Professional Staff.

This policy does not limit or restrict the ability of School Board employees to apply other policies, regulations or laws for maintaining order in the classroom.

Adopted: September 5, 2013  
Revised: June 18, 2013

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Legal Ref: Code of Virginia, 1950, as amended, §§ 22.1-276.01, 22.1-276.2

Cross Refs: GCN Evaluation of Professional Staff  
JFC Student Conduct  
JFC-R Standards of Student Conduct  
JGDA Disciplining Students with Disabilities  
JGDB Discipline of Students with Disabilities for Infliction of Serious  
Bodily Injury  
JGD/JGE Student Suspension/Expulsion

STUDENT REMOVAL FORM

School Name:

Student:

Teacher:

Class:

Date:

Description of Behavior:

Administrative and/or Teacher Interventions Attempted Prior to Removal and Results

..J

Date of Prior Incident Reports:

(Note: Prior incident reports must be attached.)

Signature of Teacher:

## Eligibility

### Charles City County Public Schools Academic Requirements for Interscholastic Activities Participation in Virginia High School League Competition

1. Athletic and academic competition sponsored by the Virginia High School League are covered by this regulation.
2. To be eligible to participate in interscholastic activities governed by this regulation, effective August 1, 2005, the student must have the following Grade Point Average (GPA) beginning with a 2.0 GPA and increasing over a three-year period to a 3.0 GPA:
  - a. For School Year 2005-2006, a GPA of 2.0.
  - b. For School Year 2006-2007, a GPA of 2.5.
  - c. For School Year 2007-2008, a GPA of 2.75.
  - d. For School Year 2008-2009, a GPA of 3.0, effective thereafter.
3. The following guidelines will be implemented:
  - a. A 2.0 GPA will be required for participation in all VHSL sanctioned activities for the 2005-2006 school year
  - b. A 2.0 GPA is defined as a grade point average of 2.0 on a scale where an AA@ mark earns 4 points, a AB@ earns 3 points, a AC@ earns 2 points, a earns 1 point, and a failing grade earns no points. Weighted grades will be considered when determining whether or not a participant maintains a 2.0 GPA. The previous semester grades will be used to determine participation in VHSL sanctioned activities.
  - c. The GPA will be based on all courses taken for credit.
  - d. The GPA will be based on semester grades.
  - e. The grading scale shall be the current scale used by Charles City County Public Schools.
  - f. Transfer students shall be eligible for participation if they have the required GPA for Charles City County Public Schools.
  - g. Students shall have one waiver per their middle school participation, grades 6-8, and one waiver during their high school eligibility, grades 9 - 12, if they fall below the minimum GPA requirement and meet VHSL standards.
  - h. Students who receive a waiver must participate in the school's remediation program.
  - i. Students who are special education classified and working towards a Standard Diploma or a Modified Standard Diploma will be required to have the mandatory grade point average in order to participate in VHSL sanctioned activities. Students with IEPs who do not have the required grade point average will have their cases reviewed on a case-by-case basis by the Superintendent of Schools.
  - j. Students who have a cumulative average above the 2.0 GPA, but fall below a 2.0 GPA for the semester, will be allowed to average the semester average with the cumulative average. If the cumulative average is still above 2.0 GPA, the student shall be allowed to participate.

Approved: July 19, 2005

## SPORTSMANSHIP, ETHICS AND INTEGRITY

The School Board recognizes the value of extracurricular activities in the educational process and the values that students develop when they have the opportunity to participate in an organized activity outside of the traditional classroom.

Participants and responsible adults involved in School Board approved extracurricular activities are expected to demonstrate the same level of responsibility and behavior at practice and competitions as is expected in the classroom. The School Board further encourages the development and promotion of sportsmanship, ethics and integrity in all phases of the educational process and in all segments of the community, including administrators, participants, adult supervisors, parents, fans, spirit groups and support/booster groups.

Adopted: September 17, 2002

Revised: June 18, 2013

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

Cross Refs.: JFC Student Conduct  
JFC-R Standards of Student Conduct  
JFCC Student Conduct on School Buses  
KQ Commercial, Promotional, and Corporate Sponsorships and Partnerships

## STUDENT CONDUCT ON SCHOOL BUSES

Students are required to conduct themselves on school buses in a manner consistent with established standards for classroom behavior.

The school principal may suspend or revoke the riding privileges of students and/or take other disciplinary actions for students who are disciplinary problems on the bus. Parents (or guardians) of children whose behavior and misconduct on school buses violates the Student Code of Conduct or otherwise endangers the health, safety and welfare of other riders shall be notified that their child/children face the loss of school bus riding privileges and/or other disciplinary actions.

If a student's riding privileges are suspended or revoked, the student's parents are responsible for seeing that the student gets to and from school safely.

The bus driver is responsible for maintaining the orderly behavior of students on school buses and shall report misconduct to the student's principal and provide a copy of the report to the transportation office.

Adopted: July 21, 2009

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Legal Refs.: Code of Virginia, 1950 as amended, §§ 22.1-78,22.1-176,22.1-181, 22.1-293(B), (D).

Cross Ref.: EEA Student Transportation Services  
JFC Student Conduct  
JFC-R Standards of Student Conduct



## WEAPONS IN SCHOOL

### I. Generally

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school or the school division is prohibited, and grounds for disciplinary action. The disciplinary sanction for bringing a firearm to school or to a school sponsored activity is expulsion for at least one year in accordance with Policy JGD/JGE. Violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal.

Such weapons include, but are not limited to:

- Any pistol, shotgun, stun weapon, revolver, or other firearm listed in section 22.1-277.07(E), of the Code of Virginia, designed or intended to propel a projectile of any kind, including a rifle,
- unloaded firearms in closed containers,
- any air rifle or BB gun,
- toy guns and look-alike guns,
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor,
- slingshots,
- brass or metal knuckles, blackjacks,
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chaku, nun chuck, nunchaku, shuriken, or fighting chain,
- any disc, of whatever configuration, having at least two points or pointed blades and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives, and
- destructive devices as defined in section 22.1-277.07(6), of the Code of Virginia, or other dangerous articles.

### 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 will be followed in addition to the regular disciplinary procedure.
- B. Additional authority to remove a student with a disability from school for a weapons violation.
  1. In addition to the authority granted in subsection A above, a student with a disability may also 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 carries or possesses a weapon to or at school, on school premises, or to 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, the weapon must meet the following definition:  
"a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 inches in length."

Adopted: July 17, 2007

Revised: July 15, 2008

Revised: July 19, 2011

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Legal Refs.: 18 U.S.C. § 930(g)(2).  
20 U.S.C. § 1415(k)(1)(G)(i).  
Code of Virginia, §§ 18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 277.07:1.  
Wood V. Henry County Public Schools, 255 Va. 85, 495 S.E.2d 255 (1998).  
8 VAC 20-81-10.

Cross Refs.: JGD/JGE Student Suspension/Expulsion  
JFC Student Conduct  
JGDA Disciplining Students with Disabilities  
JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

## GANG ACTIVITY OR ASSOCIATION

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

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

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

- wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;
- committing any act or omission, or using any speech, either verbal or nonverbal (such as gestures or hand-shakes) showing membership or affiliation in a gang;
- using any speech or committing any act or omission in furtherance of the interests of any gang, including: (a) soliciting, hazing and initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school policy and inciting other students to act with physical violence;
- inappropriate congregating, bullying, cyberbullying, harassment, intimidation, degradation, disgrace and/or related activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

The superintendent shall, in cooperation with local law enforcement and/or juvenile agencies, develop a regulation listing known gang clothing, jewelry, emblems, badges, signs, gestures, handshakes and symbols. The list shall be updated regularly. The superintendent shall provide in-service training in gang behavior and characteristics to facilitate staff identification of students at-risk of gang involvement and promote membership in authorized school groups and/or activities as an alternative.

Adopted: July 19, 2004  
Revised: June 18, 2013

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Legal Refs.: Code of Virginia, as amended, §§ 18.2-46.1, 22.1-70, 22.1-78, 22.1-79f2) §22.1-276.01

## DRUGS IN SCHOOL

### 1. Generally

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

#### A. Mandatory Expulsion

A student who is determined to have bought a controlled substance or imitation controlled substance or marijuana, or synthetic cannabinoids as defined in Va. Code § 18.2-248:1:1, onto school property or to a school-sponsored activity shall be expelled in accordance with Policy JGD/JGE. The Superintendent may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. Any such discipline shall be taken in accordance with Policy JGD/JGE.

#### B. Prevention and Intervention

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

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

#### C. Required Reporting to Parents and Local Law Enforcement

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

### II. Students with Disabilities

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

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

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

2. For purposes of this forty-five (45) school day removal, "illegal drugs" and controlled substance" are defined as follows:
  - a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).
  - b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Adopted: April 18, 2006  
 Revised: July 19, 2011

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Legal Refs; 20 U.S.C. §§1415(k)(l)(G)(ii), 1415(k)(7)(A), 1415(kX7)(B).  
 21 U.S.C. § 812(c).  
 Code of Virginia, 1950, as amended, §§ 18.2-247,18.2-250,18.2-250 1 18 2  
 255.2,22.1-277.08.  
 8 VAC 20-81-10.

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

## TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS

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

For purposes of this policy:

1. "School property" means:
  - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.
  - b. Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services;
  - c. All vehicles used by the division for transporting students, staff, visitors or other persons.
2. "Tobacco" includes cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both. "Tobacco" includes cloves or any other product packaged for smoking.
3. "Smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

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

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

### Designated Smoking Areas

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

Adopted: April 15, 2008

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Legal Refs.: 20 U.S.C. §§ 6083,7183.  
Code of Virginia, 1950, as amended, §§ 15.2-2800, 15.2-2801.

Cross Ref.: CLA Reporting Acts of Violence and Substance Abuse  
GBEC Tobacco-Free School for Staff and Students  
JFC-R Standards of Student Conduct  
KG Community Use of School Facilities  
KGC Tobacco Use on School Premises

## SUBSTANCE ABUSE - STUDENT ASSISTANCE PROGRAM

The primary responsibility for helping students who are involved with substance abuse lies with the students and their parents. Nevertheless, the School Board strives to provide a supportive school environment for students involved with substance use or abuse.

The School Board supports substance abuse programs which vary according to individual needs. Included among these are programs for persons who desire more information, and for those who need help with intervention activities and programs.

The School Board supports efforts to help students during the school day as well as to reinforce programs provided by other sources. To that end, individual school substance abuse programs may provide group experiences, individual counseling and other programs.

Alcohol and illegal drug use and abuse are prohibited by the Code of Student Conduct in compliance with all applicable federal, state or local laws and ordinances.

Adopted: September 5, 2001

Revised: June 18, 2013

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Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 16.1-305.1.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	IGAG	Teaching about Drugs, Alcohol and Tobacco
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JFCF	Drugs in School
	JGD/JGE	Student Suspension/Expulsion
	JHG	Child Abuse and Neglect Reporting
	JO	Student Records

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 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: April 3, 2007  
Revised: April 15, 2014

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



NOTIFICATION REGARDING PROSECUTION OF JUVENILES AS ADULTS

The Charles City County School Board will annually provide information developed by the Office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes.

Adopted: July 17, 2012

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-279.4.

## SEARCH AND SEIZURE

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 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.

