

Dickenson County School Board – Summary Minutes

May 23, 2018

I. ROLL CALL AND MEETING CALLED TO ORDER

- a. The meeting was called to order by Chairman, Susan Mullins followed by the Pledge of Allegiance and a Moment of Silence.
- b. **Members in Attendance:** Susan Mullins, Chairman; Rick Mullins, Vice-Chairman; Rocky Barton; Dr. Lurton Lyle; Shanghai Nickles; Haydee Robinson, Superintendent; Reba McCowan, Clerk and Scott Mullins, Board Attorney
- c. **Approval of Agenda**
Following a motion by Rocky Barton and second by Dr. Lurton Lyle the agenda was approved.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

II. PUBLIC COMMENT

1. Kathy Musick, VPE – Thanked the Board for the job they do and stated that she recognized how difficult job it is. She asked the Board to remember the teachers and do everything they can to provide raises and help keep money in their pockets.
2. Chandra Mullins, DEA – Addressed the Board in the absence of Phyllis Mullins, DEA President, with an update on DEA/VEA legislative work in support of raises. She encouraged members to use the tool of cyber lobbying to contact the legislators.
3. David Malcolm Ratliff – Addressed the Board in support of the new elementary school's location in the Haysi area. He asked the Board to look at Russell County and when Cleveland Elementary School closed the town died. He stated that he didn't want the Town of Haysi to die.
4. David Cummings – Addressed the Board stating that when the Supreme Court ruling in 1962, 1963 and verbal prayer was removed from schools; the result from removing prayer and need for His word has been disastrous. He provided a visual to the Board in support of increase in violence and stated SAT scores plummeted. The answer to this is turning back to the Lord. He asked the Board to consider bringing in community ministers to begin the board meetings with verbal prayer. He said a prayer upon ending his public comments.
5. Larry Yates – Mayor of Haysi addressed the Board in support of the new elementary school's location in the Haysi area. He stated that Sandlick Elementary School was used for many community activities as well as a polling place. He requested a report on the number of times Sandlick Elementary School had been used for community activities.
6. Jarvis Deel – Addressed the Board in support of the new elementary school's location in Clinchco. He said the Board to "stick to their guns". This is a School Board decision not the Board of Supervisors'. He also stated that Clinchco was also used for many community activities.
7. Carroll Edwards – Addressed the Board but first expressed his frustration that he did not know the location of tonight's meeting and it caused his late arrival. He said the school was supposed to be built to replace Sandlick Elementary School. You should build it in Haysi where it was to be located from day one. All the studies have been a big waste of money. You have the money to do it; so do it.
8. Colleen Sutherland – Addressed the Board in support of the new elementary schools' location in the Haysi area. Sandlick has 448 students; strong! We deserve a school in our area. She stated Elementary schools are the heart of the community. She asked the Board to look at what consolidation would do to the children and community; little children deserve this school. Consolidation would be

putting little children on a bus ride for an hour. She stated that not building the school in the Haysi community would destroy it. I feel strongly that you are taking Dickenson County down.

9. Don Hill – Addressed the Board in support of the new elementary school’s location in Clinchco. He stated that he was advocating for two groups; all students and all taxpayers. He stated that Clinchco would be the location to serve the greatest most populated area.

III. CONSENT AGENDA ITEMS

Following a motion by Dr. Lurton Lyle and second by Rick Mullins the consent agenda items were approved.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

a. Approval of Minutes

- ❖ April 25, 2018 – Regular Meeting

b. Approval of Monthly Bills – School Operating Fund

Monthly Bills: Check # 878592 - Check #878715.....\$339,489.25

Paid on May 24, 2018

Monthly Payroll: Check #388513 – Check # 388537.....\$1,713,877.49

Paid on May 31, 2018

c. School Activity Fund

- ❖ Informational Item

d. Field Trips

- ❖ Ridgeview High School

May 8th – Tazewell Co. Career Center – Tazewell, VA – 12th Grade

May 10th – Samuel Pressure Vessels – Lebanon, VA – 11th – 12th Grade

May 12th – St. Paul Elementary School – St. Paul, VA – 10th – 12th Grade

May 20th/May 21st – Ferrum College – Ferrum, VA – 10th 12th Grade

May 18th – Norton Cinema/Wendy’s – Norton, VA – 9th – PG

May 22nd – Barter Theatre – Abingdon, VA – 11th – 12th Grade

May 23rd – John Flanagan Dam – Haysi, VA – 12th Grade

May 24th – Haysi Town Hall – 11th – 12th Grade

- ❖ Ridgeview Middle School

May 29th – Poplar Gap Park – Grundy, VA – 8th Grade

- ❖ Clintwood Elementary School

May 18th – Kids Korner Park – Clintwood, VA – 2nd Grade

May 25th – Mr. Gatti’s – Pikeville, KY – 5th Grade

❖ Ervinton Elementary School

- May 23rd – Ridgeview Middle School – 5th Grade
- May 29th – Just Jump – Johnson City, TN – 5th Grade
- May 30th – Biltmore Estate – Asheville, NC – 5th Grade
- May 30th – Kingdom Creation – Snowflake, VA – Pre K – K