Student desks and lockers are the property of the school, and may be used for the storage of permitted student belongings only. School officials retain locker combinations and reserve the right to search desks and lockers as well as to open lockers at any time for repairs. A general search of lockers or desks may be conducted to repossess school property or to locate illegal materials. A random, systemic, non-selective search of student classrooms, desks, lockers or automobiles may be conducted by school officials in accordance with a pre-determined search formula. Students are responsible for the content of their assigned locker at all times. The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials should be notified.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property, but 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 officials 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.

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 may only be used when an extremely serious situation exists requiring immediate action. Such a search should be used only in the context of imminent threat of death or great bodily injury to a person or persons. 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 his designee, unless the health or safety of the student is endangered by the delay.

## LOCKER SEARCHES

Student lockers 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 inspection of lockers 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.

## 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.

## COMPUTER SEARCHES

School computers, software and internet access are school property. Students are only authorized to use school computers and other similar educational technology consistent with the mission of the school. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

## CONSENT SEARCHES

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

Adopted: April 12, 2005

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Legal Refs.: New Jersey v. T.L.O., 469 U.S. 325 (1985).  
Constitution of the United States, Amendment IV.  
Constitution of Virginia, Article I, section 10.  
Code of Virginia, 1950, as amended, § 22.1-279.7.  
Board of Education Guidelines for Student Searches in Public Schools,  
(12/21/99).

Cross Refs: GAB/HBEA Acceptable Computer System Use

## PROHIBITION AGAINST HARASSMENT AND RETALIATION

### I. Policy Statement

The Charles City County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. The Charles City County School Board is an equal opportunity employer.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel includes school board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

The school division shall: (1) promptly investigate all complaints, written or verbal, of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

### II. Definitions

#### A. Harassment Based on Sex.

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education;
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions
- graphic comments about an individual's body
- sexual jokes, notes, stories, drawings, gestures or pictures
- spreading sexual rumors
- touching an individual's body or clothes in a sexual way
- displaying sexual objects, pictures, cartoons or posters
- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

#### B. Harassment Based on Race, National Origin, Disability or Religion

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct, which may include use of cell phones or the internet, relating to an individual's race, national origin, disability or religion when the conduct

- creates an intimidating, hostile or offensive working or educational environment;
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language
- name calling, jokes or rumors
- physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion
- hostile acts which are based on another's race, national origin, religion or disability
- written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion

#### C. Additional Prohibited Behavior

Behavior that is not unlawful or does not rise to the level of illegal harassment or retaliation may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation, or perceived sexual orientation.

### III. Complaint Procedure

#### A. Formal Procedure

##### 1. File Report

Any student or school personnel who believes he or she has been the victim of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists by a student, school personnel or a third party should report the alleged harassment to one of the Compliance Officers designated in this policy or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to one of the Compliance Officers designated in this policy or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to one of the Compliance Officers designated in this policy.

The reporting party should use the form, Report of Harassment, GBAF/JFHA-F, to make complaints of harassment. However, oral reports and other written reports shall also be accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately forward any report of alleged prohibited harassment to the Compliance Officer. Any complaint that involves the Compliance Officer or principal shall be reported to the superintendent.

The complaint, and identity of the complainant and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

##### 2. Investigation

Upon receipt of a report of alleged prohibited harassment, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG, Child Abuse and Neglect Reporting.

The investigation may consist of personal interviews with the complainant, the alleged harasser, and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation will consider witnesses and evidence from both the alleged harasser and the person allegedly harassed. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation. The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

### 3. Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the alleged perpetrator. If the Superintendent or designee determines that it is more likely than not that prohibited harassment occurred, the Charles City County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the Superintendent or designee determines that prohibited harassment occurred, the Superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant receives counseling.

### 4. Appeal

If the superintendent or designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party, the superintendent and any other individual the School Board deems relevant. Written notice of the School Board's decision will be given to both the alleged harasser and the person allegedly harassed.

If the Superintendent or designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed. Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

#### 5. Compliance Officer and Alternate Compliance Officer

The Charles City County School Board has designated Melvin D. Robertson, Director for Administrative Services, 10910 Courthouse Road, Charles City, Virginia 23030, (804) 652-4612, mdrobertson@co.charles-city.va.us. as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer Bonnie C. Gardner, Intervention/Prevention Coordinator, 10910 Courthouse Road, Charles City, Virginia 23030, (804) 652-4612, hcgardner@co.charles-city.va.us. The Compliance Officer shall

- receive reports or complaints of harassment;
- conduct or oversee the investigation of any alleged harassment;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity, and has the authority to protect the alleged victim and others during the investigation.

#### B. Informal Procedure

If the complainant and the person accused of harassment agree, the student's principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or administrator.

If the complainant and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

#### IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations, of how to report any subsequent problems.



#### V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

#### VI. Prevention and Notice of Policy

Training to prevent harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, and genetic information should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students<sup>^</sup>, and their parents/guardians, and employees shall be notified annually of the names and contact information of the Compliance Officers.

#### VII. False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

Adopted: September 17, 2002

Revised: December 18, 2012

Revised: July 19, 2011

Legal Refs: 20 U.S.C. §§ 1681-1688.  
 29 U.S.C. §794.  
 42 U.S.C. §§ 2000d-2000d-7.  
 42 U.S.C. §§ 2000e-2000e-17.  
 42 U.S.C. §2000fr-1.  
 34 C.F.R. 106.9.  
 Code of Virginia, 1950 as amended, §§ 2.2-3900,2.2-3901,2.2-3902.

Cross Refs: AC Nondiscrimination  
 AD Educational Philosophy  
 GB Equal Employment Opportunity/Nondiscrimination  
 GBM Professional Staff Grievances  
 GBMA Support Staff Grievances  
 JB Equal Educational Opportunities/Nondiscrimination  
 JFC Student Conduct  
 JFC-R Standards of Student Conduct  
 JFHA-F/GBA-F Report of Harassment  
 GCPD Professional Staff Discipline  
 JHG Child Abuse and Neglect Reporting  
 KKA Service Animals in Public Schools

## CORPORAL PUNISHMENT

No teacher, principal or other person employed by the School Board shall subject a student to corporal punishment. This prohibition does not prohibit the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or the use of reasonable and necessary force

- to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property,
- to prevent a student from inflicting physical harm on himself;
- for self-defense or the defense of others; or
- to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

For the purposes of this policy, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. "Corporal punishment" does not include physical pain, injury, or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

Adopted: September 5,2001

Revised: April 17,2012

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

Cross Ref: JM Restraint and Seclusion of Students

## STUDENT SUSPENSION/EXPULSION

### I. DEFINITIONS

As used in this Policy,

"Alternative education program" includes night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

"Destructive device" means (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

"Disruptive behavior" means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

"Exclusion" means a Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

"Expulsion" means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

"Firearm" means (1) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. "Firearm" does not include any pneumatic gun as defined in this Policy.

"Long-term suspension" means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

"One year" means 365 calendar days as required in federal regulations.

"Pneumatic gun" means any implement, designed as a gun, that will expel a 88 or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

"School property" means any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

"Short-term suspension" means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

"Superintendent's designee" means a 1) trained hearing officer or 2) professional employee in the administrative offices of the school division who reports directly to the superintendent and who is not a school-based Instructional or administrative employee.

## II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy.

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

The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy.

## III. SHORT-TERM SUSPENSIONS

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior.

The decision of the division superintendent or his designee may be appealed to the School Board unless the School Board has provided by regulation that the decision of the division superintendent or his designee shall be final.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days shall include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student.

#### IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board or the superintendent or his designee, in accordance with regulations of the School Board. If the regulations provide for a hearing by the superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The written notice of a suspension for more than ten days shall include notification of the length of the suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the School Board for the term of such suspension.

#### V. EXPULSION

##### A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the School Board in accordance with the regulations of the School Board. The regulations shall provide for subsequent confirmation or disapproval of the proposed expulsion by the School Board regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and his parent shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. The notice shall also state whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student.

Nothing in this Policy shall be construed to prohibit the School Board from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program provided by the School Board for the term of such expulsion.

If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the School Board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent denies such petition, the student may petition the School Board for review of such denial.

#### B. Conduct Giving Rise to Expulsion

Recommendations for expulsions for actions other than those specified below shall be based on consideration of the following factors:

- the nature and seriousness of the conduct;
- the degree of danger to the school community;
- the student's disciplinary history, including the seriousness and number of previous infractions;
- the appropriateness and availability of an alternative education placement or program;
- the student's age and grade level;
- the results of any mental health, substance abuse, or special education assessments;
- the student's attendance and academic records; and
- other appropriate matters.

No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection shall be deemed to preclude a School Board from considering any of the factors listed above as "special circumstances" for purposes of expulsions discussed in the following subsections.

## Firearms

The School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer, or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this Policy. The provisions of this policy shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

## Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate.

## C. Procedure for School Board Hearing

The procedure for the School Board hearing shall be as follows:

- The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board.
- The School Board may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements.
- The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he shall present his evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness.

- The parties shall produce such additional evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board shall transmit its decision, including the reasons therefore, to the student, his parent(s), the principal and superintendent.

## VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent of the school division pursuant to f § 16.1-260.G; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to Va. Code § 16.1-260.G; (3) found to have committed a serious offense or repeated offenses in violation of School Board policies; (4) suspended pursuant to Va. Code § 22.1-277.05; or (5) expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code §22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred. 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.

A principal (or his designee) may impose a short-term suspension, pursuant to Va. Code § 22.1-277.04, upon a student who has been charged with an offense involving intentional injury enumerated in Va. Code § 16.1-260.G, to another student in the same school pending a decision as to whether to require that such student attend an alternative education program.

As used herein, "charged" means that a petition or warrant has been filed or is pending against a pupil.

## VII. REPORTING

- A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made to the division superintendent and to the principal or his designee on all incidents involving
1. the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
  2. the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;



3. any conduct involving alcohol, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school sponsored activity, including the theft or attempted theft of student prescription medications;
  4. any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
  5. the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
  6. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
  7. any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;
  8. the arrest of any student for an incident occurring on a school bus, on school property, or at a school sponsored activity, including the charge therefor; and
  9. any illegal possession of weapons, alcohol, drugs, or tobacco products.
- B. The division superintendent and the principal or his designee shall receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VILA, of this policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.
- C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to subsection VI.A.(1-8) of this policy to the superintendent of the school division. The division superintendent shall annually report all such Incidents to the Department of Education.  
In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this policy.
- D. The principal or his designee shall also notify the parent of any student involved in an Incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include Information concerning other students.

- E. Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be Identified In the local school division drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV-Safe and Drug-Free Schools and Communities Act).
- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VILA, of this policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VILA, of this policy. In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (2) through (5) of subsection VILA of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the Incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information. If they so desire.
- G. For purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

## VII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to his or her regular school.

Any student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the Charles City County Public Schools, in accordance with Policy JEC (G). In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.

If the parent fails to comply with this policy or Policy JEC, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board or superintendent or his designee, as the case may be at the relevant hearing, the student may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

The School Board may permit students excluded pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such exclusion.

#### IX. DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities shall be disciplined in accordance with Policy JGDA.

Adopted: July 21, 2009  
Revised: June 18, 2013  
Revised: July 19, 2011

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Legal Ref.: 20 U.S.C. § 7151.  
Code of Virginia, 1950, as amended, §§ 15.2-915.4, 16.1-260, 18.2-119,  
18.2-308.1, 18.2-308.7, 18.2-308.2:2, 22.1-200.1, 22.1-254, 22.1-276.01,  
22.1-276.2, 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-  
277.07, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-277.2:1, 22.1-  
279.3:1.  
8 VAC 20-560-10.

Cross Refs.: BCEA Disciplinary Committee  
IGBH Alternative School Programs  
JEC School Admission  
JFC-R Standards of Student Conduct  
JFCD Weapons in School  
JGDA Disciplining Students with Disabilities  
JGDB Discipline of Students with Disabilities for Infliction of Serious  
Bodily Injury

## STUDENT SUSPENSION/EXPULSION REGULATIONS

### **DUE PROCESS PROCEDURES: SHORT TERM SUSPENSION**

#### Begin in the School

The Appeal Process begins in the school with the suspending administrator. The Code of Virginia gives the principal or designee the authority to make a determination based on an investigation that a student has violated a rule that may require a suspension for 10 days or less.

#### Meet With the Principal with Written Request for Appeal

If the student is suspended by a principal's designee the appeal is to the building principal. The parent/guardian must request in writing a review of the suspension decision within three (3) school days or the decision becomes final.

The principal will review the incident and within three (3) school days report the decision in writing to the parent/guardian.

#### Review by Administrative and Alternative Services

If the parent is requesting an appeal of the principal's decision to suspend a student, the written request must be submitted within three (3) school days of the principal's decision or the decision becomes final. The appeal is submitted to the superintendent's office.

Within three (3) school days after receipt of the notice of appeal, the superintendent or designee will review the actions taken by the principal/designee, and confirm or disapprove such action based on an examination of the record of the student's behavior.

### **DUE PROCESS PROCEDURES: LONG TERM SUSPENSION OR EXPULSION APPEAL TO THE SCHOOL BOARD**

Appeal of the superintendent's decision regarding long-term suspension or expulsion shall be made within 7 days of the receipt of the decision of the superintendent or designee.

The School Board hears the final appeal in the disciplinary process in response to appeals of the decision of the superintendent or designee, the Board:

- Provides a hearing within 30 days of any appeal.
- Provides all due process rights to the student.
- Within 7 school days after the appeal hearing, provides a written report of its actions to the principal, parent (s)/guardian, and student.

All days included in a due process and appeal procedure are student school days, not calendar days.

#### Suspension Make Up Work Procedures

For the purposes of this policy, a suspension will be defined for a stated time, not to exceed ten days. Students may not make up work for credit once he or she has accumulated ten (10) suspension days per school year.

Students recommended for long term suspension (more than ten days, but less than 180 days) or expulsion (180 days or more) will not be allowed to make up work until a final decision has been made in his/her case. Alternative community and/or school resources will be made available to the student.

The following make up work procedures will be followed when a suspension does not exceed ten days:

### MAKE UP WORK

Students will be allowed to make up work for full credit missed in a class under the following conditions:

- a. Students may make up work for credit for suspensions up to ten days per school year.
- b. Students, who miss more than 20 days in a daily class, or 10 days in a block schedule class, will not receive credit for the class without tutoring or some other alternative program.
- c. Long term projects and assignments assigned during a suspension will be due on the original date established for the rest of the class.

Students are responsible for arranging to have previously assigned work done during his/her suspension submitted to the school office no later than 3:00 P.M. on the date the work was originally due. Students, per School Board policy, are not allowed on school grounds during a suspension; therefore, arrangements must be made for someone other than the student to take the work to school.

### MAKE UP WORK FORM

Student must request make up work by securing a make-up work form, from the office during reinstatement after the first suspension.

The student shall provide an appropriate copy to each teacher at the first class session following reinstatement after the suspension.

## DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities, who violate the student code of conduct, or engage in conduct for which they may be disciplined, will be disciplined in accordance with this policy. Additionally, the regular disciplinary procedures must be followed. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability as a result of discipline.

### I. Long-Term Suspensions, Expulsions or Short-Term Suspensions, Which Constitute a Pattern

#### Change in Placement

For the purpose of removing students with disabilities from their current educational placements, a change in placement occurs when:

- (1) the removal is for more than 10 consecutive school days at a time; or
- (2) there is a series of removals each of which is for 10 days or less and they cumulate to more than 10 days in a school year and constitute a pattern because of:
  - (a) the length of each removal,
  - (b) the proximity of the removals,
  - (c) the total time the student is removed, and
  - (d) the child's behavior is substantially similar to the child's behavior in previous incidents.

If the disciplinary action will result in a change of placement for a student with a disability then that student's parents must be sent notice that same day of the recommendation for discipline and be provided with a copy of the procedural safeguards. The procedures outlined in Section IV must also be followed.

### II. Short-Term Suspension

A short-term suspension is a suspension of 10 consecutive days or less at a time. School authorities may remove a student with a disability from his or her current educational setting for up to 10 school days cumulative in a school year to the extent that such removal would be applied to students without disabilities and for additional short-term suspensions provided no pattern exists.

### III. Functional Behavior Assessments and Behavior Intervention Plans

If the school administration, the parent, and the relevant Individualized Education Program (IEP) team members determine that a manifestation exists, the IEP team must:

- conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,
- if the student already has a FBA and BIP in place, review and modify the BIP as necessary to address the behavior.

If a manifestation is found, the school division and the parent may agree to a change in placement when reviewing or modifying the BIP. Without this agreement the student must return to the placement from which the student was removed.

#### IV. Educational Services While Disciplined

For the first 10 days of removal in a school year, the School Board is not required to educational services to the student with a disability if services are not provided to students without disabilities who have been similarly removed.

After the first 10 days of removal in a school year, the School Board shall provide educational services to the student during the period of removal. The services must enable the student to:

- 1) continue to progress in the general curriculum, although in another setting, and
- 2) progress toward meeting the goals set out in the student's IEP.

The determination of educational services is made by the IEP team for discipline which constitutes a change in placement. For discipline which is not a change in placement the determination is made by school personnel in consultation with the student's special education teacher.

#### V. Manifestation Determination

When a discipline action is proposed that will result in a change of placement a manifestation determination review shall be conducted within 10 school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team, which consists of a local educational agency representative, the parent and relevant members of the IEP team (as determined by the parent and the school division).

The Manifestation Team may determine that the behavior of the student was not a manifestation of such child's disability only if the Team:

- 1) considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and
- 2) determines that:
  - a) the conduct in question was not caused by, or had a direct and substantial relationship to, the student's disability; and
  - b) the conduct in question was not the direct result of the school division's failure to implement the IEP.

If a manifestation is found, the student cannot be disciplined beyond any permissible short term removal that may be available. A parent may request an expedited due process hearing if the parent disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. The student will remain in the interim alternative education setting pending the decision of the hearing officer or the expiration of a forty-five school day removal.

#### VI. Disciplinary Action for Behavior that is Determined Not to be a Manifestation

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to nondisabled students. Following a removal which constitutes a change in placement, the student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting and to progress toward

meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the discipline.

VII. Disciplinary Action and/or Placement for Behavior that is Determined to be a Manifestation

A student with a disability whose behavior is determined to be a manifestation of his or her disability may be disciplined except to the extent a removal is otherwise permitted by law. The student may also be removed to a more restrictive placement by following change in placement procedures. The IEP team must conduct or review a FBA and/or BIP as provided in Section III.

VIII. Interim Alternative Educational Settings for Weapons and Drugs and Infliction of Serious Bodily Injury

Students with disabilities 1) who carry or possess a weapon to or at school, on school premises or to or at a school function under the jurisdiction of a state or local educational agency; 2) who knowingly possess or use illegal drugs or sell or solicit 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; or (3) who inflict 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 may be disciplined pursuant to Policies JFCD, JFCF, or JGDB and may be placed in an interim alternative educational setting for up to forty-five school days. This option is available without regard to whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The Imodifications designed to address the behavior so it does not recur.

IX. Change of Placement by Hearing Officer

In addition to the other options for removal, a hearing officer may order a change in the placement for a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of such student is substantially likely to result in injury to the student or others. Additional forty-five (45) school day removals may be authorized by the hearing officer as necessary.

X. Placement During Appeals

Students with disabilities are entitled to the due process rights available to a nondisabled student. In addition, students with disabilities are entitled to the due process procedures available under the Individuals with Disabilities Education Act, as amended and any state procedures. During the course of any appeals, the student's placement shall be in accordance with the provisions of federal law unless the parent and the school division agree otherwise.



## XI. Students Not Identified as Disabled

Students for whom the parents assert there is a disability but who have not yet been identified as disabled may be subjected to the same measures applied to students without disabilities if the school division did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. A school division will be found to have knowledge of the student's disability if before the behavior that precipitated the disciplinary action occurred:

- a) the parent expressed concern in writing to supervisory or administrative personnel of the school division, or to a teacher of the student, that the student is in need of special education and related services; or
- b) the parent requested an evaluation of the student for special education eligibility through formal evaluation procedures; or
- c) the student's teacher or other school personnel had expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel of the school division.

A school division would not be found to have knowledge of a student's disability if:

1. the parents refused to allow an evaluation of the student or refused special education services; or
2. the student was evaluated and found not eligible for special education services.

If a request for an evaluation is made during the period such student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting, in compliance with the procedures for suspended and expelled students with disabilities. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities.

## XII. Disciplining Certain Section 504 Students Who Violate Alcohol and Drug Policies

Students who are identified as disabled solely under Section 504 of the Rehabilitation Act, and who are currently engaging in the illegal use of drugs or alcohol, may be disciplined for violating the division's alcohol and drug policies to the same extent as non-disabled students, the student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular education students

Adopted: April 18, 2006  
Revised: July 19, 2011  
Revised: July 15, 2008

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Legal Refs.: 20 U.S.C. § 1415(k).  
29U.S.C. §705(20) (C) (iv)  
34 C.F.R. 300.530-300.536.  
8 VAC 20-81-160.

Cross Ref.: JFC Student Code of Conduct  
JFCD Weapons in School  
JFCF Drugs in School  
JGD/JGE Student Suspensions/Expulsions  
JGDB Discipline of Students with Disabilities for Infliction of Serious  
Bodily Injury

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 and JGD/JGE 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: April 18, 2006

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Legal Refs: 18 U.S.C. § 1365(h) (3).  
20 U.S.C. § 1415(k)(1)(G)(iii).

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

## STUDENT HEALTH SERVICES AND REQUIREMENTS

The Charles City County School Board may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists who meet such standards as may be determined by the Board of Education. Subject to the approval of the local appropriating body, a local health department may provide personnel for health services for the school division.

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.

For the purposes of this policy, "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.

Adopted: July 19, 2011

Revised: July 17, 2012

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-274.