❖ Sandlick Elementary School

- May 4th – Council Park – Council, VA – Pre K
- May 8th – Grundy Theatre & Poplar Gap Park – 2nd Grade
- May 9th – Council Park – Council, VA – K
- May 11th – Poplar Gap Park – Pre K
- May 11th – Breaks Park – Breaks, VA – K
- May 18th – Breaks Park – Breaks, VA – Pre K
- May 18th – Poplar Gap Park – K
- May 23rd – Bristol Caverns – Bristol, VA – 5th Grade
- May 23rd – Council Park – Council, VA – Pre K
- May 23rd – Grundy Theatre & Poplar Gap Park – 3rd Grade

IV. INFORMATION FOR THE BOARD

- VSBA School Law Conference – June 1, 2018 – Short Pump, VA

V. SUPERINTENDENT ROBINSON

e. **Good News from Our Schools**

- **April, 2018 Student Enrollment and Attendance Percentages:**

Congratulations to Clintwood Elementary School with a student attendance percentage of 94.14%. Congratulations also to Sandlick Elementary School for a strong second place of 93.62% student attendance in April. Overall student attendance percentage in April is 92.62%. Student enrollment is 1983 students with 128 students in enrolled in the Pre-Kindergarten program.

- **Student Recognition:**

“Squatch Watch” Ridgeview High School’s Robotics Team – The following students provide an overview of their accomplishments for the 2017-2018 school year:

Mr. Chris Owens and Ms. Jessica Mullins commended the students on their successes as well as their outstanding behavior and how well they represented Dickenson County.

Brayden Carty presented the School Board with a plaque; they made, for their support of the Robotics Team

- **Stars Team Autism Awareness Award**

Mrs. Denechia Edwards presented to Clintwood Elementary School receiving two stars for the following:

1. Highest Participation Star: Professional Development (5 Webinars)
2. Highest Participation Star: Autism Awareness Event held at Ridgeview High School

RECESS: 5:58 p.m. – 6:10 p.m.

Following a motion by Rick Mullins and second by Rocky Barton; 10 minute break was approved.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

f. Update on the FY 19 Proposed Budget and Update on State Budget from General Assembly: FY 2019

As of Friday, May 18, 2018 the General Assembly had **not** voted on its FY 19 State Budget. In April, we were informed by the BOS that the proposed FY19 local appropriations is \$475,000 less than the \$6,975,000 requested appropriations for an appropriations of \$6.5 million. The School Board will face challenging discussions and decisions in order to balance the FY 19 budget.

Information and Proposals for the School Board’s Consideration:

- Including the proposed increase in the State Budget (which has not passed) and decreases in funds for Federal Programs, we are projecting approximately 48, 146.00 increase in revenue for 2018 - 2019 school year.
- With the \$475,000 budget cut, the proposed 2% salary increase for all staff members and the proposed insurance for bus drivers is in jeopardy.
- The County has only appropriated \$10,000 more in the cost of Operations for the 2018 - 2019 school year since last year. : Last year, the BOS appropriated \$6.4 million for Operations and appropriated \$90,000 for the purchase of one bus. This year the proposed appropriation is \$6.5 million for Operations. Buses were not included in the appropriations from the BOS.
- Increase of 7.85% in Non-Professional VRS Contributions Rates to 40.89%
- Increase of 10% i in Health Insurance Premiums
- Absorbing 1 Pre-K – 6 position due to retirement
- Replacement of 4resignations/retirements
- Hire for Middle School Science Vacancy
- Hire for CES Preschool Special Education Teacher Position
- Hire for Vacancy of 3 Full Time Bus Drivers
- Includes CEP for Elementary School and for RMS

Other Considerations:

- Our pupil-teacher ratios in the elementary schools are at state mandated levels, and no additional positions can be eliminated.
- No positions can be eliminated at the middle school due to pupil-teacher ratios.

- At the secondary level, due to the reduction of staff members and programs and the high student enrollment, there are 8 blocks of classes with students assigned and yet we do not have the sufficient number of teachers to teach these instructional blocks. We have no funding to hire the additional teachers required.
- Due to lack of funding, we propose to not offer Art and Music in the elementary schools.
- DCPS must address an increase in VRS payments to bus drivers of approximately \$180,000 - \$200,000 which include repayment of VRS funds since 2012 to new bus drivers, and the \$50, 00 per year cost of VRS for all newly hired bus drivers from this point.

g. Update of the Proposed Elementary School

Scott Mullins, School Board Attorney provided an update on the preliminary title work at Backbone is complete and where we've left it is that we didn't want to do anymore title work until we could see how an architect could fit a school on that property; and we might have all the property identified that is needed. We don't want to do title work on property we might not need.

Road study; we were giving authority to do this study on all three sites, Ridgeview, Clinchco and Upper Backbone, to see what it would cost to get the road to the school. Bids for the road study came in at \$12,000 to \$14,000.

Curtis Elswick and Leman Kendrick made the point if you are hiring a Civil Engineer for the road study then it would be good to go ahead and determine the earth work and utilities so you would have a complete site development package. This suggestion was accept by the School Board but rejected by the Board of Supervisors at last night's joint meeting.

h. Discussion of Health Insurance, Health Provider, Premium Costs and Recommendations

Mr. Ralph Modena, Insurance Broker with USI, presented possible insurance options in regards to health insurance costs and premiums and stated he would be able to provide and recommended a RFP for options for insurance. DCPS is facing an approximate 12 % to 15% increase in health costs due to an increase in the number of insurance claims. USI provides the flexibility for the school division the negotiating power with other health carriers, other health plans and prescription plan options.