Cross Refs.:	EBBA	First Aid/CPR Certified Personnel
	GCPD	Professional Staff Discipline
	GCPF	Suspension of Staff Members
	JHCA	Physical Examinations of Students
	JHCB	Student Immunizations
	JHCC	Communicable Diseases
	JHCCA	Blood Borne Contagious or Infectious Diseases
	JHCD	Administering Medicines to Students

## PHYSICAL EXAMINATIONS OF STUDENTS

- A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in Charles City County School Division unless such pupil furnishes, prior to admission,
  - 1. a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school; or
  - 2. records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.
- B. If the pupil is a homeless child or youth as defined in Va. Code § 22.1-3, and for that reason cannot finish the required report or records, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating and also indicating that, to the best of his knowledge, such pupil is in good health and free from any communicable or contagious disease, the school division shall immediately refer the student to the division's homeless liaison, who will, as soon as practicable, assist in obtaining the necessary physical examination by the local health department or other clinic or physician's office and shall immediately admit the pupil to school.
- C. The health care provider making a report of a physical examination shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped.
- D. Physical examination reports shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.
- E. A physical examination shall not be required of any child whose parent or guardian objects on religious grounds and who shows no visible evidence of sickness. The parent or guardian shall state in writing that, to the best of his or her knowledge, the child is in good health and free from any communicable or contagious disease.
- F. The health departments of the counties and cities of the Commonwealth shall conduct such required physical examinations for medically indigent children, upon request, without charge and may provide such examinations to others on such uniform basis as the departments establish.
- G. Parents/guardians of students entering school shall complete a health information form as required by state law. Such forms shall be returned within 15 days of receipt unless reasonable extensions have been granted by the superintendent or his designee. Upon failure of the parent to complete such form within the extended time, the superintendent may send the parent written notice of the date he intends to exclude the child from school; however, no child who is a homeless child or youth as defined in subdivision 6 of Va. Code § 22.1-3 shall be excluded from school for such failure to complete such form.

Adopted: July 17, 2007

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Legal Ref: Code of Virginia, 1950, as amended, § 22.1-270.

Cross Refs.: JEC School Admission

JECA Admission of Homeless Students

© 5/07 VSBA

CHARLES CITY COUNTY SCHOOL DIVISION

## STUDENT IMMUNIZATIONS

No student shall be admitted by a school unless at the time of admission the student or his parent submits documentary proof of immunization as required by Va. Code §§ 22.1-271.2 and 32.1-46 to the admitting official of the school or unless the student is exempted from immunization as described below or is a homeless child or youth as defined in Va. Code § 22.1 - 3.

If a student does not have documentary proof of immunization, the school will notify the student or his parent

- that it has no documentary proof of immunization for the student;
- that it may not admit the student without proof unless the student is exempted, including any homeless child or youth as defined in Va. Code § 22.1-3;
- that the student may be immunized and receive certification by a licensed physician, physician assistant, nurse practitioner, registered nurse or an employee of a local health department; and
- how to contact the local health department to learn where and when it performs these services.

Any parent, guardian, or other person having control or charge of a child being home instructed or exempted or excused from school attendance shall comply with immunization requirements provided in Va. Code §§ 22.1-271.4 and 32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

### Conditional Enrollment

Any student whose immunizations are incomplete may be admitted conditionally if he provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within 90 calendar days. If the student requires more than two doses of hepatitis B vaccine, the conditional enrollment period will be 180 calendar days.

The immunization record of each student admitted conditionally will be reviewed periodically until the required immunizations have been received.

Any student admitted conditionally who fails to comply with his schedule for completion of the required immunizations will be excluded from school until his immunizations are resumed.

### Exemptions

No certificate of immunization is required for the admission to school of any student if

- the student or his parent submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; or
- the school has written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization.

### Homeless Pupils

If a student is a homeless child or youth as defined in Va. Code § 22.1-3 and

- does not have documentary proof of necessary immunizations or has incomplete immunizations and
- is not exempted from immunization,

the school division will immediately admit such student and will immediately refer the student to the local school division homeless liaison who will assist in obtaining the documentary proof of, or completing, immunization.

### Immunization Record

Every school records each student's immunizations on the school immunization record. The school immunization record is a standardized form provided by the State Department of Health, which will be a part of the mandatory permanent student record. Such record is open to inspection by officials of the State Department of Health and the local health departments.

The school immunization record will be transferred by the school whenever the school transfers any student's permanent academic or scholastic records.

Within 30 calendar days, after the beginning of each school year or entrance of a student, each admitting official will file a report with the local health department. The report will be filed on forms prepared by the State Department of Health and will state the number of students admitted to school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption and the number of students who have been conditionally admitted, including those students who are homeless children or youths as defined in Va. Code § 22.1-3.

Adopted: July 19, 2005  
Revised: July 19, 2011  
Revised: July 17, 2012  
Revised: June 18, 2013

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-271.2, 22.1-271.4, 32.1-46, 54.1-2952.2, 54.1-2957.02.  
12 VAC 5-110-10.

Cross Refs.: JEC School Admission  
JECA Admission of Homeless Students  
JO Student Records  
LBD Home Instruction

## COMMUNICABLE DISEASES

The Charles City County School Board recognizes the importance of protecting its students and employees from the transmission to their health and safety while also protecting the legitimate interests and rights of students and employees with communicable diseases. In carrying out this responsibility, the Board directs the superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person who has a communicable disease. Both the decision to remove the student or employee and the decision to readmit the student or to permit the employee to return to work shall be made by the superintendent based upon consultation with the local health department, the student's or employee's physician, physician assistant, nurse practitioner, and/or medical authorities (See policy JHCCA).

The identity of a student who has a communicable disease will be kept confidential and will be revealed only in accordance with state law. An alternative educational program should be made available to any student whose removal pursuant to this policy is expected to result in a prolonged absence from school or where otherwise required by law.

Administrative procedures concerning the exclusion of employees and students with communicable diseases will be consistent with the requirements of law, including the policies of the Virginia Department of Education, and should reflect current medical knowledge and research.

Adopted: July 19, 2005

Revised: July 19, 2011

Legal Ref: Code of Virginia, 1950, as amended, §§ 22.1-271.3, 22.1-272, 32.1-36.1, 54.1-2952.2, 54.1-2957.02.

Cross Ref.: EBAB Possible Exposure to Viral Infections  
EBBB Personnel Training - Viral Infections



## BLOOD BORNE CONTAGIOUS OR INFECTIOUS DISEASES

The attendance at school of students who suffer from blood borne diseases, which are infectious or contagious, such as AIDS and Hepatitis B, and which may be transmitted by the exchange of body secretions, shall be determined by the superintendent on a case-by-case basis. The superintendent shall obtain the advice of the local department of health to assist him/her in making his/her determination. The student may be excluded from school and school-related functions pending the superintendent's decision. The superintendent shall issue regulations setting forth the procedures to be followed to effectuate this policy.

The identity of a student who has tested positive for human immunodeficiency virus shall be confidential in accordance with state law.

An alternative educational program shall be made available to any student whose removal pursuant to this policy is expected to result in a prolonged absence from school or where otherwise required by law.

Training in the use of universal precautions for handling blood shall be conducted periodically in accordance with state and federal law. Universal precautions for handling blood shall be implemented within the school setting and on buses in accordance with state and federal law and guidelines.

The School Board shall adopt guidelines for school attendance for children with human immunodeficiency virus. Such guidelines shall be consistent with the model guidelines for such school attendance developed by the Board of Education.

Adopted: April 12, 2005

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Legal Refs.: Code of Virginia, 1950, as amended, sections 22.1-271.3, 32.1-36.1, 32.1-45.2.  
Model Guidelines for School Attendance for Children with Human Immunodeficiency Virus (Attachment to Virginia Department of Education Superintendent's Memo #32 (Feb. 13, 2004)).

Cross Ref:	EBAB	Possible Exposure to Viral Infections
	EBBB	Personnel Training—Viral Infections
	IGBG	Homebound, Correspondence, and Alternative Means of Instruction
	JHCCA-E	Guidelines for School Attendance for Students with Human Immunodeficiency Virus

## GUIDELINES FOR SCHOOL ATTENDANCE FOR STUDENTS WITH HUMAN IMMUNODEFICIENCY VIRUS

The Charles City Comity School Board recognizes its dual obligations to protect the rights of individual students infected with human immunodeficiency virus (HIV) and to provide a safe environment for students, staff, and the public. Because HIV is not transmitted through casual contact, any student who is HIV-infected will continue in a regular classroom assignment unless the student's health significantly interferes with his or her ability to benefit from the educational program.

The Charles City County Public Schools will work cooperatively with the local health department with regard to the school attendance of students infected with HIV. To enhance the school attendee of students who are HIV-infected, the school division will collaborate with public and private organizations in the provision of support services to HIV-infected students. All students are expected to satisfy the immunization requirements of Virginia Code § 22.1-271.2 unless a required immunization would be harmful to the health of the student. Students who are HIV-infected or have acquired immune deficiency syndrome (AIDS) may be exempted from obtaining immunizations which would otherwise be required. School personnel will cooperate with public health personnel regarding exemptions from the requirements.

Mandatory screening for HIV infection is not warranted as a condition of school attendee. Upon learning that a student is HIV-infected or has AIDS, the division superintendent may consult with the student's family, the student's family physician, or an official from the local department of health to determine whether the student is well enough to stay in school. If a change in the student's program is necessary because of the student's health, the division superintendent or designee will work with the student's family, family physician or local health official to develop an educational plan for the student.

Any school board employee or volunteer who has any information regarding a student's HIV-infected status will treat that information as confidential. Division personnel will share information regarding a student's HIV status only with the written consent of the student's parent or guardian.

Despite the extremely remote risk that exposure of skin to blood could result in infection, the following universal precautions for handling blood will be implemented within schools and on school buses:

- persons involved in cleaning surfaces exposed to blood and persons rendering first aid to bleeding students should wear disposable gloves to avoid exposure of open skin lesions and mucous membranes to blood;
- surfaces contaminated with blood should be promptly cleaned with household bleach (1 part bleach to 9 parts water) using disposable towels and tissues;
- hands must be washed after gloves are removed;
- if one person's skin is exposed to the blood of another person, the exposed areas should be washed with soap and water.

Universal precautions do not apply to feces, nasal secretions, saliva, sputum, sweat, tears, urine, and vomit unless they contain blood.

To ensure implementation of the proper procedures for all body fluids, training will be provided to all school personnel. Training will include information regarding the following: etiology, transmission, prevention, and risk reduction of HIV; standard procedures for handling blood and body fluids; community resources available for information and referral; and local division policies.

Comprehensive and age-appropriate instruction on the principal modes by which HIV is spread and the best methods for the reduction and prevention of AIDS will be provided.

Adopted: April 12, 2005

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## ADMINISTERING MEDICINES TO STUDENTS

### Medications Prescribed for Individual Students

Employees of Charles City County School Board may give medication prescribed for individual students only pursuant to the written order of a physician, physician assistant, or nurse practitioner and with written permission from the student's parent or guardian. Such medicine must be in the original container and delivered to the principal, school nurse, or school division designee by the parent or guardian of the student.

### Nonprescription Medications

Employees of Charles City County School Board may give nonprescription medication to students only with the written permission of the parent or guardian. Such permission shall include the name of the medication, the required dosage of the medication, and the time the medicine is to be given. Such medicine must be in the original container and delivered to the principal, school nurse, or school division designee by the parent or guardian of the student.