Mr. Ralph Modena presented and provided information to the Board on the possible insurance option of moving toward Cigna as a possible provider. He provided the Board with a cost/savings comparison of Anthem and Cigna, providing the same coverage/plan as currently provided by Anthem. Mr. Modena said the next step would be to take a closer look at both plans to determine the physicians covered and disruption to members and requested permission for a RFP.

Following a motion by Dr. Lurton Lyle and second by Shanghai Nickles; RFP for insurance was approved.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	

Abstain: 0
Not Cast: 0

i. Discussion of Roof Replacement at CES

We were informed that the BOS is appropriating \$400,000 from this year’s BOS budget to replace the roof at CES this year. The estimated cost to replace the roof is \$550,000, and DCPS is applying \$150,000 from FY18 capital projects appropriations to the \$400,000 amount for a total of \$550,000.

The original plan was to replace the CES roof during the 2018 summer when school is not session and minimize disturbances to students and staff. But due the appropriations for the roof not finalized until April, we were unable to procure roofing firms in a timely manner to get the roof replacement bids and complete the job in June and July. Therefore, the timetable to replace the roof at CES may now be scheduled in August – November, 2018.

The School Board has two options to consider: (1) Comply with DCPS’s procurement policy and submit an RFP to replace the roof at CES which requires additional time; (2) Procure through the IDA which does not have the time constraints that public entities must comply with.

Mr. Scott Mullins explained both procurement processes to the School Board. I will talk with Mr. Freddie Mullins at the IDA and bring back specifics at the next Board meeting.

j. Update on the Implementation of CEP in Elementary Schools; Proposed CEP Program at RMS

Mr. Larry Barton reviewed the following information:

For the current school year, the School Division began CEP and was able to provide both breakfast and lunch at no cost to all of our Elementary Students. When CEP was approved this time last year, we estimated an approximate cost to the division of \$15,200. Mrs. Compton has worked hard to Increase participation by adding daily choices to the menu at the elementary level and has increased the sale of a la carte items as well. Participation has increased higher than projected and instead of the \$15,200 cost; we are now showing an approximate \$4,800 savings by doing CEP through 4/30/18.

Breakfast participation has increased by 8.90% and lunch participation has increased by 12.49%. As we look into next school year, we have the opportunity to reapply for CEP at the Elementary level since our Direct-Cert percentage has increased from 49.35% to 51.29%. By re-applying, we can receive a larger Federal reimbursement each month, resulting in a potential \$15,000 increase in reimbursements for lunch and breakfast combined.

Currently, Ridgeview Middle School has a Direct Cert percentage of 53.76%, the second highest school in the division. If we apply for CEP at Ridgeview Middle School, and are able to increase participation by 5% for lunch and 6% for breakfast, then we anticipate an additional cost to the division of approximately \$7,000.

The Direct Cert percentage for Ridgeview High School is not high enough in order to be able to offer CEP at this time. We will continue monitoring this each year and hope that it can be added in the near future. In the meantime, we are recommending that we eliminate the “Reduced” category at

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Ridgeview high and for the School Division absorb the 40-cent student cost for lunch and the 30-cent student cost for breakfast. This would provide Free lunch and breakfast to the students that are currently in the "Reduced" category and help those families who may struggle the most to pay this for their children. We anticipate the cost of this to be approximately \$3,000 for the year.

In conclusion, if we re-apply for CEP at the Elementary Schools at the higher reimbursement rate and apply for CEP at Ridgeview Middle School for FY-19, then we can offer free lunches to these children with no additional cost to the School Division. In addition, we can eliminate the "Reduced" category at Ridgeview High School and with these 3 changes we still have the potential savings of \$5,000 over the current year.

That would be our recommendation and we would like to commend Mrs. Compton and her staff for the hard work and dedication they've put in to feeding our children.

Following a motion by Dr. Lurton Lyle and second by Rick Mullins; re-apply for CEP at elementary schools, apply for CEP at the middle school and eliminate the reduced category was approved.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

k. 4th of July Holiday for Twelve Month Employees

Superintendent Robinson recommended Tuesday, July 3 – Wednesday, July 4, 2018 as holidays for July 4th for twelve month employees.

Following a motion by Susan Mullins and second by Shanghai Nickles; July 3rd and 4th were approved.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

l. VSBA Policy Update

Mr. Mike Setser reviewed and requested approval of the VSBA Policy Update recommendations. The following policies will affect the way school operates beginning 2018-2019 school year.

JED: Student Absences/Excuses/Dismissals (Schools will now be responsible for the 5 day plan.)

JGD: Student Suspension/Expulsion (Pre K – 3rd student cannot be suspended for more than 3 days and cannot be expelled unless a couple of exceptions are met. Long term suspensions can no longer be more than 45 days, unless certain conditions are met.)

Attachment #1: VSBA Policy Update – May 2018

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Following a motion by Shanghai Nickles and second by Rick Mullins; the auditors were approved as presented.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

VI. BOARD COMMENT

Shanghai Nickles – Mr. Mooney do you know how many buses we have in our school division?