### Self-Administration of Medication

Self-administration of any medication with the exception of asthma medication and auto-injectable epinephrine, as discussed below, is prohibited for students in grades kindergarten through eight. Students in grades nine through twelve may be allowed to possess and self-administer non-prescription medicine when the following conditions are met:

- Written parental permission for self-administration of specific non-prescription medication is on file with the school.
- The non-prescription medication is in the original container and appropriately labeled with the manufacturer's directions.
- The student's name is affixed to the container.
- The student possesses only the amount of non-prescription medicine needed for one school day/activity.

Sharing, borrowing, distributing, manufacturing or selling any medication is prohibited. Permission to self-administer non-prescription medication may be revoked if the student violates this policy and the student may be subject to disciplinary action in accordance with the Standards of Student Conduct.

### Self-Administration of Asthma Medications and Auto-injectable Epinephrine

Students with a diagnosis of asthma or anaphylaxis, or both, are permitted to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be. In accordance with this policy during the school day, at school-sponsored activities, or while on a school bus or other school property.

A student may possess and self-administer asthma medication, or auto-injectable epinephrine, or both, when the following conditions are met:

- Written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, is on file with the school.
- Written notice from the student's health care provider is on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication.
- An individualized health care plan is prepared, including emergency procedures for any life-threatening conditions.
- There is a consultation with the student's parent before any limitations or restrictions are imposed on a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked.
- Self-administration of inhaled asthma medications and auto-injectable epinephrine is consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manual, which are jointly issued by the Virginia Department of Education and the Virginia Department of Health.
- Information regarding the health condition of the student may be disclosed to school board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

Permission granted to a student to possess and self-administer asthma medications or auto-injectable epinephrine, or both, will be effective for a period of 365 calendar days, and must be renewed annually. However, a student's right to possess and self-administer inhaled asthma medication or auto-injectable epinephrine, or both may be limited or revoked after appropriate school personnel consult with the student's parents.

### Epinephrine

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, School Board employee, employee of a local appropriating body or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess epinephrine and administer it to any student believed to be having an anaphylactic reaction.

## Regulation

The superintendent shall develop a regulation for administration of medicines to students. The regulation shall include provisions for the handling, storage, monitoring, documentation and disposal of medication.

Adopted: July 19, 2005  
Revised: July 19, 2011  
Revised: July 17, 2012  
Revised: June 18, 2013

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Legal Ref.: Code of Virginia, as amended, §§ 22.1-78,22.1-274.2, 54.1-2952.2, 54.12957.02, 54.1-3408.

Cross Ref.: EBBA First Aid/CPR Certified Personnel  
JFC-R Standards of Student Conduct  
JHCE Recommendation of Medication by School Personnel  
JO Student Records

## ADMINISTERING MEDICINES TO STUDENTS

### Prescription Medications

- A. Prescription medication may be given to students only pursuant to the written order of a physician, physician assistant, nurse practitioner, and with written permission on the Permission for Medication Form signed by the student's parent or guardian.
- B. Any medicine must be in the original container and delivered to the principal school nurse or other school designee by the parent /guardian of the student.
- C. Students shall not be in possession of any prescription medication on school grounds or at school-sponsored events without prior permission of the principal.

### Nonprescription Medications

- A. Charles City County Schools' personnel may be given nonprescription medication to students only with the written permission of the parent or guardian on the Permission for Medication Form.
- B. Any permission for nonprescription or over-the-counter medication shall include the name of the medication, the required dosage of the medication, and the time the medicine is to be given.
- C. Such medicine must be in the original container and delivered to the principal, school nurse or school division designee by the parent/guardian of the student.
- D. Students shall not be in possession of any nonprescription or over-the-counter medication on school grounds or at school-sponsored events without prior permission of the principal or without following the directions in the section below on self-administration of medication.

### Self-Administration of Medication

- A. Self-administration of any medication with the exception of asthma medication and auto-injectable epinephrine, as discussed below, is prohibited for students in grades kindergarten through eight.
- B. Students in grades nine through twelve may be allowed to possess and self-administer non-prescription medicine if:
  - written parental permission for self-administration of specific non-prescription medication is on file with the school;
  - the non-prescription medication is in the original container and appropriately labeled with the manufacturer's directions;
  - the student's name is affixed to the container; and
  - the student possesses only the amount of non-prescription medicine needed for one school day/activity.
- C. Sharing, borrowing, distributing, manufacturing or selling any medication is prohibited.
- D. Permission to self-administer non-prescription medication may be revoked if the student violates this regulation and the student may be subject to disciplinary action in accordance with the Standards of Student Conduct.

### Self-Administration of Asthma Medication and Auto-injectable Epinephrine

- A. Students with a diagnosis of asthma or anaphylaxis are permitted to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, in accordance with this regulation during the school day, at school sponsored activities, or while on a school bus or other school property.
- B. In order for a student to possess and self-administer asthma medication or auto injectable epinephrine, or both, the following conditions must be met:
  - written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both must be on file with the school;
  - written notice from the student's primary care provider must be on file with the school, indicating 1) the identity of the student, 2) the diagnosis of asthma or anaphylaxis, or both, and approval for self-administration of inhaled asthma medications or auto-injectable epinephrine, or both that have been prescribed for the student; 3) the name and dosage of the medication, frequency in which it is to be administered and the circumstances which may warrant its use, and 4) the student's demonstrated ability to safely and effectively self-administer the medication;
  - an individualized health care plan must be prepared, including emergency procedures for any life-threatening conditions; and
  - information regarding the health condition of the student may be disclosed to Charles City County Public School employees in accordance with state and federal law governing the disclosure of Information contained in student scholastic records.
- C. Permission granted to a student to possess and self-administer asthma medications or auto-injectable epinephrine, or both will be effective for a period of 365 calendar days and must be renewed annually.
- D. Parents or guardians shall provide notice signed by the physician annually of the diagnosis, medication, and dosage of any medication that must be self-administered.
- E. However, a student's right to possess and self-administer inhaled asthma medication or auto-injectable epinephrine, or both, may be limited or revoked after appropriate school personnel consult with the student's parents if the student's condition or physician's orders change.
- F. Charles City County Public Schools shall not accept responsibility for the loss or theft of any self-administered medication that the student maintains in his/her possession.

### Handling, Storage, and Monitoring of Medication

- A. The parent or guardian of any student requiring administration of medication during school or at school-sponsored events shall bring the medication to the school in the original container.
- B. For prescription medication, the parent or guardian shall also provide orders signed by the physician to include the dosage and any additional Information necessary.
- C. The principal or school official who meets with the parent shall give the medication to the school nurse or shall lock the medication and all information in the clinic until the nurse returns.
- D. The nurse shall log the medication into the medication log and shall maintain it in a locked container at all times.



CHARLES CITY COUNTY SCHOOL DIVISION

File: JHCD-R

Page 4

- E. The nurse or other person who may administer the medication shall complete the medication log when the student receives the medication. This documentation shall include the student's name, date, time of administration and the dosage given.
- F. The nurse shall monitor the amount of medication and will notify the parent or guardian when the supply is no greater than one week.
- G. For nonprescription medication, the parent or guardian shall sign a consent form for the nurse or other school official to provide the medication. The consent form shall include the dosage instructions.

Legal Reference: Code of Virginia, as amended, sections 22.1-78, 22.1-274.2, 54.1-2952.2, 54.1-2957.02

Cross Reference: EBBA First Aid/CPR Certified Personnel  
JFC-R Standards of Student Conduct  
JHCE Recommendation of Medication by School Personnel

## RECOMMENDATION OF MEDICATION BY SCHOOL PERSONNEL

School personnel are prohibited from recommending the use of psychotropic medications for any student. School health staff, classroom teachers, or other school professionals may recommend that a student be evaluated by an appropriate medical practitioner. In addition, school personnel may consult with a medical practitioner who is serving the student with the written consent of the student's parent.

For the purpose of this policy, "psychotropic medications" means those medications that are prescribed with the intention of altering mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication.

Adopted: April 10, 2003

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Legal Ref.: Code of Virginia, 1950, as amended, section 22.1-274.3.  
Superintendent's Memorandum No. 54 (August 16, 2002).

Cross Ref.: JHCD            Administering Medicine to Students

## STUDENT WELLNESS

### I. Policy Statement

The Charles City County School Board recognizes that schools play a critical role in promoting student health and combating problems associated with poor nutrition and physical inactivity. Charles City Public Schools are committed to providing school environments that promote and protect children's health, well-being and ability to learn by supporting healthy eating and physical activity.

### II. Goals

The Charles City County School Board has established the following goals to promote student wellness.

#### A) Nutrition Education

The Charles City County School Board aims to teach, model, encourage, and support healthy eating by students. Nutrition education is designed to provide students with the knowledge and skills necessary to promote and protect their health.

- Nutrition education will include enjoyable, developmentally appropriate, culturally relevant, and participatory activities, such as cooking demonstrations or lessons, promotions, taste testing, farm visits, and school gardens.
- Nutrition education will be included in the Health curriculum so that instruction is sequential and follows the Health Education Standards of Learning for Virginia Public Schools. Nutrition education will also be integrated into other classroom instruction through subjects such as math, science, language arts, social sciences, and elective subjects.
- The Division teaches students nutrition education using scientifically based, up-to-date nutrition information consistent with the Dietary Guidelines for Americans. The Division will include in the health education curriculum the following essential topics on healthy eating:
  - Reading and using USDA's food labels
  - Balancing food intake and physical activity
  - Food safety
  - Social influences on healthy eating, including media, family, peers, and culture
  - How to find valid information or services related to nutrition and dietary behavior
  - Resisting peer pressure related to unhealthy dietary behavior
  - Influencing, supporting, or advocating for others' healthy dietary behavior

#### B) School Meals

The Charles City County School Board is committed to serving healthy meals to children, with plenty of fruits, vegetables, whole grains, and fat-free and low-fat milk; moderate in sodium, low in saturated fat, and zero grams trans-fat per serving (nutrition label or manufacturer's specification); and to meet the nutrition needs of school children within their calorie requirements. Both schools within the Division participate in USDA child nutrition programs, including the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). These schools are committed to offering school meals through the NSLP and SBP programs.

1) During the School Breakfast Program and the National School Lunch Program, schools will provide the following:

- All school meals are accessible to all students.
- The Division offers reimbursable school meals that meet USDA nutrition standards.
- Drinking water will be available to all students throughout the school day and throughout each school campus, including during mealtimes.
- Students will be allowed at least 10 minutes to eat breakfast and at least 20 minutes to eat lunch.
- Lunch will follow the recess period to better support learning and healthy eating whenever possible.
- All school nutrition staff will meet the hiring and annual continuing education requirements in the USDA professional standards for child nutrition professionals.

2) Other food items served at school

- The foods and beverages sold outside of the school meal programs (i.e., “competitive” foods and beverages) will meet the USDA Smart Snacks in School nutrition standards, at a minimum.
- All foods offered on the school campus will meet the USDA Smart Snacks in School nutrition standards. Exemptions may be allowed at the discretion of the school principal, but shall not exceed more than one exemption per class.
  - The Division will provide a list of healthy party ideas and snacks to parents and teachers, including non-food celebration ideas (Healthy Party Ideas);
  - The Division will provide to parents a list of foods and beverages that meet Smart Snacks nutrition standards; and
  - The Division will provide teachers and other relevant school staff a list of alternative ways to reward children. Foods and beverages will not be used as a reward, or withheld as punishment for any reason, such as for performance or behavior.
- Only foods and beverages that meet the USDA Smart Snacks in Schools nutrition standards may be sold through fundraisers on the school campus during the school day.