Burl Mooney - About 45 and counting our handicap buses; about 50.

Shanghai Nickles - I had something that I was trying to figure out.

A couple of things: Mrs. Compton, great job. Probably the best time I had in school, other than playing sports, was working in the cafeteria at Ervinton High School. You learn a lot from those ladies that do all the cooking. They are special people and a lot of people don't give them the credit. I always try to stay up with the kids I've coached or been around and see them do good things and great student, whether they go to college or become really good kids, individuals. We had a couple here about three weeks ago that got put into the Darden Society at UVA @ Wise. One was Mrs. Mullins' daughter, Kenzie Mullins and a young lady by the name of Valerie Edwards. The parents of those kids should be very, very proud. That is representing some of the best of the best; like proven here with Robotics tonight. We do have some of the best of the best.

Rocky Barton – First of all, I will congratulate the Robotics. It's just unreal what these guys have done with a program so young. It started at Haysi High School, about 5 or 6 years; it's just unbelievable the success you guys have had.

Another mention, the girls' softball team is still playing. They are playing in the district tournament and the boys' baseball too. And of course our girls tennis team; they qualified for the State playoffs. Our number one seed actually won the region and she is the top two in the State. (Riley Mullins) It's unbelievable the success Ridgeview has had in a short period of time.

I would like to thank the community for being interested. It's not so much a big deal to me on what side you're on but you'll have people walk up to you and say something. You know that they are just so misinformed and it's because people never come out and never see. Anytime we've got community support, people coming and speaking; it's a good thing.

Rick Mullins –Sometimes it's best to gain prospective; we do have \$24 million to build a new elementary school. That's a blessing in itself.

I would like commend and comment on Mrs. Compton and her successes at the school. It's wonderful. It's a great program. We have 3 or 4 grandbabies who are a part of that.

To the Robotics team; it's just wonderful what they've been able to do and the successes they've had. I think it goes back to some of Dickenson County's genetics that we have.

Dr. Lurton Lyle – I'd like to commend the insurance committee on their work. If we can hold insurance the same with no cost increase, I think that's a great thing.

Also, I appreciate increasing the Middle School in the meal program. That's great for the community too. I'm double happy tonight.

Susan Mullins - I would like to echo everything that was said with the addition that at some point we offer free lunch to every student in our schools.

Superintendent Robinson – That's our goal.

VII. CLOSED SESSION, PURSUANT TO Section 2.2-3711, Paragraph A of the Code of Virginia, there will be a closed meeting for the purpose of discussing: 1. Employment issues relating to resignations, retirements, employment recommendations, coaches to consult with legal counsel pursuant to Virginia Code Section 2.2-3711 (A) (1) and (7).

Following a motion by Susan Mullins and second by Dr. Lurton Lyle the Board convened in closed session.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

Following a motion by Rocky Barton and second by Dr. Lurton Lyle; the Board returned to open session.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

Pursuant to Section 2.2-3712(a) of the Code of Virginia, I certify and second by Dr. Lurton Lyle; that during the closed meeting just concluded the Dickenson County School Board discussed only matters lawfully exempt from the open meeting requirements under Section 2.2-3711 of the Code and identified in the motion convening the closed meeting.

Certification of Closed Session

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Aye: 5 Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No: 0

VIII. BOARD ACTION

Following a motion by Susan Mullins and second by Shanghai Nickles; coaches for 2018-19 Fall & Winter were approved.

Vote Results

Aye: 5 Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No: 0
Abstain: 0
Not Cast: 0

Approved:

Kent Grant, Athletic Director; Football - Assistant
Adrian White, Academic
Joy Hall, Academic
Evan McCowan, Boys Basketball – Head Coach
David Vanover, Boys Basketball – Assistant; Volleyball – Head Coach
Brandon Mullins, Boys Basketball – Assistant
Dakota Stanley, Boys Basketball – Assistant
Scott Stanley, Boys Basketball – Volunteer
Donnie Frazier, Girls Basketball – Head Coach; Cross Country
Gary Fleming, Girls Basketball – Assistant
Mike Gulley, Girls Basketball – Assistant
Chris Fleming, Girls Basketball – Assistant
Holly Fleming, Girls Basketball – Volunteer; Volleyball - Assistant
Michelle Mullins, Cheerleading – Head Coach
Shauna Counts, Cheerleading – Assistant
Regina Ramey, Cheerleading – Volunteer
Mariah Rose, Cheerleading – Volunteer
Shannon Davis, Cheerleading – Volunteer
Amber Owens, Cross Country
Rick Mullins, Football – Head Coach
Dewayne Stanley, Football – Assistant
Jason Mullins, Football – Assistant
Nick Lyall, Football – Assistant
Ethan Owens, Football – Assistant
Dakota Stanley, Football – Assistant
Kenneth Branham, Football – Assistant
Dylan Dahley, Football – Assistant
Tanner Brooks, Football – Assistant
Tamera Edwards, Volleyball – Assistant
Ericka Counts, Volleyball – Assistant
Miranda Knepp, Forensics; One Act Play
Shelly Molinary, Band

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Following a motion by Susan Mullins and second by Shanghai Nickles; resignations were approved: Allison Mullins, Teacher – RMS; Kimberly Powers, Teacher – RHS; Jordan Hughes, Part-time Teacher – RMS.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

Following a motion by Susan Mullins and second by Shanghai Nickles; retirements were approved: Jane Adkins, Teacher – RMS; Brian Baker, Principal – EES; Peggy Childress, Teacher - CES.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

Following a motion by Susan Mullins and second by Rick Mullins; employment and salary recommendations were approved: Employment: Stephanie Charles, Teacher – RHS; Adam Smith, Teacher – RMS; Erika Counts, Part-time Aide – RHS.

Vote Results

Aye:	5	Rocky Barton, Dr. Lurton Lyle, Rick Mullins, Susan Mullins, Shanghai Nickles
No:	0	
Abstain:	0	
Not Cast:	0	

IX. ADJOURNMENT: 9:12 p.m.

Following a motion by Susan Mullins and a second by Dr. Lurton Lyle the meeting was adjourned. All votes aye.

Susan Mullins

Chairman, Susan Mullins

Approved: June 27, 2018

Reba McCowan

Reba McCowan, Clerk

VSBA POLICY UPDATE-May 2018

Explanation of Revisions – May 2018 Policy Update

<u>Policy Code</u>	<u>Revision</u>
JC	Student Attendance Areas Policy updated to reflect enactment of Va. Code § 22.1-7.2 by HB 1085. Changes in policy concerned with military installations and housing.
JEA (Options 1 & 2)	Compulsory Attendance Policy updated to reflect amendment of Va. Code § 22.1-254 by HB 829 and amendment of Va. Code § 22.1-277.2:1 by SB 170. Applies to remote sites if educational program is offered. It is recommended we adopt Option 1.
JEC	School Admission Policy updated to reflect amendment of Va. Code § 22.1-254 by SB 775. Changes in policy in reference to military families.
JECA	Admission of Homeless Children Policy updated to reflect amendments to Va. Code § 22.1-3 by SB 961.
JED	Student Absences/Excuses/Dismissals Policy updated to reflect amendment of Standards of Accreditation and amendment of Va. Code § 22.1-258 by HB 1485/SB841. Truancy procedures updated to reflect code. Will discuss with board.
JGD/JGE (Options 1 & 2)	Student Suspension/Expulsion Policy updated to reflect amendment of Va. Code § 22.1-279.3:1 by HB 292, amendment of Va. Code §§ 22.1-276.01 and 22.1-277.05 by HB 1600 and amendment of Va. Code §§ 22.1-277 and 22.1-277.2:1 by SB 170. Changes in policy will be discussed. Recommended we adopt Option 1, will discuss with board.

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.

Any student who resides on a military installation or in military housing within the division is permitted to enroll in any school in the division upon request of the student's parent if space in the school is available.¹ The superintendent is responsible for establishing an application process which may include the following²

- A process by which a parent or guardian indicates a school preference for purposes of his child attending a school in the division but outside of the attendance area in which the child resides
- A requirement that the parent or guardian provide transportation for the student attending a school outside the attendance zone in which the child resides
- A requirement that the student may be disqualified from attending a school outside the attendance area in which the child resides if he has been subject to specified disciplinary actions
- A prohibition on the recruitment of a student from one school to another by a school division employee
- A limitation on participation in certain athletic activities for a student who chooses to attend a school outside the attendance zone in which he resides
- A random, unbiased selection process in the event enrollment requests exceed the capacity of a school
- A provision that a student will be permitted to remain at the receiving school until the student has completed the highest grade level in that school
- A preference to a student
 - who resides in a location that has been subject to a change in school attendance area during the previous two years
 - who has a sibling attending the receiving school, or
 - whose parent or guardian is an employee of the receiving school

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.

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

¹ Divisions which do not have military installations or military housing within the division should not adopt this paragraph.

² School boards may add other appropriate conditions to this list.

As used in this policy, "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, fort, or other activity under the jurisdiction of the Department of Defense, including any leased facility, that is located in whole or in part within the Commonwealth. "Military installation" does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

Adopted:

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-7.1, 22.1-7.2, 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

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 cause such child to attend 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 causing the child to attend any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

As used in this policy, "attend" includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

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 the achievement of a passing score on a high school equivalency examination approved by the Board of Education 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 passing score on a high school equivalency examination approved by the Board of Education, 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 preparatory program for passing a high school equivalency examination approved by the Board of Education 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~~ subsection C 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:

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

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

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~~ cause such child to attend 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~~ causing the child to attend any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

As used in this policy, "attend" includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

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 the achievement of a passing score on a high school equivalency examination approved by the Board of Education 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, a passing score on a high school equivalency examination approved by the Board of Education 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 preparatory program for passing a high school equivalency examination approved by the Board of Education 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 laws, and the superintendent or attendance officer shall seek immediate compliance with such laws.

Alternative Education Programs

The Superintendent, pursuant to regulations adopted by the School Board, may in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and School Board policy 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~~ subsection C 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.

Prior to requiring a student to attend an alternative education program, the Superintendent shall provide: (1) written notice to the student and his parent/guardian that the student will be required to attend an alternative education program and (2) written notice to the student and his parent/guardian of the right to a hearing before

the superintendent or designee regarding the placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board.