### **C) Nutrition Promotion**

Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. The Division will promote healthy food and beverage choices for all students throughout the school campus, as well as encourage participation in school meal programs.

- Promote healthy food and beverage choices using at least ten Smarter Lunchroom techniques.
- Each school will implement at least one of the following four Farm to School activities:
  - Local and/or regional products are incorporated into the school meal program;
  - School hosts a school garden;
  - School hosts field trips to local farms; and

- School utilizes promotions or special events, such as tastings, that highlight the local/regional products.
- Any foods and beverages marketed or promoted to students on the school campus during the school day will meet the USDA Smart Snacks in School nutrition standards. Food advertising and marketing includes, but is not limited to the following:
  - Brand names, trademarks, logos or tags, except when placed on a physically present food or beverage product or its container.
  - Displays, such as on vending machine exteriors.
  - Corporate brand, logo, name, or trademark on school equipment, such as marquees, message boards, scoreboards, or backboards.
  - Corporate brand, logo, name, or trademark on cups used for beverage dispensing, menu boards, coolers, trashcans, and other food service equipment.

## **D) Physical Education**

The Division will provide students with physical education, using an age-appropriate, sequential physical education curriculum consistent with national and state standards for physical education. The physical education curriculum will promote the benefits of a physically active lifestyle and will help students develop skills to engage in lifelong healthy habits, as well as incorporate essential health education concepts. All students will be provided equal opportunity to participate in physical education classes.

- All Division students will participate in physical education that meets state standards.
  - A program of physical activity will be available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year.
  - A program of physical activity will be available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year.
  - All Division high school students must earn two health and physical education credits to earn a standard or advanced diploma.
  
- Students will be moderately to vigorously active for at least 50% of class time during most or all physical education class sessions.
  
- All physical education classes in the Division are taught by licensed teachers who are certified or endorsed to teach physical education.
- Waivers, exemptions, or substitutions for physical education classes are not granted.

### ***1) Physical Activity***

Children and adolescents should participate in 60 minutes of physical activity every day. Schools will offer students a variety of physical activity opportunities that are in addition to, and not as a substitute for, physical education.

- Physical activity during the school day (including but not limited to recess, physical activity breaks, or physical education) **will not be required or withheld** as punishment for any reason.
- All elementary schools will offer at least 20 minutes of recess on all or most days during the year.
  - Outdoor recess will be offered when weather is feasible for outdoor play.
  - Active recess programming will be utilized to create universal participation by offering multiple activities at recess; designate different areas of play throughout the playground; provide equipment to decrease congestion on play structures; and provide group games, led by staff.
  - In the event that the school or Division must conduct indoor recess, teachers and staff promote physical activity for students, to the extent practicable.

- The Division offers opportunities (e.g., including activity clubs, open gym, intramurals and varsity sports) for students to participate in physical activity before and/or after the school day.

## *2) Other Activities that Promote Student Wellness*

The Division will integrate wellness activities across the entire school setting, not just in the cafeteria, other food and beverage venues, and physical activity facilities. The Division will coordinate and integrate other initiatives related to physical activity, physical education, nutrition, and other wellness components so all efforts are complementary, not duplicative, and work towards the same set of goals and objectives promoting student well-being, optimal development, and strong educational outcomes.

- The Division will continue relationships with its community partners, including the Virginia Extension Agency, in support of this wellness policy's implementation.
- The Division will promote to parents/caregivers, families, and the community the benefits of and approaches for healthy eating and physical activity throughout the school year. Families will be invited to participate in school-sponsored events and will receive information about health promotion.
- The Division promotes staff member participation in health promotion programs and will support programs for staff members on healthy eating/weight management.
- When feasible, the Division will offer annual professional learning opportunities and resources for staff to increase knowledge and skills about promoting healthy behaviors in the classroom and school.

## III. Policy Monitoring/Implementation

The Division will convene a Division wellness committee that meets at least four times per year to establish goals for and oversee school health and safety policies and programs, including development, implementation, and periodic review and update of the wellness policy.

- The Division wellness committee consists of a group of individuals representing the school and community, and should include parents, students, representatives of the school food authority, members of the school board, school administrators, teachers, health professionals, and members of the public.
- The Supervisor of Operations will be responsible for overseeing the implementation of this policy and will develop procedures for evaluating the policy, including indicators that will be used to measure its success.
- The Division will actively notify households/families of the availability of the annual report through the Division newsletter and website.
- The wellness committee will update or modify the wellness policy based on the results of the annual progress reports, and/or as Division priorities change; community needs change; wellness goals are met; new health science, information, and technology emerges; and new Federal or state guidance or standards are issued. **The wellness policy will be assessed and updated as indicated at least every three years.**

Adopted:

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Legal Refs: 42 U.S.C. § 1758b.  
7 C.F.R. Pt. 210, App. B.  
Code of Virginia, 1950, as amended, § 22.1-253.13:1.D.14.

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



## NUTRITION STANDARDS

### Purpose:

Nutrition Standards have been developed to insure healthy foods and lifestyles will be made available and emphasized in Charles City County Public Schools.

### Standards:

The learning environment of Charles City County Public Schools will teach the students how to establish and maintain lifelong healthy eating patterns. Schools will model and teach healthy eating from the cafeteria to the classroom so students can develop the knowledge, skills and motivation to make nutritious and healthy food choices. The nutritious options are based on the following precepts:

- A healthy, well - nourished student is ready to learn and will stay in school.
- Children should be given plentiful opportunities to choose nutritious foods.
- Schools should provide quality nutrition education in addition to healthful foods, so students not only have access to healthy options, but also gain the knowledge, skills, and motivation to make nutritious food choices.
- High calorie, low nutrient items should be limited by access and /or portion size, since they contribute to excessive calories and possibly overweight. A variety of nutritious, appealing, and culturally appropriate foods and beverages should be available to all students.
- Schools should be encouraged to participate in the National School Lunch and Breakfast programs and actively promote student participation, since these programs are mandated to provide well-balanced nutritious meals for all students, based on the Dietary Guidelines for Americans.

The National School Lunch Program (NSLP), the School Breakfast Program (SBP) and the Afterschool Snack Program (ASP) provide well-balanced nutritious meals for all students. Students will be encouraged to participate in these programs.

Charles City County Public Schools adheres to the US Department of Agriculture (USDA) and State of Virginia food regulations. These regulations prohibit the sale of foods of minimal nutritional value anywhere in the school building from 6:00 a.m. until 3:30 p.m., i.e., the entire school day.

Food items sold to students through snack bars, school stores, vending machines and a la carte offerings will be high in nutrients, low in fat, low in sugar and calories. Only nutritious foods will be served in conjunction with school meals.

The following nutrition standards shall be adopted by Charles City County School Board for foods sold to students throughout the school day on the school campus. The higher nutrition standards for the foods available to students reinforce the health and nutrition concepts guided by the Standards of Learning. At the same time the schools provide a consistent message to students and faculty regarding the role of good nutrition in learning and living.

**Beverage Standards**

- Beverages must contain at least 25% & fruit juice with no added sweeteners.
- Beverages that contain less than 25% fruit juice must contain at least 5% of the daily allowance of vitamins and minerals.
- Except for chocolate milk, beverages sold will not contain any caffeine.
- Low - fat (1%, 2%) and non-fat milk will be served in the cafeterias.
- Non-flavored water and flavored water will be served in the cafeterias.
- Flavored water must be non-carbonated and contained no added sweeteners.

**Snacks. Sweets and Side Dishes**

- Snack items must contain less than 300 kcal (calories) per serving.
- Snack items must contain no than 30% of total calories from fat, except nuts and seeds.
- No more than 10% of calories from saturated fat
- Must contain at least 5% of the daily allowance of vitamins and minerals.
- Snack items must be low in sodium.
- No more than 35% by weight in sugar except fresh dried or canned fruits and vegetables, without additional sweeteners.

**Food Purchasing and Preparation Practices to Reduce Fat Content**

- Spoon solid fat from chilled meat and poultry broth before using.
- Use specifications requiring lower fat content in ordering processed foods such as hamburgers, pizza, and chicken nuggets.
- Remove liquid fat from cooked ground beef before adding other ingredients.
- Meats, french fries and etc. will be either baked or broiled.
- Low - fat and /or reduced - fat cheese will be used in the food service program.
- Prepare vegetables using little or no fat.
- Cook with nonstick spray rather than with grease or oil.
- Low fat and / or no fat salad dressings will be used for salads and / or wings.
- Food items served will contain 2 grams or less of trans fat per serving.

**Whole Grains. Fruits and Vegetables**

- Cafeterias will use exclusively whole grain breads and cereals.
- High quality fruits and vegetables will be served on a daily basis.

**Suggested Portion Sizes**

- Snacks and Sweets (Chips, Crackers, Popcorn, 1.25 oz
- Trail Mix, Nuts, Seeds, Dried Fruit, Jerky)
- Cookies / Cereal Bars 2 oz
- Bakery Items (e.g.. Pastries, Muffins) 3 oz
- Frozen Desserts, Ice Cream 3 oz
- Yogurt 4 oz
- Beverages (Water or Milk - Elementary School) 9 oz

**Responsibilities:**

- The Charles City School Board is responsible for establishing these standards.
- The Superintendent is responsible for implementation of the standards in all school buildings.
- The school principals are responsible for ensuring any food or beverage available on campus is in compliance with the standards.
- The School Food Service Director will be responsible for ensuring all foods and beverages offered as an a la carte item will comply with the standards.

**Standards:**

1. The standards are in addition to existing state and federal regulations governing the sale of food in schools.
2. All schools in the Charles City County School district have implemented a School Breakfast program.
3. All schools in the Charles City County School district will allow time in the curriculum for nutrition and physical education. All adults on the school campus will model healthy choices and lifestyles to the students.
4. Charles City County Public Schools will establish Nutrition Advisory Councils comprised of administrators, teachers, child nutrition, students and parents to provide consistent nutrition education.
5. All foods and beverages offered in Charles City County Public Schools will meet the nutritional criteria developed by the Virginia Action for Healthy Kids.

Adopted: May 16, 2006

## SCHOOL MEALS AND SNACKS

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

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

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

The Charles City County School Board promotes high-quality school meals and snacks by:

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

The Charles City County School Board strives to provide an environment conducive to good health by:

- allowing an adequate amount of time and space for students to eat school meals;
- scheduling lunch periods at reasonable hours around midday;
- ensuring that drinking fountains are operable, clean, and convenient for use throughout the school day;
- offering extracurricular physical activity programs, such as physical activity clubs, intramural programs, or interscholastic athletics;
- discouraging the promotion and advertising of unhealthy foods;
- using non-food items rather than food items such as candy, cakes, soda, and foods high in fat, as incentives and rewards for good behavior or academic performance; and
- encouraging parents to support the division's nutrition education efforts by
- considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

The Charles City County School Board supports nutrition education and physical education by:

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

Adopted: August 21, 2012

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

Cross Refs: EFB Free and Reduced Price Food Services  
IGAE/IGAF Health Education/Physical Education  
JHCF Student Wellness  
JL Fund Raising and Solicitation  
KQ Commercial, Promotional, and Corporate Sponsorships and Partnerships

## HUMAN RESEARCH

Surveys, analyses or evaluations conducted as part of any program, which is funded by the United States Department of Education or is otherwise subject to policies and regulations promulgated by any agency of the federal government shall be conducted in accordance with Policy KFB Administration of Surveys and Questionnaires, 20 U.S.C. § 1232h, and the applicable federal regulations. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any such survey, analysis, or evaluation will be available for inspection by the parents or guardians of the students involved.