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 shall 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:

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

Cross Refs.: JEG Exclusions and Exemptions from School Attendance
 LBD Home Instruction

SCHOOL ADMISSION

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

A person of school age is deemed to reside in the school division¹

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

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

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

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

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

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

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

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

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

Children of Persons on Active Military Duty

No child of a person on active military duty

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

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

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

- who is attending a school free of charge in accordance with this policy shall be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing 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;
- who is attending a school free of charge in accordance with this policy shall be charged tuition upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and
- who is eligible to attend school free of charge in accordance with this policy shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. The assignment of the school such child will attend shall be determined by the school division.

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

ADDITIONAL ADMISSION REQUIREMENTS

- A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.
- D. The School Board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.
- E. Tuition rates are established each year in accordance with the provisions of Va. Code § 22.1-5.
- F. Prior to admission to the BLANK School Division, the parent, guardian, or other person having control or charge of the child shall provide, upon registration,
- a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
 - a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the superintendent and by any others to whom he disseminates it, separately from all other records concerning the student.

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

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

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

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

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

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

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

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

Adopted:

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

ADMISSION OF HOMELESS CHILDREN

The BLANK School Board is committed to educating homeless children and youth. Homeless children and youth are not stigmatized or segregated on the basis of their status as homeless. The school division coordinates 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 BLANK School Division serves 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 nonhomeless 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 BLANK School Board

- presumes that keeping the student in the school of origin is in the student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or (in the case of an unaccompanied youth) the youth;
- considers student-centered factors related to the student's best interest, including factors related to the impact of mobility on achievement, education, health and safety of homeless students, giving priority to the request of the student's parent or guardian or (in the case of an unaccompanied youth) the youth;
- if, after conducting the best interest determination based on consideration of the presumption and the student-centered factors above, the BLANK school division determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provides the student's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian or unaccompanied youth, including information regarding the right to appeal; and
- in the case of an unaccompanied youth, ensures that the division homeless liaison assists in placement or enrollment decisions, gives priority to the views of such unaccompanied youth and provides notice to such youth of the right to appeal.

Enrollment

The school selected in accordance with this policy immediately enrolls the homeless student, even if the student

- is unable to produce records normally required for enrollment, such as previous academic records, records of immunization and other required health records, proof of residency or other documentation; or
- has missed application or enrollment deadlines during any period of homelessness.

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

If the student needs to obtain immunizations or other required health records, the enrolling school immediately refers the parent or guardian of the student or, (in the case of an unaccompanied youth) the youth, to the division's homeless liaison, who assists in obtaining necessary immunizations or screenings, or immunization or other required health 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 immediately refers the student to the division's homeless liaison who, as soon as practicable, assists in obtaining the necessary physical examination by the county or city health department or other clinic or physician's office and immediately admits the pupil to school.

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

Enrollment Disputes

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

- the homeless student is immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
- the parent or guardian of the student or (in the case of an unaccompanied youth) the youth is provided with a written explanation of any decisions related to school selection or enrollment made by the school, the school division or the Virginia Department of Education, including the rights of the parent, guardian or student to appeal the decision;

- the student, parent or guardian is referred to the division's homeless liaison who carries 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 ensures that the youth is immediately enrolled in the school in which the youth seeks enrollment 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 is 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 I, educational programs for children with disabilities and educational programs for English learners;
- programs in career and technical education;
- programs for gifted and talented students; and
- school nutrition programs.

Transportation

At the request of the parent or guardian (or in the case of an unaccompanied youth, the liaison), transportation is 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 is 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 must 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 are 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~~; a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations or in ~~emergency, congregate, temporary emergency~~ or transitional shelters; or are abandoned in hospitals; ~~or are awaiting foster care placement;~~

- b. ~~are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized;~~
 - e. 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
 - d.c. are living in parked 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 moved from one residence to another and from one school division to another in the preceding 36 months as a migratory agricultural worker or migratory fisher or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

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:

Legal Refs.: 20 U.S.C. § 6399.

42 U.S.C. §§ 11302, 11431, 11432, 11433, 11434a.

Code of Virginia, 1950 as amended, §§ 22.1-3, 22.1-70, 22.1-78, 22.1-253.13:1, 22.1-270.

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

STUDENT ABSENCES/EXCUSES/DISMISSALS

I. Student Attendance Policy

Student attendance is a cooperative effort and the School Board involves 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 is responsible for such child's regular and punctual attendance at school as required under provisions of the law.

Parents of students who are absent must inform the school of the reason for the absence no later than upon the student's return to school. Absences are excused for the following reasons:

INSERT LIST OF REASONS FOR EXCUSED ABSENCES HERE¹

The superintendent, by regulation, establishes procedures for appropriate interventions when a student engages in a pattern of absences for less than a full day, the explanation of which, if it were a full-day absence, would not be an excused absence.

The superintendent's regulations include procedures for excusing students who are absent by reason of observance of a religious holiday. Such regulations 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 the student missed by reason of such absence, if the absence is verified in an acceptable manner.

Students shall attend school for a full day unless excused by the principal or principal's designee.

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

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

¹ Examples of excused absences include: funeral, illness (including mental health and substance abuse illnesses), injury, legal obligations, medical procedures, suspensions, expulsions, religious observances, and military obligation.

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

Whenever a student fails to report to school on a regularly scheduled school day and no information has been received by school personnel that the student's parent is aware of and supports the absence, the school principal, principal's designee, attendance officer or other school personnel or volunteer notifies the parent by phone, email or other electronic means to obtain an explanation. School staff records the student's absence for each day as "excused" or "unexcused". Early intervention with the student and parent or parents takes place for repeated unexcused absences.

A. Upon Fifth Absence Without Parental Awareness and Support

If (1) a ~~student~~ pupil 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~~ pupil'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~~ principal's designee shall make a reasonable effort to ensure that direct contact is made with the ~~parent, either in person or parent in person,~~ parent, through telephone conversation, or through the use of other communication devices to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The school ~~principal, principal or principal's designee or the attendance officer,~~ designee, 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~~ Additional Absences Without Parental Awareness and Support

If the pupil is absent ~~an~~ for more than one additional day after direct contact with the pupil's parent and ~~the attendance officer has~~ school personnel have received no indication that the pupil's parent is aware of and supports the pupil's absence, the school ~~principal, principal or principal's designee or the attendance officer~~ shall schedule a conference with the pupil, the pupil's parent and school personnel. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 10 school days after the tenth absence of the pupil, regardless of whether his parent approves of the conference. The conference team shall monitor the pupil's attendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is

~~intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or principal's designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and pupil's parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228 or (ii) institute proceedings against the parent pursuant to Va. Code § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this policy. In the event that both parents have been awarded joint physical custody pursuant to Va. Code § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents, 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 principal's designee shall notify the attendance officer or superintendent or superintendent's designee who shall enforce the compulsory attendance rules laws 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 in Va. Code §16.1-228 or (ii) instituting proceedings against the parent pursuant to Va. Code §§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 is monitored and reported as required by state law and regulations. At the end of each school year, each public school principal reports to the superintendent the number of pupils by grade level for whom a conference was scheduled pursuant to Part II (B) above. The superintendent compiles this information and provides it annually to the Superintendent of Public Instruction.

V. Dismissal Precautions

Principals do 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 are released only on request and authorization of parent or guardian. The superintendent establishes procedures for release of pupils who are not residing with or under the supervision 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 is maintained in each school.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-227.1, 22.1-254, 22.1-258, 22.1-260, 22.1-279.3, 46.2-323 and 46.2-334.001.

~~8 VAC 20-230-20.~~

8 VAC 20-730-10.

8 VAC 20-730-20.

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

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~~ 11 to 45 school 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 BB 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.

Except as provided in subsection C of Va. Code § 277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Any student for whom the superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled 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 reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. The superintendent or superintendent's designee reviews forthwith the action taken by the principal, assistant principal or teacher upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the pupil's behavior.

The decision of the superintendent or superintendent's designee **SELECT ONE** (1) may be appealed to the School Board **OR** (2) is final and may not be appealed.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days includes 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, are borne by the parent of the student.

IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for ~~more than ten~~ 11 to 45 school 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 **SELECT ONE**

the School Board

OR

the superintendent or superintendent's designee. The decision of the superintendent or superintendent's designee may be appealed 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~~ 11 to 45 school days includes notification of the length of the suspension and provides information concerning the availability of community-based educational, alternative education or intervention programs. Such notice also states 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 is borne by the parent of the student.

A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

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 School Board confirms or disapproves of the proposed expulsion regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and his parent includes notification of the length of the expulsion and provides information to the parent of the student concerning the availability of community-based educational, training and intervention programs. The notice also states 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 is 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 also advises 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 establishes, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the School Board or the superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the 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 are 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 precludes the 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 School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.¹ Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this policy do 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 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. In addition, the School Board may, by regulation, authorize the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is

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¹ If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with the procedures set forth in Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

appropriate.² Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Hearing

The procedure for the School Board hearing is as follows:

- The School Board determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is 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 then present their evidence. Because the principal has the ultimate burden of proof, he presents 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 is 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, are marked and made part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board transmits its decision, including the reasons therefor, to the student, his parent(s), the principal and superintendent.

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

² If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with the procedures set forth in Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

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 pursuant to Va. Code § 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 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~~ subsection C 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 principal's 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 are made to the superintendent and to the principal or principal's 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, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property or at a school-sponsored activity;

- (3) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school-sponsored activity, including the theft 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 superintendent and the principal or principal's designee 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 VII.A. 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 reports such information to the principal of the school in which the juvenile is enrolled.

C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

In submitting reports of such incidents, principals and superintendents 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 principal's designee also notifies 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 relates to only the relevant student's involvement and does not include information concerning other students.

- E. Whenever any student commits any reportable incident as set forth in this subsection, such student is required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee.
- F. Except as may otherwise be required by federal law, regulation or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. 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 VII.A. of this policy.

In addition, except as may be prohibited by federal law, regulation or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A 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 reports 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.

VIII. 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 BLANK Schools, in accordance with Policy JEC School Admission. 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 is 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 principal's designee determines that re-admission, without parent conference, is appropriate for the student.

If the parent fails to comply with this policy or Policy JEC School Admission, 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 superintendent's 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 are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

Adopted:

Legal Refs.: 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.:	IGBH	Alternative School Programs
	JEC	School Admission
	JFC-R	Standards of Student Conduct

JFCD
JGDA
JGDB

Weapons in School
Disciplining Students with Disabilities
Discipline of Students with Disabilities for Infliction of
Serious Bodily Injury

STUDENT SUSPENSION/EXPULSION

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“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.

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(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~~ 11 to 45 school 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 BB 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 Board Disciplinary Committee or Disciplinary Committee" means a committee composed of at least three members of the BLANK School Board.

"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.

Except as provided in subsection C of Va. Code § 277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Any student for whom the superintendent has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed

in subsection G of Va. Code § 16.1-260 may be suspended or expelled 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 reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. The superintendent or superintendent's designee reviews forthwith the action taken by the principal, assistant principal or teacher upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the pupil's behavior.

The decision of the superintendent or superintendent's designee **SELECT ONE** may be appealed to the School Board Disciplinary Committee **OR** is final and may not be appealed.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days includes 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, are borne by the parent of the student.

IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for ~~more than ten~~ 11 to 45 school days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before **SELECT ONE**

the School Board Disciplinary Committee. The Disciplinary Committee may confirm or disapprove the suspension. If the Disciplinary Committee's decision is not unanimous, the pupil or his parent may appeal the Disciplinary Committee's decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

OR

the superintendent or superintendent's designee. The decision of the superintendent or superintendent's designee may be appealed to the full School Board. Such appeal will be decided by the School Board within thirty days.

The written notice of a suspension for ~~more than ten~~ 11 to 45 school days includes notification of the length of the suspension and provides information concerning the availability of community-based educational, alternative education or intervention programs. Such notice also states 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 is borne by the parent of the student.

A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) a committee of the School Board or the division superintendent or superintendent's designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

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 Disciplinary Committee in accordance with the regulations of the School Board.

The School Board Disciplinary Committee may confirm or disapprove the expulsion of a student. If the Committee's decision is not unanimous, the pupil or his parent may appeal the Committee's decision to the full School Board. Such appeal is decided by the School Board within 30 days.

The Committee confirms or disapproves of proposed expulsions regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and his parent includes notification of the length of the expulsion and provides information concerning the availability of community-based educational, training, and intervention programs. The notice states 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 is 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 also advises 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 establishes, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the Disciplinary Committee or the superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the superintendent or the Disciplinary Committee 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 are 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 precludes the 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 School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.¹

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

¹ If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with the procedures set forth in Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

Nothing in this Policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this Policy do 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 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. In addition, the School Board may, by regulation, authorize the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.² Nothing in this Policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Disciplinary Committee Hearing

The procedure for the Disciplinary Committee hearing is as follows:

- The Disciplinary Committee determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the Disciplinary Committee.
- The Disciplinary Committee 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 Disciplinary Committee, may allow closing statements.
- The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. Witnesses may be questioned by the Disciplinary Committee members and by the parties (or their representative). The Disciplinary Committee may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for

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² If the School Board adopts such a regulation, it must ensure that any disciplinary action imposed is taken in accordance with the procedures set forth in Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the Disciplinary Committee may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the Disciplinary Committee determines, in its discretion, that such action is necessary to protect the student witness.

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

Following the decision of the Disciplinary Committee or upon expiration of the appeal period, the student's parent(s) or guardian is provided with written notice which includes the following:

- The terms or conditions of re-admission, if any;
- The duration of expulsion;
- A statement declaring whether the student is eligible to return to school or attend an appropriate alternative education program approved by the School Board or an adult education program offered by the division during or after the expulsion. If neither option applies, a statement that the student may petition the School Board for readmission after one calendar year from the date of his expulsion; and
- The availability of community-based educational, training and intervention programs.

The student or his parent(s) may appeal the Disciplinary Committee's decision to the full School Board only if the decision of the Disciplinary Committee is not unanimous. Otherwise the decision of the Disciplinary Committee is final.

The appeal to the full School Board must be in writing and must be filed with the superintendent within five (5)³ calendar days of the Committee's decision. Failure to file a written appeal within the specified time constitutes a waiver of the right to an appeal. The full School Board decides the appeal upon the record of the case within thirty (30)

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³ The number of days within which the appeal must be filed is a local decision to be determined by each School Board.

calendar days of the request for an appeal and communicates its decision in writing to the student and his parent, guardian or other person having control or charge of the student. Such written notice includes any changes in: (1) the duration of the suspension or expulsion; (2) the availability of community-based educational, training, and intervention programs; and/or (3) eligibility to return to school or attend an alternative education program. No statements, witnesses or evidence may be presented at this appeal unless specifically requested by the Chairman of the Board.

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 pursuant to Va. Code § 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 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~~ subsection C 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 principal's 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 are made to the superintendent and to the principal or principal's 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, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described by 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, 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 superintendent and the principal or principal's designee may 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 VII.A. 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 reports such information to the principal of the school in which the juvenile is enrolled.

- C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this Policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

In submitting reports of such incidents, principals and superintendents 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 principal's designee also notifies 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 relates to only the relevant student's involvement and does 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 superintendent's designee.
- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. 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 VII.A. of this Policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A 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 reports 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.

VIII. 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 BLANK Schools, in accordance with Policy JEC School Admission. 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 BLANK 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 is 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 principal's designee determines that re-admission, without parent conference, is appropriate for the student.

If the parent fails to comply with this Policy or Policy JEC School Admission, 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, committee thereof, or superintendent or superintendent's 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 are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

Adopted:

Legal Refs.: 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