Any other human research involving students must be approved and conducted under the review of a human research committee established by the school division or the school conducting the research. Such research will be conducted or authorized only after the student and the student's parents or legally authorized representative give their informed consent, as evidenced by a signed and witnessed informed consent form in accordance with Va. Code § 32.1-162.18. The human research committee will submit to the Governor, the General Assembly, and the Superintendent of Public Instruction or his designee at least annually a report on the human research projects reviewed and approved by the committee. The report will state any significant deviations from the proposals as approved.

The human research committee will be composed of representatives of varied backgrounds to ensure the competent, complete, and professional review of human research activities. No member of the committee may be directly involved in the proposed human research or have administrative approval authority over the proposed human research except in connection with his responsibilities as a member of the committee. In deciding whether to approve proposed human research, the committee will consider the factors listed in Va. Code § 32.1-162.19.

Research or student learning outcomes assessments conducted in educational settings involving regular or special education instructional strategies, the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods, or the use of educational tests, whether cognitive, diagnostic, aptitude, or achievement, if the data from such tests are recorded in a manner so that subjects cannot be identified, directly or indirectly are exempt from the requirements of this policy.

Definition: as used in this policy, "human research" means any systematic investigation, including research development, testing and evaluation, utilizing human subjects, that is designed to develop or contribute to generalized knowledge. "Human research" does not include research exempt from federal research regulation pursuant to 45 C.F.R. § 46.101(b).

File: JHDA

Page 2

Adopted: April 18, 2006

Revised: April 17, 2012

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Legal Refs.: 20 U.S.C. § 1232h.  
Code of Virginia, 1950, as amended, §§ 22.1-16.1, 32.1-162.16,32.1-162.17,  
32.1-162.19,32.1-162.20.  
8 VAC 20-565-30.  
8 VAC 20-565-40.  
8 VAC 20-565-50.

Cross Refs.: KFB Administration of Surveys and Questionnaires  
IIAE Innovative or Experimental Program

## CHILD ABUSE AND NEGLECT REPORTING

### Reporting Requirement

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

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

### Notice of Reporting Requirement

The School Board shall post in each school a notice that

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

### Complaints of Abuse and Neglect against School Personnel

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

Adopted: July 19, 2004  
 Revised: July 15, 2008  
 Revised: July 17, 2012

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

Cross Refs.: JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin,  
 Disability and Religion  
 GBLA Third Party Complaints Against Employees



## FUNDRAISING AND SOLICITATION

All fundraising activities conducted for the benefit of Charles City County School Division must provide an educational benefit to students and must not interfere with the instructional program. All fundraising activities conducted by school-sponsored organizations or clubs must be approved in advance by the principal. Fundraising refers to the raising of non-appropriated funds by students, parents or others for the educational benefit of students and their schools.

Students may participate in fundraising activities provided such activities are approved in writing and carefully monitored and regulated by the school principal or a principal's designee. Elementary school students may not participate in door-to-door solicitation. Students will not be excused from class to participate in fundraising activities. No grade will be affected by a student's participation, or lack of participation, in a fundraising activity.

Each principal shall develop and maintain a list of all approved fundraising activities and report all activities to the superintendent pursuant to procedures issued by the superintendent.

The superintendent periodically shall furnish the School Board with an up-to-date listing of all fundraising activities being conducted by the school division.

Adopted: April 15, 2008

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Revised April 15, 2014

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

Cross Refs.:	JHCF	Student Wellness
	KJ	Advertising in the Schools
	KGA	Sales and Solicitations in Schools
	KMA	Relations with Parent Organizations
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

## RESTRAINT AND SECLUSION OF STUDENTS

Physical and mechanical restraint and seclusion may only be used consistent with this policy.

As used in this policy,

“physical restraint” means the use of physical force to restrict the free movement of all or a part of a student’s body. Excluded from this definition is the use of procedures the use of which is documented in the student’s Individualized Education Plan (IEP), Section 504 plan, or behavior intervention plan;

“mechanical restraint” means the use of any device or material attached to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove. Excluded from this definition is the use of devices or materials the use of which is documented in the student’s Individualized Education Plan (IEP), Section 504 plan, or behavior intervention plan;

“seclusion” means the confinement of a student alone in a separate enclosed space, in a manner that prevents the student from leaving. Seclusion is permitted in accordance with a student’s IEP, Section 504, or behavior intervention plan, or to prevent injury to the student or others. When a student is placed in seclusion, he or she will be monitored by a staff member in close proximity. It is preferable that the staff member can see or observe student. A student placed in seclusion will be released from seclusion upon cessation of the behaviors that led to the seclusion; after a reasonable period of time in the seclusion setting during which it is determined that the seclusion will not be effective; or in accordance with the student’s IEP, Section 504 plan, or behavior intervention plan. The space used for seclusion must be appropriately lighted, ventilated, and heated or cooled, and free from objects that unreasonably expose the student or others to harm.

Physical restraint, mechanical restraint, and seclusion may only be used by a staff member who has been trained in the proper use of the technique applied or device utilized and should only be used in the following circumstances:

- as needed to protect an individual from his or her own actions;
- as needed to protect others from injury by the restrained person;
- as needed to quell a disturbance;
- as needed to gain possession of weapons or other dangerous objects on the person or within the control of a student;
- as needed for self-defense;
- as needed to escort a student safely from one area to another;
- as reasonably needed to prevent imminent destruction to school or another person’s property;
- when using seat belts or other safety restraints to secure a student during transportation;
- to direct the movement or actions of a student to avoid the undue or deliberate disruption of the learning environment;
- as authorized by the Code of Virginia, or
- as authorized by a student’s IEP, Section 504 plan or behavior intervention plan

Nothing in this policy is intended to limit the application of Va. Code § 22.1-279.1 which provides generally that:

No teacher, principal or other person employed by the school board shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent

- the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;
- the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself;
- the use of reasonable and necessary force for self-defense or the defense of others;
- the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are in the possession of the student or within his control;
- physical pain, injury or discomfort caused by participation in practice or competition in an interscholastic sport; or
- participation in physical education or an extracurricular activity.

#### Documentation and Notice to Parents

A parent or guardian will be notified in writing within a reasonable period of time, not to exceed 15 school days, after any use of

- physical restraint; or
- seclusion resulting in observed physical injury to the student.

The staff member who utilizes restraint or seclusion will be responsible for making a record of information regarding its use including the date, time, duration, precipitating behavior, outcome and other pertinent observations. Documentation is not required when using mechanical devices that are authorized and utilized for the student's safety or physical support such as bus harnesses, lap belts, rifton chairs and similar devices. This policy does not permit the use of a restraining device to limit a student's mobility when that device is not ordinarily used with the student.

Adopted: August 16, 2010

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Legal Refe.: Code of Virginia, 1950, as amended, § 22.1-78,22.1-279.1.

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Cross Refs.:	IGBA	Programs for Students with Disabilities
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JGA	Corporal Punishment
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

## STUDENT FEES, FINES AND CHARGES

The School Board charges student fees and takes action to recover funds for the loss of or damage to School Board property in accordance with the state and federal law. No fee may be charged unless it has been approved by the School Board.

The School Board provides, free of charge, such textbooks as are required for courses of instruction for each child attending public schools. Consumable materials such as workbooks, writing books, and drawing books may be purchased by the School Board and either provided to students at no cost or sold to students at a retail price not to exceed seven percent added to the publisher's price. If sold, the School Board shall ensure that workbooks, writing books, and drawing books are furnished to students who are unable to afford them at a reduced price or free of charge. Fees will not be charged to students for instructional materials, textbooks, or other materials used by a School Board employee that are not directly used by a public school student.

The following fees are charged.

## STUDENT FEE SCHEDULE FOR SCHOOL YEAR 2013-2014

<b>Student Fees</b>	<b>Type</b>	<b>Grade Level</b>
\$25.00	Gym Suit	Middle & High School
\$25.00	Parking Fee	High School
\$100.00	Driver Ed.- Behind the Wheel	High School
\$20.00	Class Dues	9 <sup>th</sup> Grade
\$20.00	Class Dues	10 <sup>th</sup> Grade
\$75.00	Class Dues	11 <sup>th</sup> Grade
\$110.00	Class Dues	12 <sup>th</sup> Grade
\$50.00	Yearbook	High School
\$20.00	Yearbook	Middle School
\$15.00	FCCIA (Family Child Care in Action)	High School
\$15.00	FBLA (Future Business Leaders of America)	High School
\$100.00 - \$150.00	Football Uniform Accessories (socks, girdles, mouth pieces, warm up suits)	High School
\$100.00- \$150.00	Basketball Uniform Accessories (shoes, socks)	High School

Fees may be charged for 1) optional services such as parking or locker rental; 2) student-selected extracurricular activities; 3) class dues; 4) field trips or educationally related programs that are not required instructional activities; 5) fees for musical instruments, as long as the instruction in the use of musical instruments is not part of the required curriculum; 6) distance learning classes for enrichment which are not necessary to meet the requirements for a diploma; 7) summer school, unless the classes are required for remediation as prescribed by the Standards of Quality; 8) overdue or lost or damaged library books; 9) lost or damaged textbooks; 10) consumable materials such as workbooks, writing books, drawing books and fine arts materials and supplies;

however, workbooks, writing books, drawing books and fine arts materials and supplies must be furnished to students who are unable to afford them at a reduced price or free of charge; fees may not be charged to students for instructional materials, textbooks, or other materials that are not directly used by a public school student; 11) the behind-the-wheel portion of the driver's education program; 12) a fee not to exceed a student's pro rata share of the cost of providing transportation for voluntary extracurricular activities; and 13) the preparation and distribution of official paper copies of student transcripts; a reasonable number of copies of official paper copies must be provided for free before a charge is levied for additional official copies; official electronic copies of student transcripts must be provided for free.

Fees may not be charged 1) as a condition of school enrollment, except for students who are not of school age or who do not reside within the jurisdiction; 2) for instructional programs and activities, or materials required for instruction, except as specified in by 8 VAC 20-720-80.H; 3) for textbooks or textbook deposits; however, a reasonable fee or charge for lost or damaged textbooks may be charged; 4) for pupil transportation to and from school; or 5) for summer school programs or other forms of remediation required by the Standards of Quality.

Fees are reduced or waived for economically disadvantaged students and students whose families are undergoing economic hardships and are financially unable to pay them, including but not limited to, families receiving unemployment benefits or public assistance, including Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or Medicaid; foster families caring for children in foster care; and families that are homeless.

Each time a fee is charged, notice will be given that a fee waiver may be requested. The notice will include directions as to how to apply for a waiver.

This policy will be provided to parents annually and posted on the division's website.

The consequences for nonpayment of fees include exclusion from the activity related to the fee.

No student's report card, diploma or class schedule will be withheld because of nonpayment of fees or charges. No student will be suspended or expelled for nonpayment of fees or charges.

The School Board upon recommendation of the superintendent may take action against a pupil or the pupils parent for any actual loss, breakage, or destruction of or failure to return property owned by or under the control of the School Board, caused or committed by such pupil in pursuit of his studies. Such action may include seeking reimbursement from a pupil or pupil's parent for any such loss, breakage, or destruction of or failure to return school property.

Adopted: June 18, 2013

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 8.01-43,22.1-6,22.1-243,22.1-280.4.  
8 VAC 20-720-80.\*

Cross Refs.: ECAB           Vandalism  
              IIA             Instructional Materials

## STUDENT RECORDS

## Generally

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

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

## Definitions

For the purposes of this policy, the Charles City County Public Schools uses the following definitions.

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

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

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

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

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

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

Eligible student - a student who has reached age 18.

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

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

## Dissemination and Maintenance of Records About Court Proceedings Adjudications

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

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

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

## Petitions and Reports

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

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



disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

#### Annual Notification

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

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

#### Procedure to Inspect Education Records

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

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

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

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

Copies of Education Records

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

Fees for Copies of Records

The fee for copies will be 0.10 per page. The actual cost of copying time and postage will be charged. The Charles City County Public Schools does not charge for search and retrieval of the records. The Charles City County Public Schools does not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia

Types, Locations, and Custodians of Education Records

The Charles City County Public Schools shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types of records that the Charles City County Public Schools maintain, their locations, and their custodians.

<b>Types</b>	<b>Location</b>	<b>Custodian</b>	<b>Information</b>
Cumulative Folders	School Office	Principal Guidance Counselor	Student demographic information. Physical examination and Immunization records, Records for special programs,(special education, gifted, ESL, etc.). Testing records. Grades and coursework taken, Attendance records. Discipline Records, Special awards
Student Database	School File Server District File Server	Principal District Data Administrator Guidance	Student demographic information. Attendance records, Testing records, Grades and coursework taken, discipline records

### Disclosure of Education Records

The Charles City County Public Schools discloses education records or personally identifiable information contained therein only with the written consent of the parent or eligible student except as authorized by law. Exceptions which permit the school division to disclose education record information without consent include the following.

1. To school officials who have a legitimate educational interest in the records.

A school official is:

- a person employed by the School Board
- a person appointed or elected to the School Board
- a person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
- a contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education records

A school official has a legitimate educational interest if the official is:

- performing a task that is specified in his or her position description or by a contract agreement
  - performing a task related to a student's education
  - performing a task related to the discipline of a student
  - providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. If records or information are released under this provision, the student's parents will be notified of the release, receive a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.
  3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
  4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
  5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court

- services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
    - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
    - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
    - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
    - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
  7. To accrediting organizations to carry out their functions.
  8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
  9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
  10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
    - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
    - the parties to whom the division disclosed the information.
  11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
  12. Directory information so designated by the school division.

13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

The school division will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

#### Audit or Evaluation of Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connection with an audit or evaluation of federal- or state- supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the Individual or entity as an authorized representative;
- specifies the personally Identifiable Information to be disclosed, specifies that the purposes for which the personally Identifiable Information Is disclosed to the authorized representative is to carry out an audit or evaluation of federal or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31(a)(3) Including a description of how the personally Identifiable Information will be used;
- requires the authorized representative to destroy personally Identifiable Information when the Information Is no longer needed for the purpose specified;
- specifies the time period In which the Information must be destroyed; and
- establishes policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally Identifiable Information from further disclosure and unauthorized use. Including limiting use of personally Identifiable Information to only authorized representatives with legitimate Interests In the audit or evaluation of a federal or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

#### Military Recruiters and Institutions of Higher Learning

The Charles City County Public Schools will provide, on request made by military recruiters or an Institution of higher education, access to secondary school students' names, addresses, and telephone listings.

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written parental consent. The school division will notify parents of the option to make a request and will comply with any request.

The school division will provide military recruiters the same access to secondary school students as Is provided generally to post-secondary educational Institutions or to prospective employers of those students.

### Record of Disclosure

The Charles City County Public Schools maintains a record, kept with the education records of each student, indicating all individuals (except school officials who have a legitimate educational interest in the records), agencies, or organizations which request or obtain access to a student's education records. The record will indicate specifically the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

The requirements related to records of disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 2331 or other acts listed in 18 U.S.C. § 2332b(g)(5)(B).

Personal information will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party permits access to information, or fails to destroy information, the division will not permit access to information from education records to that third party for a period of at least five years.

### Directory Information

The Charles City County School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier, or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

The Charles City County School Board designates the following as directory information:

- Name
- Gender
- Address
- Telephone Listing
- Date and place of birth of student
- The student's major field of study
- Participation in officially recognized activities and sports

### Correction of Education Records

The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows.

1. Parents or the eligible student must request in writing that the Charles City County Public Schools amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
2. Charles City County Public Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
3. Upon request, Charles City County Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
4. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. Charles City County Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
7. If Charles City County Public Schools decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If Charles City County Public Schools decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

### Confidentiality of HIV and Drug and Alcohol Treatment Records

The Charles City County Public Schools complies with the confidentiality requirements of Va. Code § 32.1-36.1 providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school division maintains confidentiality of drug and alcohol treatment records as required by federal and state law.

Adopted: May 19, 2009  
Revised: July 20, 2010  
Revised: December 20, 2011  
Revised: July 17, 2012  
Revised: April 15, 2014

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Legal Refs.: 18 U.S.C. §§ 2331, 2332b.  
20 U.S.C. §§1232g, 7908.  
42 U.S.C. §290dd-2.  
34 C.F.R. 99.3, 99.7, 99.10, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37.  
Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23-2.1:3, 32.1-36.1.  
8 VAC 20-720-130.

Cross Refs.: IJ Guidance and Counseling Program  
JEC School Admission  
JEC-R School Admission  
JECA Admission of Homeless Children  
JFC Student Conduct  
JGDA Disciplining Students with Disabilities  
JGD/JGE Student Suspension/Expulsion  
JHCB Student Immunizations  
JHCD Administering Medicines to Students  
KBA-R Requests for Information  
KBC Media Relations  
KNB Reports of Missing Children  
KP Parental Rights and Responsibilities  
LEB Advanced/Alternative Courses for Credit



## RELEASE OF STUDENT DATA/RECORDS

The parent/legal guardian of any student enrolled in Charles City County School Division may authorize the release of their student's data/records to any individual or Agency upon completion and execution of the Consent for Release of Student Data/Records form accompanying this policy.

This form may be used by Community Policy and Management Teams, and the Departments of Health, Social Services, Juvenile Justice, and Behavioral Health and Development Services. .

Adopted: June 18, 2013

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Legal Ref.: Code of Virginia, 1950, as amended, §22.1-79 (3)(H)

CONSENT FOR RELEASE OF STUDENT DATA/RECORDS

) Student Name: Date of Birth

Name Of School SchoollD#

Student Address

Home Telephone #:

Parent/Legal Guardian (1) Mobile Telephone #,

Parent/Legal Guardian (2) Mobile Telephone #.

I authorize the Division to release to the individual or Agency identified below

Identifying educational/medical data and records (the "Records") of the student listed above. I understand

that In addition to educational records and data, such Records may also contain health information

pertaining to diagnosis and treatments, immunization records, suspensions/office referral data, attendance data, referrals to student service teams, as well as written communications with school staff

related to mental health Interventions.

Time Period During Which Release of Student/Data Is Authorized:

From: Date that form is signed below.

Until:

Name of Authorized Individual or Agency

Name and Title\_\_

Agency Name (if applicable),

Address (1)

Address (2)

Email Address.

Phone Number.

Fax Number

Signature of Parent/Guardian

Name of Parent/Guardian

Relationship to Student

Date

Witness

)

## ACCEPTANCE OF ELECTRONIC SIGNATURES AND RECORDS

### Policy Statement

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. The Charles City County School Board adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in this division.

### Definitions

"Attribution" - An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

"Electronic Signature"- An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Electronic Record" - any record created, generated, sent, communicated, received or stored by electronic means.

### Applicability

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled in the DIVISION; and also to individuals affiliated with the division, whether paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates and volunteers.

### Electronic Records

Electronic records created or received by the division shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The division shall

utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the division may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the Charles City County School Board agrees to accept or send such communication electronically; and
2. If a signature is required on the record or communication by any statute, rule or other applicable law or School Board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

### Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non- electronic form. The issuance and/or acceptance of an electronic signature by the School Board may be permitted in accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature Identifies the individual signing the document by his/her name and title;
2. The Identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed;
4. The electronic signature conforms to all other provisions of this policy.

### Acceptance, Use and Issuance of Electronic Records and Signatures

The School Board shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the School Board can (a) verify the attribution of a signature to a specific individual, (b) detect changes or errors in the information contained in a record submitted electronically, (c) protect and prevent access, alteration, manipulation or use by an unauthorized person, and (d) provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

The School Board shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

The School Board shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with School Board business.

The School Board may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.

Adopted: July 16, 2013

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Legal Ref.: Code of Virginia, 1950, as amended, §22.1-79 (3) (G); §59.1-479 et seq.

Cross Ref: JO Student Records

## STUDENT PUBLICATIONS

### Definition of Official School Publications

Official school publications such as newspapers, yearbooks, and literary magazines may be prepared in regularly scheduled classes and are components of the curriculum improved by the School Board. These publications are not intended to provide a public forum for students or the general public. In all instances related to these publications, the School Board will be the publisher, the principal will be the editor, the faculty sponsor will be co-editor, and students pointed by the co-editor may serve as assistant editors and journalists.

### Responsibilities of Student Editors and Journalists

Student editors and journalists shall be responsible for preparing and writing factual material that is not obscene, defamatory, or an invasion of privacy or that

- is reasonably foreseeable to lead to the substantial disruption of school activities or to endanger the health or safety of students or staff;
- which advocates the commission of an unlawful act or the violation of a lawful school policy or regulation;
- which advertises or advocates illegal products or services; or
- which advocates prejudice, hatred, violence, or harassment on the basis of race, religion, national origin, ancestry or disability.

### Responsibilities of Student Publications Faculty Co-Editor

School publications faculty co-editors shall instruct students in the Code of Ethics of the American Society of Newspaper Editors and help students to understand and follow it. Faculty members shall instruct students in correct and appropriate journalistic techniques and consult with the principal, who is the editor, on material that may violate the law or the journalism Code of Ethics. Material that may be considered controversial by some members of the school community should be carefully considered by students and the faculty editor, and brought to the attention of the principal (editor).

### Responsibilities of the School Principal (Editor)

The school principal is responsible for approving all publications in accordance with School Board policy and his/her judgment and discretion.

Adopted: April 12, 2005

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Legal Refs: Hazelwood School Dist. v. Kuhlmeier, 484 U.S. 261, 108 S. Ct. 562, 98 L.Ed.2d 592 (1988)

Cross Refs:	AC	Nondiscrimination
	GB	Equal Employment Opportunity/Nondiscrimination
	JB	Equal Educational Opportunities/Nondiscrimination
	JFHA/GBA	Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion