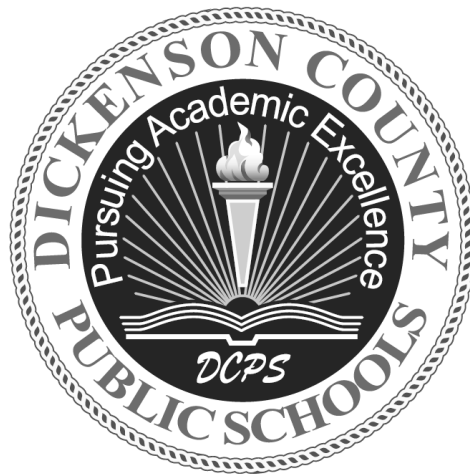


# DICKENSON COUNTY PUBLIC SCHOOLS

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## 2021-2022

STUDENT/PARENT HANDBOOK  
AND  
ATTENDANCE/CONDUCT CODE

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# DICKENSON COUNTY PUBLIC SCHOOLS

## PHILOSOPHY OF EDUCATION

The home, church, and school constitute the basic institutional influences in the development of the children of Dickenson County. They complement each other in responsibility and their strengths determine the quality of our citizenry. The efforts of these agencies influence the growth and development of the citizens of Dickenson County.

In light of the needs of an ever-changing, complex, democratic, and highly industrialized, technologically-based society, the Dickenson County School System reaffirms its belief in the "Democratic Way of Life," with equal educational opportunities for all children. Consideration is constantly given to the differences in interests, needs, and learning abilities of each child.

Through a comprehensive educational program, the Dickenson County School System recognizes the worth, dignity, and potential of all its students. The program recognizes the assistance needed by its youth in physical, mental, emotional, spiritual, social, career, and vocational development in order to assume active and responsible participation in their ecological, physical, economic, social, and civic environments.

The Dickenson County Schools offer accredited programs varied in breadth and depth, ranging from the fundamental learning skills and basic knowledge to skills and knowledge needed to continue education beyond high school or to enter the world of work. The system provides organizational structure through adequate and well-equipped buildings, sufficient materials, resources, and certified and/or qualified personnel. We believe that with constant evaluation and instructional supervision, the individual school program should be a source that is flexible, adaptable, stimulating, and compatible with the educational needs of its community.

The Dickenson County School System confirms that physical fitness and mental alertness are of equal and vital importance to the education and development of the whole person. Therefore, through co-curricular and extra-curricular activities, students are afforded varied opportunities for developing and expanding initiative, creative abilities, special interests, and leadership potential.

Priorities for preparing the youth of Dickenson County for tomorrow's responsibilities also include learning to appreciate beauty in daily living, realizing the significance of moral and spiritual values, and understanding cultural and historical heritage. This knowledge should enhance the ability of the student to live harmoniously with himself/herself, with other family members, and with society; hence, students are encouraged to become well-rounded, responsible citizens.

Nurturing professional growth among its educators, the Dickenson County School System supports a continuous in-service training program for all teachers and other school personnel. It also endorses involvement in professional educational organizations to develop better understanding and working relationships on local, state and national levels.

### MISSION

The mission of Dickenson County Public Schools is to provide a safe, nurturing environment to educate and inspire students to become lifelong learners and to encourage intellectual, social, and physical growth in a diverse and changing society.

#### **AVAILABILITY OF POLICY MANUAL**

A current copy of Dickenson County Public Schools' policy manual is available on the division's website at [www.dickenson.k12.va.us](http://www.dickenson.k12.va.us). Printed copies of the policies are available as needed to citizens who do not have online access. Please contact (276) 926-4643 for more information or further assistance.

## COMPULSORY ATTENDANCE (File: JEA)

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 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 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 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.

## **STUDENT ABSENCES/EXCUSES/DISMISSALS (File: JED)**

### **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:

- *For middle and high school students, one school day per school year to engage in a civic event*
- *Illness, Prearranged Appointments, Family Death or Emergency, Religious Observances, Extenuating Circumstances, or Exceptional Circumstances.*

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 3 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.

An attendance officer, or a division superintendent or superintendent's designee when acting as an attendance officer pursuant to Va. Code § 22.1-258, may complete, sign, and file with the intake officer of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, a petition for a violation of a school attendance order entered by the juvenile and domestic relations district court pursuant to Va. Code § 16.1-278.5 in response to the filing of a petition alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228.

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, or the parent provides a reason for the absence that is unacceptable to the school administration, 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 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 pupil's parent is aware of and supports the absence; and (3) a reasonable effort to notify the parent has failed, then the principal or principal's designee makes a reasonable effort to ensure that direct contact is made with the parent in person, 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 or principal's 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 Additional Absences Without Parental Awareness and Support**

If the pupil is absent for more than one additional day after direct contact with the pupil's parent and school personnel have received no indication that the pupil's parent is aware of and supports the pupil's absence, the school principal or principal's designee 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 the student's 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.

**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.

**ATTENDANCE REGULATIONS (File: JED-R2)**  
**(Grades 9-12)**

Attendance on a daily basis is a mandatory requirement for all students. The Code of Virginia §22.1-254, requires that all children who have reached their fifth birthday on or before September 30th and who have not yet reached their eighteenth birthday must attend school. This requirement does not apply to any child who has obtained a high school diploma, its equivalent, or a certificate of completion or who is exempted pursuant to the provisions of the law.

When a student accumulates more than seven (7) unexcused absences in an academic year the attendance officer/superintendent's designee will enforce the provisions of the Code of Virginia §22.1-258 by one or all of the following: (i) scheduling a conference with the pupil and the pupil's parent; (ii) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in §16.1-228, or (iii)



instituting proceedings against the parent pursuant to §18.2-371 or §22.1-262, as described in File: JED, of the Dickenson County Public Schools Policy Manual.

## **Absences**

Students are expected to be in school every day. Parents/Guardians are expected to contact their child's school on the day of the child's absence to inform the school of the absence. Parents/Guardians are encouraged to notify the school of pre-arranged appointments as soon as the date of such appointments is known. When notification is made, the parent/guardian need not contact the school on the first day of the absence. **For any reason, documentation providing the date(s) of and reason(s) for the child's absence(s) is required from the parent/guardian within three days of the child's return to school.** The purpose of this documentation is to determine whether or not the student's absence is excused or unexcused. This documentation will be maintained until the end of the school year.

## **Excused Absences**

Dickenson County Public Schools defines excused absences in support of the mandatory attendance law. The following conditions provide the only acceptable reasons for a student's absence from school.

*Illness* - When a student is unable to attend school due to an illness, a note written by the parent or a physician documenting the illness will provide evidence of the illness for the school.

*Prearranged Appointments* - For appointments with the court, social services or other state agencies and appointments with health care providers, official documentation must be presented to the school.

*Family Death or Emergency* - For absences because of a death in the family or an emergency beyond the family's control, the parent must notify the school and provide documentation for the absence.

*Religious Observances* - Absences as a result of observances of religious holidays should be prearranged by the parent, who is responsible for notifying the child's school of the religious holiday(s) to be observed.

*Extenuating Circumstances* – Unforeseeable or unpreventable absences as determined by the school administration.

*Exceptional Circumstances* - The principal may approve prearranged absences for situations in which an exemption from attendance appears to be in the best interests of the student and his/her family. Prior to the student's absence, the parent must complete the Request for Exceptional Circumstance to Attendance Form.

The parent will document on this request the rationale for the absence, dates of absence, and siblings within the school division for whom the exception will be also requested. The principal will provide the response to the Requests for Exceptional Circumstances in writing to the parent.

In documented exceptional circumstances, the principal may approve an absence after-the-fact as exempt from the sanctions of the attendance policy. For those circumstances which cause the student to be absent and prior request for approval is not possible, the parent must complete the Request for Exceptional Circumstances within two days of the student's return to school.

The school may require terms of compliance which the student must meet prior to the principal's approval of the Request of Approval of Exception to Attendance. Required terms of compliance may include, but are not limited to, timely completion and submission of make-up work and assignments, a relevant journal, and/or a related project.

No more than five (5) days may be approved by the principal for exceptional circumstances during a school year. For requests of more than five days, the request must be endorsed by the principal and approved by the superintendent/designee.

*Field trips and school related activities*- Days missed due to principal approved student participation in school related activities will not be counted as an absence.

## **Excessive Excused Absences**

Eight (8) or more parental notes to excuse absences are considered excessive and may require a physician's note or other official documentation to excuse subsequent absences. When a student accumulates eight (8) or more parental notes to excuse absences, the student may be referred to the school's principal or principal's designee. The principal/designee will confer with the parents/guardians to determine the circumstances surrounding the absences and develop a corrective action plan as appropriate. Interventions may include, but are not limited to, parent conference, referral to guidance counselor, or development of an attendance contract.



## Unexcused Absences

It is assumed that an unexcused absence will represent a deliberate attempt by a student or his/her parents to avoid the duty of attending school; therefore, one (1) point for each unexcused absence in each class will be deducted from the student's final average at the end of each nine week grading period. A student, for example, that has a final average of 93 (A-) and 4 unexcused absences in first block at the end of the first nine weeks would receive a final grade of 89 (B).

Excessive unexcused absences will be handled as described in the *Compulsory Attendance Procedures* found in File: JED, of the Dickenson County Public Schools Policy Manual.

## Suspensions

For absences because of a suspension, the parent will be notified of the suspension and the date when the student will be expected to return to school. The student must return to school on the indicated date.

## Make-up Work

When students are absent, (this includes unexcused absences and suspensions), an opportunity to make up work will be provided. Make-up work is encouraged so that students will profit from future instruction.

Students will be expected to make up work for all classes missed within five (5) days of returning to school. Extenuating circumstances may be considered in extending the time limit.

## Tardiness/Check-outs

A student arriving late to school or leaving early from school will only be excused for the following reasons; illness, prearranged appointments, family death or emergency, religious observances, or other extenuating circumstances.

Any combination of three (3) unexcused tardies to school or check-outs from school will count as one (1) unexcused absence for the purpose of supporting the mandatory attendance law and attendance regulations.

Any combination of ten (10) unexcused tardies or check-outs may result in a referral to the school's principal or principal's designee. The principal/designee will confer with the parents/guardians to determine the circumstances surrounding the unexcused tardies or unexcused check-outs and develop a corrective action plan as appropriate.

## Homebound Instruction

In the event a student develops a medical condition which would result in prolonged absence from school, the student may be a candidate for Homebound Instruction. Students approved for Homebound Instruction are considered present for attendance purposes. For more information concerning Homebound Instruction, please contact Mrs. Denechia Edwards, Supervisor of Special Education, P.O. Box 1127, Clintwood, Virginia, or (276) 926-4643.

## General Provisions

1. Each principal will be responsible for forming a school attendance committee. The school attendance committee will be responsible for devising and implementing a plan to promote the three A's to school success:

- **Attendance** — promoting strategies to reduce excused and unexcused absences,
- **Attachment** — establishing meaningful connections with youth, their families and their schools through caring, support, and mutually-defined expectations, and
- **Achievement** — ensuring that students have the tools and resources to complete courses and graduate.

The school attendance committee will meet a minimum of once a month and will promote the three A's through, but not limited to, improving school climate, reviewing school attendance patterns, developing incentives, and developing attendance contracts. Minutes of the meeting will be forwarded to the Supervisor of Compliance and will be shared with the Dickenson County School Board at its regularly scheduled meetings.

2. Each principal will ensure that teachers are accountable for the following:

- a. checking the roll each day in every class;
- b. communicating with a student's parents if poor attendance is affecting the student's progress and keeping a log of those contacts;
- c. including student participation, which may be affected by attendance, in their student evaluation procedures;
- d. offering vital, stimulating instruction each day which necessitates and encourages student attendance.

**ATTENDANCE REGULATIONS (File: JED-R1)**  
**(Grades K-8)**

Attendance on a daily basis is a mandatory requirement for all students. The Code of Virginia §22.1-254, requires that all children who have reached their fifth birthday on or before September 30th and who have not yet reached their eighteenth birthday must attend school. This requirement does not apply to any child who has obtained a high school diploma, its equivalent, or a certificate of completion or who is exempted pursuant to the provisions of the law.

When a student accumulates more than seven (7) unexcused absences in an academic year the attendance officer/superintendent's designee will enforce the provisions of the Code of Virginia §22.1-258 by one or all of the following: (i) scheduling a conference with the pupil and the pupil's parent; (ii) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of supervision as defined in §16.1-228, or (iii) instituting proceedings against the parent pursuant to §18.2-371 or §22.1-262, as described in File: JED, of the Dickenson County Public Schools Policy Manual.

**Absences**

Students are expected to be in school every day. Parents/Guardians are expected to contact their child's school on the day of the child's absence to inform the school of that absence. Parents/Guardians are encouraged to notify the school of pre-arranged appointments as soon as the date of such appointments is known. When such notification is made, the parent/guardian need not contact the school on the first day of the absence. **For any reason, a written note providing the dates of and reasons for the child's absence is required from the parent/guardian within three days of the child's return to school.** The purpose of this note is to determine whether or not the student's absence is excused or unexcused. This note will be maintained until the end of the school year for documentation purposes.

**Excused Absences**

Dickenson County Public Schools defines excused absences in support of the mandatory attendance law. The following conditions provide the only acceptable reasons for a student's absence from school.

*Illness* - When a student is unable to attend school due to an illness, a note written by the parent or a physician documenting the illness will provide evidence of the illness for the school.

*Prearranged Appointments* - For appointments with the court, social services or other state agencies and appointments with health care providers, official documentation must be presented to the school.

*Family Death or Emergency* - For absences because of a death in the family or an emergency beyond the family's control, the parent must notify the school and provide documentation for the absence.

*Religious Observances* - Absences as a result of observances of religious holidays should be prearranged by the parent, who is responsible for notifying the child's school of the religious holiday(s) to be observed.

*Extenuating Circumstances* – Unforeseeable or unpreventable absences as determined by the school administration.

*Exceptional Circumstances* - The principal may approve prearranged absences for situations in which an exemption from attendance appears to be in the best interests of the student and his/her family. Prior to the student's absence, the parent must complete the Request for Exceptional Circumstance to Attendance Form.

The parent will document on this request the rationale for the absence, dates of absence, and siblings within the school division for whom the exception will be also requested. The principal will provide the response to the Requests for Exceptional Circumstances in writing to the parent.

In documented extenuating circumstances, the principal may approve an absence after-the-fact as exempt from the sanctions of the attendance policy. For those circumstances which cause the student to be absent and prior request for approval is not possible, the parent must complete the Request for Exceptional Circumstances within two days of the student's return to school.

The school may require terms of compliance which the student must meet prior to the principal's approval of the Request of Approval of Exception to Attendance. Required terms of compliance may include, but are not limited to, timely completion and submission of make-up work and assignments, a relevant journal, and/or a related project.

No more than five (5) days may be approved by the principal for exceptional circumstances during a school year. For requests of more than five days, the request must be endorsed by the principal and approved by the superintendent/designee.

*Field trips and school related activities*- Days missed due to principal approved student participation in school related activities will not be counted as an absence.

## **Suspensions**

For absences because of a suspension, the parent will be notified of the suspension and the date when the student will be expected to return to school. The student must return on the indicated date.

## **Make-up Work**

When students are absent, (this includes absences for suspension), an opportunity to make up work will be provided.

Make-up work is encouraged so that students will profit from future instruction.

Students will be expected to make up work for all classes missed within five (5) days of returning to school. Extenuating circumstances may be considered in extending the time limit.

It is assumed that an unexcused absence will represent a deliberate attempt by a student or his/her parents to avoid the duty of attending school. Assignments associated with unexcused absences and suspensions, including Comprehensive Tests (unit tests, exams, etc.), will receive a 10% reduction on those scores. These must be completed within five (5) school days after returning to school.

## **Excessive Absences**

Ten (10) or more parental notes to excuse absences are considered excessive and may require a physician's note or other official documentation to excuse subsequent absences. When a student accumulates ten (10) or more parental notes to excuse absences, the student may be referred to the school's principal or principal's designee. The principal/designee will confer with the parents/guardians to determine the circumstances surrounding the absences and develop a corrective action plan as appropriate. Interventions may include, but are not limited to, parent conference, referral to guidance counselor, or development of an attendance contract.

## **Tardiness/Check-outs**

A student arriving late to school or leaving early from school will only be excused for the following reasons; illness, prearranged appointments, family death or emergency, religious observances, or other extenuating circumstances.

Any combination of three (3) unexcused tardies or check-outs will count as one (1) unexcused absence for the purpose of supporting the mandatory attendance law.

Any combination of ten (10) unexcused tardies or check-outs may result in a referral to the school's principal or principal's designee. The principal/designee will confer with the parents/guardians to determine the circumstances surrounding the unexcused tardies or unexcused check-outs and develop a corrective action plan as appropriate.

## **Homebound Instruction**

In the event a student develops a medical condition which would result in prolonged absence from school, the student may be a candidate for Homebound Instruction. Students approved for Homebound Instruction are considered present for attendance purposes. For more information concerning Homebound Instruction, please contact Mrs. Denechia Edwards, Supervisor of Special Education, P.O. Box 1127, Clintwood, Virginia, or (276) 926-4643.

## **General Provisions**

1. Each principal will be responsible for forming a school attendance committee. The school attendance committee will be responsible for devising and implementing a plan to promote the three A's to school success:

- **Attendance** — promoting strategies to reduce excused and unexcused absences,
- **Attachment** — establishing meaningful connections with youth, their families and their schools through caring, support, and mutually-defined expectations, and
- **Achievement** — ensuring that students have the tools and resources to complete courses and graduate.

The school attendance committee will meet a minimum of once a month and will promote the three A's through, but not limited to, improving school climate, reviewing school attendance patterns, developing incentives, and developing attendance contracts. Minutes of the meeting will be forwarded to the Supervisor of Compliance and will be shared with the Dickenson County School Board at its regularly scheduled meetings.

2. Each principal will ensure that teachers are accountable for the following:

- a. checking the roll each day in every class;
- b. communicating with a student's parents if poor attendance is affecting the student's progress and keeping a log of those contacts;

- c. including student participation, which may be affected by attendance, in their student evaluation procedures;
- d. offering vital, stimulating instruction each day which necessitates and encourages student attendance.

### **Attendance Awards for the School Year (All Students)**

1. **Perfect Attendance Award** – Student is present every day with no more than nine check-ins or checkouts during the school year.
2. **Excellent Attendance Award** – Student has four or fewer absences for the school year.
3. **Great with Eight Attendance Award** – Student has eight or fewer absences for the school year.
4. **Principal’s Attendance Award** – Student improves current year attendance by 50% over previous year.

### **EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE (File: JEG)**

The School Board shall excuse from attendance at school:

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

The School Board may excuse from attendance at school:

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

Any request for exemption from attendance shall be presented annually in writing to the superintendent or superintendent’s designee.

The compulsory education requirements do not apply to

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

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

### **SCHOOL DAY FOR STUDENTS**

The school will not be responsible or liable for the general health and welfare of students who arrive at school before adequate supervision is present. Supervision shall be provided from the time the first bus arrives in the morning until the time that the last bus departs in the afternoon.

All schools in Dickenson County must have a minimum of five and one-half hours for the school day, exclusive of the time allowed for lunch periods and recess.

### **EMERGENCY CLOSINGS**

In the event that an emergency arises making it impossible to open school, announcements will be made through the mass media as soon as possible. Should hazardous weather or other conditions develop during the day that requires the closing of school before the regular dismissal time, it is essential that each pupil know where he/she is to go. It will be impossible to contact all parents before releasing the children on such emergency occasions. To minimize confusion, parents are urged to make necessary pre - arrangements for their children. Unless employees are notified

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

### **SCHOOL FUNCTIONS**

Students are held responsible for their conduct in attendance at any function. Student behavior is a reflection on the school, and the same rules that apply during the regular school day are applicable for all school functions.

### **SCHOOL GROUNDS**

All students must remain within the designated area, and no one will be permitted to leave the school premises without first getting permission from the principal's office.

### **SCHOOL TRIPS (Educational leave for students)**

1. The trip must be a planned instructional activity approved by the principal and the superintendent of schools.
2. Students must travel via transportation sponsored by the school.
3. Students must take the responsibility for observing all safety rules while being transported.
4. Students are under the supervision of the sponsor and are expected to conduct themselves in a manner that will not discredit themselves or the school.

### **ADMISSION OF HOMELESS CHILDREN (File: JECA)**

The Dickenson County 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 Dickenson County 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 Dickenson County 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 Dickenson County 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;
- programs in career and technical education;
- 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 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 a similar reason; are living in motels, hotels, trailer parks or camping grounds due to the lack of alternative adequate accommodations or in emergency or transitional shelters; or are abandoned in hospitals;
  - b. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
  - c. are living in 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.

## **THE VIRGINIA ASSESSMENT PROGRAM AND GRADUATION REQUIREMENTS (File: IKF)**

### *Generally*

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

The Dickenson County School Board has developed and implemented a program of instruction that is aligned to the Standards of Learning and that meets or exceeds the requirements of the Board of Education. In addition to the requirements of the Board of Education, the Dickenson County School Board requires the successful completion of 24 standard credits for a Standard Diploma. It awards diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board of Education and meet such other requirements as are prescribed by the School Board and approved by the Board of Education.



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

### ***Virginia Assessment Program***

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

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

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

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

### ***Definitions***

#### ***Authentic Performance Assessment***

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

#### ***Standard Unit of Credit***

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

#### ***Verified Unit of Credit***

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

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

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

*Virginia Assessment Program*

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

**WEIGHTED COURSES**

“Weighted course” means a course in which credit is increased because of quality of work expected.

The Dickenson County School Board designates Advanced Placement courses, courses taken through the A. Linwood Holton Governor’s School, Early College Academy courses and all other dual-credit courses as weighted credit courses.

**A. Linwood Holton Governor’s School**

The Governor’s School offers courses to identified gifted education students in our secondary schools through the Learn-Link Network. Eligible students must make application to and be selected as a participant before being enrolled in Governor’s School.

Governor’s School students must also meet the community college placement requirements for dual enrollment (college credit) courses.

**INSTRUCTION-GRADING SYSTEM**

The formal grading system for Dickenson County is as follows:

100	A+	92	B+	84	C+	76	D+
99	A+	91	B+	83	C	75	D
98	A	90	B	82	C	74	D
97	A	89	B	81	C	73	D
96	A	88	B	80	C	72	D
95	A	87	B-	79	C-	71	D-
94	A-	86	B-	78	C-	70	D-
93	A-	85	C+	77	D+	Below 70	F

**Permanent Records and Report Cards**

All high school permanent records and report cards will be marked with letters. An exception to this is the exam grade which shall be recorded with numbers.

Grading / evaluating of a student is used to indicate achievement and shall not be used as a disciplinary measure. Unless an error has been made in arriving at a grade, no points may be subtracted from or added to a student’s recorded grade.

A grade, once recorded on permanent records, cannot be changed except in case of an error; then the change must be approved by the teacher or principal.

**Definitions of Appropriate Educational Terms**

“*Advanced course*” means a course that presents material and concepts beyond the introductory or the elementary; a course that carries on from an introductory or elementary course given in the same school.

“*Advanced Placement (AP) course*” means a course with a syllabus equivalent to the relevant Advance Placement syllabus disseminated by the Educational Testing Services.

“*Assessment component*” means any of the means by which one obtains information on the progress of the learner and the effectiveness of instruction; quantitative data, objective measures, subjective impressions, tests, and observations may all serve as instruments for deciding whether instructional objectives have been attained.

“*Credit*” means official certification of the completion of a course of study; a unit of expressing quantitatively the amount of content of a course of instruction, especially with reference to the value of the course in relation to the total requirements for a diploma or certificate.

“*Curriculum*” means an official guide prepared for use by administrators, supervisors, and teachers of a particular school or school system as an aid to teaching in a given subject or area of study for a given grade. Such a guide includes the goals and objectives of the course, the expected outcomes, assessment component, and the scope and nature of the materials to be studied.

“*Grade point average*” means a measure of average scholastic success in all school subjects taken by a student during a certain term or semester, or accumulated for several terms or semesters; obtained by dividing grade points by number of courses taken.

“*Secondary course*” means a course of study planned especially for people of ages approximately 12 to 17, in which the emphasis tends to shift from mastery of basic tools of learning, expression, and understanding to the use and extension of the tools in exploring areas of thought and living, and in exploring and acquiring information, concepts, intellectual skills, attitudes, social, physical, and intellectual ideas, and habits, understanding, and appreciation.

“*Secondary school transcript*” means an official list of all secondary courses taken by a student, showing the final grade received for each course, with definitions of the various grades given.

### **EVALUATION AND PROMOTION**

Evaluation of student progress shall be the prerogative of each teacher. In Grades 4-8, any student may be retained if he/she fails two or more core academic subjects (English/language arts, math, science, social studies). To be considered for promotion to Grade 9, a student should have passed at least five (5) subjects in Grade 8, three (3) of which must be from the four (4) core academic subjects.

Students must have a minimum of six (6) credits toward graduation to be promoted to Grade 10. Students must have a minimum of twelve (12) credits toward graduation to be promoted to Grade 11. Students must have a minimum of eighteen (18) credits toward graduation to be promoted to Grade 12.

To graduate from high school with a standard diploma, a student must have earned at least 24 credits. In addition to credits in the four (4) core academic areas, students must also earn credits in courses as prescribed by VDOE, including credits in fine arts or career technical education, economics/personal finance, and health/ physical education.

To graduate from high school with an advanced studies diploma, a student must have earned at least 26 credits. For students that entered ninth grade for the first time in 2003-04 through 2010-11, this is an increase in the number of required credits from 24 to 26. The advanced studies diploma requires students to earn additional credits in math, science, history and world languages.

Beginning with students entering Grade 9 in 2011-2012, both advanced studies and standard diplomas require students to complete Economics & Personal Finance. All DCPS students are also required to complete at least one (1) math credit each year, with Economics & Personal Finance satisfying this requirement in Grade 11 or Grade 12.

### **CLASS RANK**

Class rank will be established within the final (9) nine weeks of the last reporting period in which a student is scheduled to graduate. This will be done by averaging all courses taken by the student during his or her 9th-12th grade years (and those required for graduation but taken during the 8th grade year).

Those students ranking one and two within the final 9 weeks of the last reporting period of their graduating year will be designated as valedictorian and salutatorian respectively.

The following guidelines are approved procedures recognized by Dickenson County Public Schools for assessing grade point average (GPA) and for obtaining rank of graduating seniors.

#### **I. To be eligible for ranking, a student must meet the following criteria:**

1. be in a twelfth-grade homeroom and graduate during the regular school term.
2. be eligible for a standard or advanced studies diploma.

#### **II. Generally**

1. If a student repeats a class, an average of the two grades earned will be used in GPA computation. This final average will count as one Carnegie unit of credit towards graduation.
2. If a course that is normally offered at the ninth grade or above is taken in the eighth grade then credit will be given.

3. If a student earns a credit(s) in a course(s) in the eighth grade, the parents/guardians of the student must declare in writing if the grade(s) for each course shall NOT be used in determining the student's GPA. This declaration in writing must be received by the end of the first semester of the student's senior year.
4. If a student receives a passing average for a course, but does not receive credit for that course, the course will not be considered for GPA purposes.
5. GPA will be calculated to the second place value without rounding.

**III. GPA Procedures to be used in Dickenson County Public Schools beginning with students entering the ninth grade during the 2010-2011 academic year and subsequent years.**

1. The correlation of number and letter grades with assignment of quality points (used for calculation of GPA only) will be as indicated in the following chart.

Numeric	Letter	Quality Points	Numeric	Letter	Quality Points	Numeric	Letter	Quality Points
100	A+	4	89	B	3	78	C-	1.67
99	A+	4	88	B	3	77	D+	1.33
98	A	4	87	B-	2.67	76	D+	1.33
97	A	4	86	B-	2.67	75	D	1
96	A	4	85	C+	2.33	74	D	1
95	A	4	84	C+	2.33	73	D	1
94	A-	3.67	83	C	2	72	D	1
93	A-	3.67	82	C	2	71	D-	0.67
92	B+	3.33	81	C	2	70	D-	0.67
91	B+	3.33	80	C	2	<70	F	0
90	B	3	79	C-	1.67			

2. Advanced Placement courses, courses taken through the Linwood Holton Governor's School (HGS), Early College Academy courses, and other dual-credit courses will be weighted in the calculation of GPA by adding weighted credit in equal increments to un-weighted GPA rather than as course is taken. Increment equals .03125.
3. Weighted credit will also be added for approved Honors courses in the same manner as for AP or HGS courses (i.e., on top of un-weighted GPA) but in increments .015625.
4. Dickenson County Public Schools will recognize honors graduates by conferring the following designations at graduation.
  - a. Students with a GPA of 3.4 or higher will be recognized as *cum laude* graduates;
  - b. Students with a GPA of 3.7 or higher will be recognized as *magna cum laude* graduates; and
  - c. Students with a GPA of 4.0 or higher will be recognized as *summa cum laude* graduates.
5. To be eligible for recognition as valedictorian or salutatorian in Dickenson County Public Schools, students must have been enrolled in high school in Dickenson County Public Schools for a minimum of 3 semesters prior to the final semester.

Students who pass a SOL test but fails the respective course with a 60 average or higher shall receive an adjusted grade as follows:

<u>Grade</u>	-	<u>Adjusted Grade</u>
F		D

Students having below a 60 average must attend summer school or after-school remediation.

**SECONDARY EXAM EXEMPTION POLICY**

Any student who has met one of the following conditions may be exempt from the semester exam:

- a. The student has an A average in the class and has not been absent from that class more than 3 class periods in the semester.
- b. The student has a B average and has not been absent from the class more than 2 class periods.
- c. The student has a C average and has not been absent from the class more than 1 class period.

**HOMEBOUND INSTRUCTION**

The School Board maintains a program of homebound instruction for students who are confined at home or in a health care facility for periods that would prevent normal school attendance based upon certification of need by a licensed physician, physician assistant, nurse practitioner, or clinical psychologist.

Credit for the work is awarded when it is done under the supervision of a licensed teacher qualified in the relevant subject areas and employed by the School Board, and there is evidence that the instructional time requirements or alternative means of awarding credit adopted by the School Board have been met.

Applicants for homebound instruction shall be approved by the superintendent or his/her designee. Medical forms must be maintained on file.

During such period of instruction the student shall be carried on the school register as present.

**HOMEWORK**

A major goal of the instructional program is to assist students in becoming committed to the process of learning. Learning is not restricted to the classroom but is a continuous process. The individual school can only teach a small portion of that which is valuable and available to be learned. The home is a vital partner in this process and can help develop a systematic approach to homework which will assist the student in achieving common learning goals.

The basic objective of homework is the reinforcement and application of previously learned concepts, principles, and skills. Homework assignments, therefore, should be structured to reinforce and apply that which has been introduced and explained in the classroom.

The Dickenson County School Board affirms the importance of homework in the teaching/learning process, and views it as a means of strengthening and extending skills and concepts gained in the classroom. Teachers shall, therefore, in accordance with county policy, assign and react to meaningful homework assignments. The nature, amount, and level of difficulty of homework shall take into account the student’s age, ability, and educational needs.

**Procedures of Implementation**

1. Each school shall develop and adhere to procedures for homework consistent with School Board Policy.
2. Principals will make provision for the periodic monitoring of the use of homework by each of their teachers.
3. Average daily total time expectations shall be:
  - Grades 1-3.....20 to 40 minutes
  - Grades 4-7.....45 minutes to 1½ hours
  - Grades 8-12.....1½ to 2 hours

\*These times are general guidelines only. Special projects or special courses may require more time than that listed above.
4. Communication among the teachers in departmental situations is very important to insure that assignments are consistent and collectively reasonable.
5. Teachers shall be considerate of the amount of homework assigned over weekends and during special occasions (such as county-wide events and special school activities).
6. Homework shall not be assigned over holidays.
7. All homework shall be checked and feedback given to the student.
8. Communication concerning homework between the teacher and the student shall include adequate instructions as to the assignment, how it will be evaluated, and the use of the resulting grade.
9. Homework shall not be used as a punitive device.

**The Role of the Principal**

1. To establish homework procedures and practices in his or her school that are consistent with board policy.
2. To periodically monitor each teacher’s observance of the procedures.
3. To evaluate and render a decision regarding instances of disagreement over the amount, nature, or use of homework.
4. To designate special periods of time when teachers will modify their normal homework practices because of special school or county events.
5. To recommend changes in board policy regarding homework as problems arise.

**The Role of the Teacher**

1. To assign meaningful homework in accordance with the student’s educational needs and ability.

2. To communicate clearly to the student what the assignment is, how it will be evaluated, and how the resulting grade will be used.
3. To consider all factors and to insure that homework is not unreasonable in terms of its complexity or amount.
4. To communicate with the student and his or her parent should problems arise relative to homework.

#### The Role of the Student

1. To exercise responsibility in terms of getting his or her assignment and completing it as instructed.

#### The Role of the Parent

1. To provide students with a quiet, comfortable place at home to do their assignments.
2. To monitor the completion of homework.
3. To encourage the utilization of adequate time in completing homework
4. To provide explanations/instructions if necessary.
5. To maintain close communication with the teacher(s) regarding the completion of homework and schoolwork in general.
6. To encourage his/her child to achieve up to potential.

### **HONORS and AWARDS**

Awards that recognize excellence in scholarship in each area of the curriculum and as a whole should be given on the high school level. Honor rolls for both high school and elementary school are to be established for each grading period, posted at school, and published whenever possible, as follows:

First Honor Roll	-	All A's
Second Honor Roll	-	All A's and B's with no more than one C

Honor rolls will be published in the newspaper for grades 4-12.

Awards and honors in extracurricular activities -- such as dramatics, forensics, athletics -- are approved; and these awards and honors are to follow rules and regulations of the Virginia High School League.

Any new awards or honors being bestowed by an organization or persons must be approved by the principal before being bestowed.

### **STUDENT TRANSFERS (File: JC)**

Students will attend the schools designated by the School Board to serve the area in which they reside unless special permission is granted by the Division Superintendent or designee for students to transfer to schools outside their attendance zones.

Transfer requests shall be made in writing to the Division Superintendent, and shall provide the reasons and any substantiating documentation for the transfer request.

To be approved, a transfer request must be based on a valid need taking into consideration the constraints of the school, grade level, and classroom capacities and/or program or curriculum availability, and the behavior of the student. Transfer requests for students who require special programs will only be considered if the required services are available at the requested school.

#### Conditions for Approved Student Transfers

1. Student transfer requests are approved for the current school year only.
2. Transportation to and from school is the responsibility of the parent or guardian and is at the parent or guardian's expense.
3. Transfer approvals can be revoked at any time.

#### Appeals of Transfer Decisions

A parent, guardian, or student 18 years of age or older may appeal a denial of a transfer request to the School Board.

An appeal must be in writing and received by the Division Superintendent within 15 calendar days of the date of the notice denying a student transfer.

### **SPECIAL EDUCATION: APPROPRIATE SERVICES FOR STUDENTS WITH SPECIAL NEEDS**

Dickenson County Public School System provides special attention to the needs of children with disabilities. Students with disabilities receive their education, to the maximum extent appropriate, with nondisabled peers in regular education classes. The removal of children with disabilities from the regular educational environment occurs



only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

Anyone suspecting that a child may have a disability should call the Dickenson County School Board Office at (276) 926-4643 or contact: Denechia Edwards, Director of Special Education, P.O. Box 1127, Clintwood, VA 24228.

### **REMEDIAL AND SUMMER INSTRUCTION PROGRAM (File: IGBE)**

#### **Generally**

The School Board develops and implements programs of prevention, intervention, or remediation for students who are educationally at risk, including but not limited to those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight, or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit is required to attend a remediation program or to participate in another form of remediation. The superintendent requires such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs.

Remediation programs include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation are chosen by the superintendent to be appropriate to the academic needs of the student.

Students who are required to attend such summer school programs or to participate in another form of remediation are not charged tuition.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation which has been selected by his parent, in consultation with the superintendent or superintendent's designee, and is either (i) conducted by an accredited private school or (ii) a special program which has been determined to be comparable to the required public school remediation program by the superintendent. The costs of such private school remediation program or other special remediation program are borne by the student's parent.

Targeted mathematics remediation and intervention are provided to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

The School Board annually evaluates and modifies, as appropriate, the remediation plan based on an analysis of the percentage of students meeting their remediation goals and consideration of the pass rate on the Standards of Learning assessments.

#### **Summer School**

The courses offered and the quality of instruction in the summer school program shall be comparable to that offered during the regular school term. Students must meet the requirements for SOL testing if appropriate.

Summer school instruction at any level which is provided as part of a state-funded remedial program is designed to improve specific identified student deficiencies.

#### **Compulsory Attendance**

When a student is required to participate in a remediation program pursuant to this policy, the superintendent may seek immediate compliance with the compulsory school attendance laws if a reasonable effort to seek the student's attendance, including direct notification of the parents of such student of the attendance requirement and failure of the parents to secure the student's attendance, have failed and the superintendent determines that remediation of the student's poor academic performance, passage of the Standards of Learning Assessment in grades three through eight, or promotion is related directly to the student's attendance in the remediation program.



## **FUND RAISING AND SOLICITATION (File: JL)**

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

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

Each principal develops and maintains a list of all approved fundraising activities and reports all activities to the superintendent pursuant to procedures issued by the superintendent.

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

## **STUDENT ORGANIZATIONS (File: IGDA)**

### *Generally*

Public school facilities are devoted primarily to instructional programs and school-sponsored activities. Curriculum-related student organizations are an extension of the regular school program. Their function is to enhance the participants' educational experience and supplement course materials. The activities of these organizations should bear a clear relationship to the regular curriculum.

Secondary school students may organize and conduct meetings of noncurriculum-related groups. Any secondary school which permits one or more noncurriculum-related student group to meet on school premises during noninstructional time will provide equal access to any students who wish to conduct a meeting without discrimination on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

Noncurriculum-related student groups may use school facilities provided that

- the group's meetings are voluntary and student-initiated;
- the group is not sponsored by the school, the government, or any government agent or employee;
- agents or employees of the school or government are present at religious meetings only in a nonparticipatory capacity;
- meetings do not materially and substantially interfere with the orderly conduct of educational activities at the school; and
- nonschool persons do not direct, conduct, control, or regularly attend activities of the group.

### *Meetings of Student Organizations*

The principal of each school will determine the times and places which are available for the meetings of student organizations. The principal will also develop procedures for scheduling meetings of student organizations. Meeting times will be limited to non-instructional time.

### *Faculty Involvement*

Curriculum-related student organizations must be sponsored and supervised by one or more school faculty members and approved by the principal. Faculty sponsors will participate in the supervision and direction of all activities of the organization and will attend all meetings and activities.

Noncurriculum-related student organizations do not have a faculty sponsor. However, a member of the school's staff shall attend every meeting or activity of such organizations in a nonparticipatory capacity for purposes of general supervision. The organization is responsible for assuring the presence of a staff member for its meetings.

No school employee will be compelled to attend a meeting of any student organization if the content of such meeting is contrary to the beliefs of that school employee.

### *Compliance with Law and Policy*

Student organizations shall not engage in any activity which is contrary to law, division policy, or school rules; which disrupts or clearly threatens to disrupt the orderly operation of the school; or which would adversely affect the health, safety or welfare of any students or staff members. Failure to comply with these provisions shall be grounds for disciplinary action.

## **STUDENT PUBLICATIONS (File: JP)**

### *Definition of Official School Publications*

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

### *Responsibilities of Student Editors and Journalists*

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

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

### *Responsibilities of Student Publications Faculty Co-Editor*

School publications faculty co-editors instruct students in the recognized practices and ethical considerations of journalism. Faculty members instruct students in appropriate journalistic techniques and consult with the principal regarding material that may violate the law or the recognized principles of journalism. Material that may be considered controversial by some members of the school community should be carefully considered by students and the faculty editor, and brought to the attention of the principal.

### *Responsibilities of the School Principal*

The school principal is responsible for approving all publications in accordance with School Board policy and the principal's judgment and discretion..

## **MOMENT OF SILENCE (File: IE)**

The Dickenson County School Board recognizes that a moment of silence before each school day prepares students and staff for their respective work or school days. Therefore, each teacher shall observe a moment of silence at the beginning of the first class of each school day.

The teacher responsible for each class shall make sure that each student: (1) remains seated and silent and (2) does not disrupt or distract other students during the moment of silence. The moment may be used for any lawful silent activity, including personal reflection, prayer and meditation. Teachers shall not influence, in any way, students to pray or meditate or not to pray or meditate during the moment of silence.

## **PLEDGE OF ALLEGIANCE (File: IEA)**

The Pledge of Allegiance, as established in 4 U.S.C. § 4, shall be recited daily in each classroom of the Dickenson County school division.

During the recitation of the Pledge, students shall stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform.

No student shall be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical, or other grounds to his participating in this exercise. Students who are exempt from reciting the Pledge shall quietly stand or sit at their desks while others recite the Pledge and shall make no display that disrupts or distracts those who are reciting the Pledge.

Appropriate accommodations shall be made for students who are unable to comply with the procedures described herein due to disability.

## **STUDENT RECORDS (File: JO)**

### **Generally**

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

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

## **Definitions**

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

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

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

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

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

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

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

up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.

Eligible student - a student who has reached age 18.

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

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

Dissemination and Maintenance of Records About Court Proceedings

### **Adjudications**

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

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

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

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

### **Petitions and Reports**

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

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

## **Protective Orders and Orders Prohibiting Contact with a Child**

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

## **Annual Notification**

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

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

## **Procedure to Inspect Education Records**

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

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

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

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

## **Copies of Education Records**

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

## **Fees for Copies of Records**

The fee for copies will be 25¢ per page. The actual cost of copying time and postage will be charged. The Dickenson County Public Schools does not charge for search and retrieval of the records. The Dickenson County Public Schools does not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

## **Types, Locations, and Custodians of Education Records**

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



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

<b>Types</b>	<b>Location</b>	<b>Custodian</b>
Cumulative School Records (Current Students)	School Counselor Office	School Counselor
Cumulative School Records (Former Students)	Offsite-Virtual Image Technology	School Counselor
Cumulative School Records (Elementary Students Transferred Out of County)	School Board Office Offsite-Virtual Image Technology	Secretary School Counselor
Health Records	Offsite-Virtual Image Technology	School Counselor
Speech Therapy and Psychological Records	School Board Office Offsite-Virtual Image Technology	Director of Special Education School Counselor
School Transportation Records	School Transportation Office	Director of Pupil Transportation
School Meal Records	Cafeteria Office	Cafeteria Clerk
Occasional Records (Student education records not identified above; such as those in superintendent's office, in the school attorney's office, or in the possession of teachers)	Principal will collect and make available at student's school	School Principal

### **Disclosure of Education Records**

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

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

A school official is:

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

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

- performing a task that is specified in his or her position description or by a contract agreement
- performing a task related to a student's education
- performing a task related to the discipline of a student
- providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation

officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.

6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
  - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
  - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
  - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
  - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
  - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
  - the parties to whom the division disclosed the information.
11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
12. Directory information so designated by the school division.
13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

The school division discloses or makes available to a guardian ad litem, on request, any information, records, or reports concerning a student for whom a petition for guardianship or conservatorship has been filed that the guardian ad litem determines are necessary to perform his duties under Va. Code § 64.2-2003.

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

#### **Unauthorized Disclosure of Electronic Records**

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation federal or state law applicable to such information, the school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the



disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

### **Disclosure to Federal Agencies**

Notwithstanding any other provision of law or policy, no member or employee of the Dickenson County School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

### **Disclosure of Information Relating to Home Instructed Students**

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B 1 of Va. Code § 22.1-254. However, the superintendent or School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

### **Audit or Evaluation of Education Programs**

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

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

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

### **Military Recruiters and Institutions of Higher Learning**

The Dickenson County Public Schools provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student. The school division notifies parents of the option to make a request and complies with any request.

The school division provides military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

### **Record of Disclosure**

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

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

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

### **Directory Information**

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

No school discloses the address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act unless the parent or eligible student affirmatively consents in writing to such disclosure. Except as required by state or federal law, no school discloses the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the school or to school board employees for educational purposes or school business and the parent or eligible student has not opted out of such disclosure in accordance with Virginia law and this policy or (b) the parent or eligible student has affirmatively consented in writing to such disclosure.

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

Dickenson County Public Schools designates directory information to include: name, gender, address, photographs, grade level, participation in officially recognized activities and sports, weight and height of athletic teams, dates of attendance, and honors and awards received by students.

### **Correction of Education Records**

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

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

7. If Dickenson County Public Schools decides that the information is inaccurate, misleading or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If Dickenson County Public Schools decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

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

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

**GUIDANCE AND COUNSELING PROGRAM (File: IJ)**

*School Guidance and Counseling Services*

Each school provides the following guidance and counseling services to all students:

- Academic guidance which assists students and their parents to acquire knowledge of the curricula choices available to students, to plan a program of studies, to arrange and interpret academic testing and to seek post-secondary academic opportunities.
- Career guidance which helps students to acquire information and plan action about work, jobs, apprenticeships and post-secondary educational and career opportunities.
- Personal/social counseling which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Information and records of personal/social counseling will be kept confidential and separate from a student's educational records and not disclosed to third parties without prior parental consent or as otherwise provided by law. Parents may elect, by notifying their child's school in writing, to have their child not participate in personal/social counseling.

No student is required to participate in any counseling program to which the student's parents object.

**PARENTAL CONSENT FOR OPT-OUT OF GUIDANCE ACTIVITIES**

I request that \_\_\_\_\_

be released from participation in the \_\_\_\_\_

part of the personal/social counseling program.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature of Parent/Guardian

\_\_\_\_\_

Date Received

\_\_\_\_\_

Signature of Counselor

The guidance and counseling program does not include the use of counseling techniques which are beyond the scope of the professional certification or training of counselors, including hypnosis, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.

Parents are notified annually about the counseling programs which are available to their children. The notification will include the purpose and general description of the programs, information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school and information about the procedures by which parents may limit their child's participation in such programs.

### *Employment Counseling and Placement Services*

The School Board provides to secondary students employment counseling and placement services to furnish information relating to the employment opportunities available to students graduating from or leaving the schools in the school division. Such information includes all types of employment opportunities, including, but not limited to, apprenticeships, the military, career education schools and the teaching profession. In providing such services, the School Board consults and cooperates with the Virginia Employment Commission, the Department of Labor and Industry, local business and labor organizations and career schools.

If the School Board provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or school division-sponsored activity to persons or groups for occupational, professional or educational recruitment, it provides equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States.

### **HEALTH AND SAFETY** **STUDENT IMMUNIZATIONS (File: JHCB)**

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

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

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

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

#### Conditional Enrollment

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

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

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

#### Exemptions

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

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

#### Homeless Pupils

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

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

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

### Immunization Record

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

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

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

### **ADMINISTERING MEDICINES TO STUDENTS (File: JHCD)**

#### *Medications Prescribed for Individual Students*

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

#### *Nonprescription Medications*

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

#### *Self-Care and Self-Administration of Medication*

Each enrolled student who is diagnosed with diabetes, with parental consent and written approval from the prescriber, is permitted to

- carry with him and use supplies, including a reasonable and appropriate short-term supply of carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and
- self-check his own blood glucose levels on school buses, on school property, and at school-sponsored activities.

A School Board employee, as defined in Va. Code § 22.1-274.E, who is a registered nurse, licensed practical nurse, or certified nurse aide and who has been trained in the administration of insulin, including the use and insertion of insulin pumps, and the administration of glucagon may assist a student who is diagnosed with diabetes and who carries an insulin pump with the insertion or reinsertion of the pump or any of its parts. Prescriber authorization and parental consent shall be obtained for any such employee to assist with the insertion or reinsertion of the pump or any of its parts. Nothing in this policy requires any employee to assist with the insertion or reinsertion of the pump or any of its parts.

Students may be permitted to carry and self-administer other medications when the following conditions are met:

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

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



### *Self-Administration of Asthma Medications and Auto-Injectable Epinephrine*

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

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

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

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

### *Epinephrine*

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

### *Regulation*

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

## **STUDENT INSURANCE**

The carrier of such insurance plan shall be chosen based upon cost, services rendered, and such other requirements as the Board deems suitable to the best interests of the community. Insurance coverage is for injury during the hours and days when school is in session and while attending or participating in school sponsored and supervised activities on or off the school premises. (Includes participation in interscholastic sports--Coverage includes: tryouts, preseason and post-season play, and supervised travel.)

## **ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES (File: JOB)**

### **I. Instructional Materials and Surveys**

#### *A. Inspection of Instructional Materials*

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any survey, analysis, or evaluation as part of any federally funded program are available for inspection by the parents or guardians of the student in accordance with Policy KBA Requests for Public Records.



*B. Participation in Surveys and Evaluations*

No student is required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveals information concerning

- (1) political affiliations or beliefs of the student or the student's parent,
- (2) mental or psychological problems of the student or the student's family,
- (3) sex behavior or attitudes,
- (4) illegal, anti-social, self-incriminating, or demeaning behavior,
- (5) critical appraisals of other individuals with whom respondents have close family relationships,
- (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
- (7) religious practices, affiliations, or beliefs of the student or student's parent, or
- (8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program), without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

*C. Surveys Requesting Sexual Information*

In any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to Va. Code § 32.1-73.8, other information on controlled substance use, or any other information that the School Board deems to be sensitive in nature is to be administered, the School Board notifies the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice informs the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how information collected by the questionnaire or survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the School Board with all information required to be included in the notice to parents. The parent has the right to review the questionnaire or survey in a manner mutually agreed upon by the school and the parent and exempt the parent's child from participating in the questionnaire or survey. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey do not disclose personally identifiable information.

No questionnaire or survey requesting that students provide sexual information shall be administered to any student in kindergarten through grade six.

*D. Additional Protections*

In the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection I.B. above, the privacy of students to whom the survey is administered is protected by:

1. Participation in any data collection initiated by individuals or groups external to the school division shall be voluntary on the part of students, parents, or staff members.
2. Written parental permission shall be required for any student participation.
3. Surveys or questionnaires shall not be administered without prior approval of the division Superintendent.
4. If such surveys/questionnaires are permitted they will be conducted in such a manner as to not permit the personal identification of students and their parents.
5. Information collected by such method will be destroyed when no longer needed for the purpose for which it was collected.

**II. Physical Examinations and Screenings**

If the Dickenson County School Division administers any physical examinations or screenings other than

- those required by Virginia law, and
- surveys administered to a student in accordance with the Individuals with Disabilities Education Act, policies regarding those examinations or screenings will be developed and adopted in consultation with parents.

### **III. Commercial Use of Information**

Questionnaires and surveys are not administered to public school students during the regular school day or at school-sponsored events without written, informed parental consent when participation in such questionnaire or survey may subsequently result in the sale for commercial purposes of personal information regarding the individual student.

This subsection does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- college or other postsecondary education recruitment, or military recruitment;
- book clubs, magazines, and programs providing access to low-cost literary products;
- curriculum and instructional materials used by elementary schools and secondary schools;
- tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

### **IV. Notification**

#### *Notification of Policies*

The Board provides notice of this policy directly to parents of students annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy. The Board also offers an opportunity for the parent (or emancipated student) to opt the student out of participation in

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection I.B. above; or
- any nonemergency, invasive physical examination or screening that is
  - required as a condition of attendance;
  - administered by the school and scheduled by the school in advance; and
  - not necessary to protect the immediate health and safety of the student, or of other students.

#### *Notification of Specific Events*

The Board directly notifies the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection I.B. above; or
- any nonemergency, invasive physical examination or screening that is
  - required as a condition of attendance;
  - administered by the school and scheduled by the school in advance; and
  - not necessary to protect the immediate health and safety of the student, or of other students.

### **V. Definitions**

**Instructional material:** the term "instructional material" means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

**Invasive physical examination:** the term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Parent: the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Personal information: the term "personal information" means individually identifiable information including

- a student or parent's first and last name;
- a home or other physical address (including street name and the name of the city or town);
- a telephone number; or
- a Social Security identification number.

Survey: the term "survey" includes an evaluation.

### **SUBSTANCE ABUSE - STUDENT ASSISTANCE PROGRAM**

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

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

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

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

### **EQUAL EDUCATIONAL OPPORTUNITIES/NON-DISCRIMINATION (File: JB)**

#### **I. Policy Statement**

Equal educational opportunities are available for all students, without regard to sex, sexual orientation, race, creed, color, national origin, gender, gender identity, ethnicity, religion, disability, ancestry, marital or parental status or any other unlawful basis. Educational programs are designed to meet the varying needs of all students.

#### **II. Complaint Procedure**

##### **A. File Report**

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

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

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

##### **B. Investigation**

Upon receipt of a report of alleged prohibited discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which should generally be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint, by giving written notice that

the complaint has been received, to both the person complaining of discrimination and the person or persons allegedly responsible for the discrimination. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the person or persons allegedly responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

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

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

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

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

#### C. Action by Superintendent

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

#### D. Appeal

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

If the superintendent or designee determines that prohibited discrimination occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

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

The School Board designates a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this Policy. The name and contact information for the Compliance Officer is posted on the Division's website at all times. The Compliance Officer may be contacted at **compliance1@dcps.k12.va.us**. Complaints of discrimination may also be made to the Alternate Compliance Officer at **compliance2@dcps.k12.va.us**.

The Compliance Officer

- receives reports or complaints of discrimination;
- conducts or oversees the investigation of any alleged discrimination;
- assesses the training needs of the school division in connection with this policy;
- arranges necessary training to achieve compliance with this policy; and
- ensures that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity and has the authority to protect the alleged victim and others during the investigation.

### **III. Retaliation**

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

### **IV. Right to Alternative Complaint Procedure**

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

### **V. Prevention and Notice of Policy**

Training to prevent discrimination should be included in employee and student orientations as well as employee in-service training.

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

### **VI. False Charges**

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

## **PROHIBITION AGAINST HARASSMENT AND RETALIATION (File: JFHA/GBA)**

### **I. Policy Statement**

The Dickenson County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital status, pregnancy, childbirth or related medical conditions, military status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, hereinafter referred to as protected group status, at school or any school sponsored activity.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on protected group status at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's protected group status at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

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

The school division

- promptly investigates all complaints, written or verbal, of harassment based on protected group status at school or any school sponsored activity;
- promptly takes appropriate action to stop any harassment;
- takes appropriate action against any student or school personnel who violates this policy; and
- takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

### **II. Definitions**

The Compliance Officer is the person designated by the School Board to receive complaints of harassment referred by the Title IX Coordinator and oversee investigation of those complaints as described below.

“Consent” is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.



## Prohibited Conduct

### *Harassment Based on Sex*

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

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

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

"Sexual harassment prohibited by Title IX" means conduct on the basis of sex that satisfies one or more of the following:

- an employee of the School Board conditioning the provision of an aid, benefit, or service of the School Board on an individual's participation in unwelcome sexual conduct;
- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Board's education program or activity; or
- "sexual assault" as defined in 20 U.S.C. § 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. § 12291(a)(10), "domestic violence" as defined in 34 U.S.C. § 12291(a)(8), or "stalking" as defined in 34 U.S.C. § 12291(a)(30).

### *Harassment Based on Race, National Origin, Disability or Religion*

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

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

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

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



### *Additional Prohibited Behavior*

Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including socioeconomic level regardless of whether the personal characteristic is protected by law.

“Title IX” means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

“Title IX Coordinator” means the person designated by the School Board to coordinate its efforts to comply with its responsibilities under this policy and Title IX.

The Title IX Coordinator may be contacted at [t9c@dcps.k12.va.us](mailto:t9c@dcps.k12.va.us).

### **III. Complaint Procedures**

#### Report

Any student or school personnel who believes he or she has been the victim of harassment prohibited by law or by this policy by a student, school personnel or a third party should report the alleged harassment to the Title IX Coordinator or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to the Title IX Coordinator or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to the Title IX Coordinator. Any complaint that involves the Title IX Coordinator should be reported to the superintendent.

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports are also accepted.

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

After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by Title IX. If they may be, the Title IX Grievance Process below is followed. If they cannot be sexual harassment prohibited by Title IX, then the complaint is referred to the Compliance Officer who follows the procedures below.

The Title IX Coordinator also determines whether the alleged harassment may also constitute criminal conduct and ensures that law enforcement officials are notified if necessary.

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

#### Investigation by Compliance Officer

##### *Generally*

The Compliance Officer

- receives complaints of harassment referred by the Title IX Coordinator;
- conducts or oversees the investigation of any alleged harassment referred by the Title IX Coordinator;
- assesses the training needs of the school division in connection with complaints referred by the Title IX Coordinator;
- arranges necessary training; and
- ensures that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity and has the authority to protect the alleged victim and others during the investigation.

##### *Compliance Officer Formal Procedure*

Upon receiving a referral of a complaint of alleged prohibited harassment from the Title IX Coordinator, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after referral of the complaint to the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the

complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

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

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

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

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

#### *Action by Superintendent*

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

#### *Appeal*

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

If the superintendent or superintendent's designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

#### *Compliance Officer Informal Procedure*

If the person allegedly harassed and the person accused of harassment agree, the person allegedly harassed's principal

or principal's designee or supervisor may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator.

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

### Sexual Harassment Prohibited by Title IX

#### *Definitions*

"Actual knowledge" means notice of sexual harassment prohibited by Title IX or allegations of sexual harassment prohibited by Title IX to the Title IX Coordinator or any official of the school division who has authority to institute corrective measures or to any employee of an elementary or secondary school.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment prohibited by Title IX.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment prohibited by Title IX against a respondent and requesting that the allegation be investigated. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. The allegations in a formal complaint must be investigated. In response to a formal complaint, the Title IX Grievance Process below is followed.

"Program or activity" includes locations, events or circumstances over which the School Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment prohibited by Title IX.

"Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security or monitoring of parts of campus, and other similar measures. Any supportive measures provided to the complainant or respondent are maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

### Title IX Grievance Process

#### *Generally*

Any person may report sex discrimination prohibited by Title IX, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The reporting party may use the form, Report of Harassment, GBA-F/JFHA-F, to make a complaint. Such a report may be made at any time, including non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Complainants and respondents are treated equitably by offering supportive measures to a complainant and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Title IX Coordinator promptly contacts the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of

supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the School Board are notified

- of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator; and
- that the School Board does not discriminate on the basis of sex in its education program or activity and that it is required by Title IX not to discriminate in such a manner. The notification states that the requirement not to discriminate extends to admission and employment and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

The School Board prominently displays the contact information for the Title IX Coordinator and this policy on its website and in each handbook or catalog it makes available to persons listed above who are entitled to notifications.

Nothing herein precludes a respondent from being removed from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Nothing herein precludes a non-student employee respondent from being placed on administrative leave during the pendency of a grievance process

This grievance process treats complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following this process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies are designed to restore or preserve equal access to the School Board's education program or activity.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All relevant evidence is evaluated objectively, including both inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

Any Title IX Coordinator, investigator, decision-maker, or any person who facilitates an informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receives training on the definition of sexual harassment prohibited by Title IX, the scope of the School Board's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

A finding of responsibility may result in disciplinary action up to and including expulsion for students or dismissal of employees.

The standard of evidence used to determine responsibility is the clear and convincing standard.

This grievance process does not allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

#### *Notice of Allegations*

On receipt of a formal complaint, the Title IX coordinator gives the following written notice to the parties who are known:

- notice of the grievance process, including any informal resolution process, and
- notice of the allegations of sexual harassment potentially constituting sexual harassment prohibited by title IX, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment prohibited by Title IX, and the date and location of the alleged incident, if known.

The written notice

- includes a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- informs the parties of any provisions in the School Board’s code of conduct or the superintendent’s Standards of Student Conduct that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, notice of the additional allegations is provided to the parties whose identities are known.

*Dismissal of formal complaints*

A formal complaint or any allegations therein must be dismissed if the conduct alleged in the complaint

- would not constitute sexual harassment prohibited by title IX even if proved,
- did not occur in the School Board’s education program or activity, or
- did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of the School Board’s code of conduct or the superintendent’s Standards of Student Conduct.

A formal complaint or any allegations therein may be dismissed if at any time during the investigation:

- a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- the respondent is no longer enrolled or employed by the School Board; or
- specific circumstances prevent the School Board from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

*Investigation of formal complaint*

When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School Board and not on the parties provided that a party’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party are not accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party’s parent, or the party if the party is an eligible student, to do so for this grievance procedure.

The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

The parties have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The choice or presence of advisor for either the complainant or respondent is not limited in any meeting or grievance proceeding.

Any party whose participation is invited or expected is provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.



The investigator provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence which will not be relied upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to the completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator creates an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the time a determination regarding responsibility is made, sends to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the investigator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the question any decision to exclude a question as not relevant.

#### *Determination regarding responsibility*

The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.

The written determination must include

- identification of the allegations potentially constituting sexual harassment prohibited by Title IX;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- findings of fact supporting the determination;
- conclusions regarding the application of the School Board's code of conduct or the superintendent's Standards of Student Conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School Board imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided to the complainant; and
- the procedures and permissible bases for the complainant and respondent to appeal.

The decision-maker must provide the written determination regarding responsibility to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

#### *Appeals*

Either party may appeal from a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases:

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Notification of appeal must be given in writing to the Title IX Coordinator.



As to all appeals, the Title IX Coordinator

- notifies the other party in writing when an appeal is filed and implements appeal procedures equally for both parties;
- ensures that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
- ensures that the decision-maker for the appeal complies with the standards set forth in title IX and this policy.

The appeal decision-maker

- gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- reviews the evidence gathered by the investigator, the investigator's report, and the decision-maker's written decision;
- issues a written decision describing the result of the appeal and the rationale for the result; and
- provides the written decision simultaneously to both parties and the Title IX Coordinator.

### *Timelines*

The investigative report will be provided to the parties within 35 days from the date the formal complaint is filed.

A decision will be issued within 10 working days from the date the investigative report is submitted to the decision-maker.

Either party may appeal within 5 working days from the date the written determination regarding responsibility is given to the parties.

Any appeal will be resolved with 15 calendar days from the filing of the appeal.

If the parties agree to an informal resolution process, these deadlines are tolled from the time one party requests an informal resolution process until either the time the other party responds, if that party does not agree to the informal resolution process, or until either party withdraws from the informal resolution process.

Temporary delays of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action are permitted. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; disciplinary processes required by law or School Board policy; or the need for language assistance or accommodation of disabilities.

### *Informal Resolution Process*

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the parties may participate in an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility. When one party requests an informal resolution process, the other party must respond to the request within 3 days. The informal resolution process must be completed within 10 days of the agreement to participate in the process.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- the parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the grievance process with respect to the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- the parties, voluntarily and in writing, consent to the informal resolution process; and
- the informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. If the matter is not resolved, the formal complaint process is resumed.

Parties cannot be required to participate in an informal resolution process.

An informal resolution process is not offered unless a formal complaint is filed.

#### *Recordkeeping*

The School Board will maintain for a period of seven years records of:

- each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to School Board's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result therefrom; and
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will also be made available on the School Board's website.

For each response required under 34 C.F.R. § 106.44, the School Board must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment prohibited by Title IX. In each instance, the School Board will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the School Board does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

#### **IV. Retaliation**

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

#### **V. Right to Alternative Complaint Procedure**

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

#### **VI. Prevention and Notice of Policy**

Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

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

#### **VII. False Charges**

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

### **STUDENT CONDUCT (File: JFC)**

#### *Generally*

The Dickenson County School Board establishes expectations for student conduct so that public education is conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.

In addition to the types of conduct prohibited below, the superintendent issues Standards of Student Conduct and a list of possible actions for violations of those Standards.

This Policy and the Standards of Student Conduct apply to all Dickenson County school students. They are enforced when the student's conduct occurs when the student is

- On school property.
- Traveling to school or from school.
- Traveling to, at, and from bus stops.
- In School Board vehicles.
- In attendance at any school-sponsored activity.
- Off school property if the conduct disrupts the learning environment.

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

#### *Parental Involvement and Responsibility*

Each parent of a student enrolled in Dickenson County schools has a duty to assist in enforcing this policy, the Standards of Student Conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights. This policy, the Standards of Student Conduct, a notice of the requirements of Va. Code § 22.1-279.3, and a copy of the compulsory school attendance law is sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of this policy, the Standards of Student Conduct, the requirements of Va. Code § 22.1-279.3 and the compulsory school attendance law is also sent. Parents are notified that by signing the statement of receipt, they are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school maintains records of the signed statements.

The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or principal's designee to review this policy, the Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law and to discuss improvement of the child's behavior, school attendance and educational progress.

The school principal may notify the parents of any student who violates a School Board policy, the Standards of Student Conduct, or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (4) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

The principal or principal's designee notifies the parent of any student involved in an incident required to be reported to the superintendent and Virginia Board of Education as described in Policy CLA Reporting Acts of Violence and Substance Abuse.

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

A parent, guardian or other person having control or charge of a student is notified in writing of any disciplinary action taken with regard to any incident upon which an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G was based and the reasons therefor. The parent or guardian is also notified of the parent or guardian's right to review, and to request an amendment of, the student's scholastic record, in accordance with regulations of the Board of Education governing the management of scholastic records.

#### *Prevention, Intervention, and Treatment Activities and Programs*

Any student involved in a reportable drug or violent incident, as described in Policy CLA Reporting Acts of Violence and Substance Abuse, participates in prevention and intervention activities deemed appropriate by the superintendent or superintendent's designee. Further, any student who has been found to be in possession of or under the influence of drugs or alcohol on school property or at a school sponsored activity may be required to (1) undergo evaluation for drug or alcohol abuse and (2) participate in a drug and/or alcohol treatment program if recommended by the evaluator and if the parent consents.

#### *Prohibited Conduct*

The following conduct is prohibited. Students engaging in such conduct are subject to disciplinary action.

### Bullying and Use of Electronic Means for Bullying

Bullying is prohibited. "Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument or peer conflict.

### Gang Activity

Gang activity, as defined in Policy JFCE Gang Activity or Association, is prohibited.

### Harassment

As provided in Policy JFHA/GBA Prohibition Against Harassment and Retaliation, students are prohibited from harassing other students, school staff, volunteers, student teachers or any other person present in school facilities or at school functions.

### Hazing

Hazing is prohibited.

Hazing means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

### Intentional Injury of Others

Students are prohibited from intentionally injuring others.

### Self-defense

Whether a student acted in self-defense is considered when the student's conduct is evaluated for disciplinary action.

### Threats: Intimidation

Students are prohibited from making any verbal, written or physical threat of bodily injury to another person.

### Trespassing

Students, including students who have been suspended or expelled, are subject to disciplinary action for trespassing on school property

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

Students are prohibited from possessing, using, or distributing any of the restricted substances listed below on school property, on school buses or during school activities, on or off school property.

Students are prohibited from attempting to possess, use, consume, procure and/or purchase, any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

Students are prohibited from being under the influence of any of the restricted substances listed below, regardless of whether the student's condition amounts to legal intoxication.

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

In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

### Use of Profane or Obscene Language and Conduct

Students are prohibited from using profane or obscene language or engaging in profane or obscene conduct.

### Vandalism

Students are prohibited from vandalizing school property and the property of any School Board staff member or any other person.

The School Board may recover damages sustained because of the willful or malicious destruction or, or damage to, public property pursuant to Policy ECAB Vandalism.

## **STANDARDS OF STUDENT CONDUCT**

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

### 1. Assault and Battery

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

An assault is a threat of bodily injury.

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

### 2. Attendance; Truancy

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

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

### 3. Bomb Threats

Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices or hoax explosive devices or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb school personnel or school property.

### 4. Bullying and Use of Electronic Means for Bullying

Bullying is prohibited. "Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument or peer conflict.

### 5. Bus-Related Offenses

Students shall not behave in a disruptive manner or otherwise violate these Standards of Conduct while waiting for a school bus, while on a school bus or after being discharged from a school bus.

### 6. Cheating

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

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

### 7. Communication Devices

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

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

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

If a student possesses or uses such a device other than as permitted in this policy, in addition to other disciplinary sanctions which may be imposed, the device may be confiscated from the student and returned only to the student's parent.

8. Defiance of the Authority of School Personnel

Students shall comply with any oral or written instructions made by school personnel within the scope of their authority as provided by Board policies and regulations.

9. Disruptive Conduct

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

10. Extortion

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

11. Felony Charges

Students charged with any offense, wherever committed, that would be a felony if committed by an adult may be disciplined and/or required to participate in prevention/ intervention activities.

12. Fighting

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

13. Gambling

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

14. Gang Activity

Gang activity, as defined in Policy JFCE Gang Activity or Association, is prohibited.

15. Harassment

As provided in Policy JFHA/GBA Prohibition Against Harassment and Retaliation, students are prohibited from harassing other students, school staff, volunteers, student teachers or any other person present in school facilities or at school functions.

16. Hazing

Hazing is prohibited.

Hazing means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

17. Intentional Injury of Others

Students are prohibited from intentionally injuring others.

18. Internet Use

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

19. Laser Pointers

Students shall not have in their possession laser pointers.

20. Other Conduct

In addition to these specific standards, students shall not engage in any conduct which materially and substantially disrupts the ongoing educational process or which is otherwise a violation of federal, state or local law.



21. Possession or Use of Weapons or Other Dangerous Articles

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

22. Profane, Obscene or Abusive Language or Conduct

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

23. Reports of Conviction or Adjudication of Delinquency

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

24. Self-defense

Whether a student acted in self-defense is considered when the student's conduct is evaluated for disciplinary action. The student claiming self-defense must:

1. Be without fault in provoking or bringing on the fight or incidence.
2. Have reasonably feared, under the circumstances, as they appeared to him or her that he or she was in danger of harm.
3. Have used no more force than was reasonably necessary to protect him or her from the threatened harm.

Self-defense does not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored event.

25. Stalking

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

26. Student Dress

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

27. Theft

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

28. Threats or Intimidation

Students are prohibited from making any verbal, written or physical threat of bodily injury to another person.

29. Trespassing

Students, including students who have been suspended or expelled, are subject to disciplinary action for trespassing on school property.

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

Students are prohibited from possessing, using, or distributing any of the restricted substances listed below on school property, on school buses or during school activities, on or off school property.

Students are prohibited from attempting to possess, use, consume, procure and/or purchase, any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

Students are prohibited from being under the influence of any of the restricted substances listed below, regardless of whether the student's condition amounts to legal intoxication.

Restricted substances include but are not limited to alcohol, tobacco products as defined in Policy JFCH Tobacco Products and Nicotine Vapor Products, nicotine vapor products as defined in Policy JFCH Tobacco Products and

Nicotine Vapor Products, inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia and any prescription or non-prescription drug possessed in violation of School Board policy.

In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

31. Use of Profane or Obscene Language and Conduct

Students are prohibited from using profane or obscene language or engaging in profane or obscene conduct.

32. Vandalism

Students are prohibited from vandalizing school property and the property of any School Board staff member or any other person.

The School Board may recover damages sustained because of the willful or malicious destruction or, or damage to, public property pursuant to Policy ECAB Vandalism.

**CORRECTIVE ACTIONS**

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

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

**NOTIFICATION REGARDING PROSECUTION OF JUVENILES AS ADULTS (File: JFCL)**

The following information has been developed by the Office of the Attorney General regarding the prosecution of juveniles as adults:

**Who is a juvenile?** Section 16.1-228 of the *Code of Virginia* defines a juvenile as “a person less than 18 years of age.” Section 16.1-269.1 of the *Code* permits juveniles, 14 years of age or older at the time of an alleged offense, to be prosecuted as adults for specific crimes under certain circumstances. This process is called a transfer to the appropriate circuit court for trial as an adult.

**How is the age of the juvenile calculated?** Section 16.1-241 of the *Code of Virginia* provides that for the purpose of transferring a juvenile to circuit court for trial as an adult, the child must have been age 14 or older at the time of the offense.

**Under what circumstances does the law permit the transfer of juveniles for trial as adults?** The *Code of Virginia* permits the transfer of juveniles for trial as adults under three specific circumstances. Following is a description of each circumstance and the procedure that is followed in order to determine whether the student is transferred to circuit court.

### **Circumstance #1**

A transfer can occur when a juvenile, who is age 14 or older at the time of the offense, is charged with a crime which would be a felony if committed by an adult (§ 16.1-269.1 A. of the *Code of Virginia*). Offenses are either felonies or misdemeanors. Those offenses that are punishable by confinement in a state correctional facility or death are felonies; all other offenses are misdemeanors. Felonies are classified for the purposes of punishment and sentencing into six classes. The authorized punishments for conviction of a felony are as follows:

- Class 1 felony – death if the person convicted was 18 years of age or older at the time of the offense and is not determined to be mentally retarded and a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be mentally retarded, the punishment shall be imprisonment for life or imprisonment for life and a fine of not more than \$100,000.
- Class 2 felony – imprisonment for life or for any term not less than twenty years or imprisonment for life or for any term not less than twenty years and a fine of not more than \$100,000.
- Class 3 felony – a term of imprisonment of not less than five years nor more than twenty years or a term of imprisonment of not less than five years nor more than twenty years and a fine of not more than \$100,000.
- Class 4 felony – a term of imprisonment of not less than two years nor more than ten years or a term of imprisonment of not less than two years nor more than ten years and a fine of not more than \$100,000.
- Class 5 felony – a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- Class 6 felony – a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.

(§§ 18.2-9 and 18.2-10 of the *Code of Virginia*)

In this circumstance, the Commonwealth's Attorney's office makes a formal request to the judge of the juvenile court for the juvenile to be transferred to the circuit court. The juvenile court holds a transfer hearing and may retain jurisdiction or transfer the juvenile to the appropriate circuit court for criminal proceedings. Any transfer to the circuit court is subject to the following conditions: (1) notice; (2) probable cause to believe that the juvenile committed the alleged delinquent act or a lesser included delinquent act; (3) the juvenile is competent to stand trial; and, (4) the juvenile is not a proper person to remain within the jurisdiction of the juvenile court.

The decision regarding whether the juvenile is not a proper person to remain within the jurisdiction of the juvenile court is based upon, but not limited to, the following factors:

- The juvenile's age
- The seriousness and number of alleged offenses
- Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation
- The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems needed by the juvenile
- The record and previous history of the juvenile in the jurisdiction where the alleged crime occurred or in other jurisdictions
- Whether the juvenile has escaped from a juvenile correctional entity in the past
- The extent, if any, of the juvenile's degree of mental retardation or mental illness
- The juvenile's school record and education
- The juvenile's mental and emotional maturity
- The juvenile's physical condition and maturity

### **Circumstance #2**

A transfer can occur when a juvenile 14 years of age or older is charged with an offense which would be a felony if committed by an adult. (§ 16.1-269.1 C of the *Code of Virginia*)

In this circumstance, transfer is requested at the discretion of the Commonwealth's Attorney. If the Commonwealth's Attorney wishes to transfer the juvenile for trial as an adult, the juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§16.1-269.1 C of the *Code of Virginia*)

### **Circumstance #3**

A transfer occurs when a juvenile 14 years of age or older at the time of the alleged offense is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding. (§ 16.1-269.1 B of the *Code of Virginia*). Transfer under this circumstance is automatic. Whenever a juvenile 14 years of age or older is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding, he or she must be tried as an adult. The juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§ 16.1-269.1 B of the *Code of Virginia*)

**If a juvenile is transferred for prosecution as an adult on one offense, what happens if he or she has also been charged with other offenses?** If any one charge is transferred, all other charges of delinquency arising out of the same act will be transferred. (§ 16.1-269.6 of the *Code of Virginia*)

**Does the transfer impact subsequent alleged criminal offenses?** Yes. Once a juvenile is convicted of a crime as an adult in circuit court, all subsequent alleged criminal offenses of whatever nature, will be treated as adult offenses and no transfer hearing will be required. (§ 16.1-269.6 of the *Code of Virginia*)

**What happens when an adult is sentenced for a crime he or she committed as a juvenile?** When the juvenile court sentences an adult who has committed, before attaining the age of 18, an offense which would be a crime if committed by an adult, the court may impose a penalty up to a maximum of 12 months in jail and/or a fine up to \$2,500. (§ 16.1-284 of the *Code of Virginia*)

**What can happen if a juvenile is tried as an adult?** There are significant differences between a juvenile being tried as a juvenile and a juvenile being tried in the circuit court as an adult. In the juvenile system, a juvenile is given added protections because of his or her youth. First, records pertaining to the charge and adjudication of delinquency are confidential and may not be available to the public unless the crime was a felony. Second, if the adjudication is for a misdemeanor, the juvenile court record is expunged when the juvenile reaches the age of majority and is considered an adult. Third, a juvenile who is adjudicated delinquent remains in the juvenile system where a judge has discretion in the determination of the punishment or consequences to be imposed. In the juvenile system, the emphasis is on treatment and education.

In contrast, if a juvenile is prosecuted as an adult the issues and information related to the charge and the conviction of a crime are part of the public record. Because the information becomes an adult criminal record, it is not expunged when the juvenile reaches the age of 18. Additionally, the judge does not have the same discretion in sentencing. The judge in circuit court must impose at least the mandatory minimum sentence that is prescribed in sentencing guidelines. The circuit court does have the discretionary power to commit the juvenile to the juvenile system even if prosecuted as an adult.

### **SPORTSMANSHIP, ETHICS AND INTEGRITY (File: JFCB)**

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

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

### **EXTRACURRICULAR ACTIVITIES FOR ALTERNATIVE EDUCATION STUDENTS**

Students attending Dickenson County Schools who are placed in alternative education programs for punitive reasons shall not be allowed to participate in extracurricular activities sponsored by the schools.

Students placed in alternative programs through efforts to improve the student's opportunity to succeed and receive a diploma will be allowed to participate in all extracurricular activities provided the principal of the home school determines he or she is a student in good standing and meets other eligibility criteria.

## STUDENT CONDUCT ON SCHOOL BUSES

### Transportation of Students

The School Board may furnish transportation to resident students enrolled in the schools of the division who satisfy the following requirements:

1. Reside within the attendance area of the school(s) served;
2. Reside beyond approved walking distances;
3. Are present at authorized points for student pick up at the designated time; and
4. Comply with division standards and regulations in their conduct and behavior.

### Student Conduct on School Buses

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

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

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

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

### Procedural Guidelines

The following general procedural guidelines should be followed when administering this policy:

1. Initially, bus drivers should try to resolve the discipline problem or violation of rules directly with the student(s) involved.  
  
Bus drivers will also attempt to confer with parents and to request their cooperation in resolving the problem. These actions should be documented by the driver.
2. For problems not resolved in step 1 or in cases of more serious discipline or safety problems, a discipline referral may be made to the school principal or designee ("administrator"). In such cases, unless more severe sanctions appear warranted, the administrator will give the student a formal warning, notify the parents, and provide the parents with a copy of the discipline referral.
3. If a problem occurs which results in a second discipline referral or, in the case of an initial discipline referral involving a serious discipline or safety problem, the following procedure shall apply:
  - a. The administrator will advise the student orally or in writing of the charges.
  - b. If the student denies the charges, the administrator will explain the evidence against the student and give the student an opportunity to present the student's side of the incident.
  - c. If, on the basis of this discussion, the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for five (5) school days.
  - d. The administrator shall immediately notify the parents of the suspension of bus riding privileges, the grounds for such suspension, the duration of such suspension, and the time and place for the parents to meet with the administrator to review the suspension. Such meeting shall be held prior to reinstatement of the student's bus riding privileges. The parents shall also be provided with a copy of the discipline referral.
4. If a student who has previously had bus riding privileges suspended during the current school year receives another discipline referral, the administrator will follow the procedures in steps 3(a) through (d) above with the following modifications:
  - a. If the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for ten (10) school days; and
  - b. The student's bus riding privileges will not be reinstated until a meeting with the parents and the administrator has taken place or until, in the discretion of the administrator, the parents have substantially agreed to review the suspension. The administrator may also reinstate such privileges if the parents cannot be contacted or if the parents repeatedly fail to appear for scheduled meetings.



5. If a student who has twice previously during the current school year had bus riding privileges suspended receives another discipline referral, the administrator will follow the procedures in steps 3(a) through (d) above with the following modifications:
  - a. If the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for thirty (30) days; and
  - b. The student's bus riding privileges will not be reinstated until a meeting with the student, the parents, the bus driver, the administrator, and the Director of Transportation has taken place.
6. In cases of severe and/or continuing problems, the school principal or the Director of Transportation may, after following the steps in 3 (a) through (d) above, suspend privileges for an additional fifteen (15) days, during which time an informal hearing will be scheduled before the superintendent of schools with the student, the parents, and the division officials for the purpose of considering the revocation of the student's bus riding privileges for the remainder of the current school year.
7. An appeal of any decision of the superintendent revoking a student's bus riding privileges may be taken to the School Board.
8. These guidelines shall not preclude the school principal or Director of Transportation from eliminating any of the steps in the process, if in their judgment the misconduct by the student warrants more severe action.

This policy and applicable regulations shall not be limited in their application to bus riding privileges alone but shall also extend to all district provided or supervised transportation. Disorderly conduct by students at bus stops shall be reported and acted upon in the same manner as misconduct on buses.

Nothing contained in this policy shall preclude the imposition of other disciplinary measures as appropriate, including suspension or expulsion from school, in accordance with other division policies and procedures.

#### **TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS REGULATIONS (File: KGC-R)**

The use of tobacco products or nicotine vapor products by staff, students, and visitors is prohibited on school property.

In addition, students are prohibited from possessing or distributing any tobacco products or vapor products on school property.

For purposes of this regulation

1. "School property" means:
  - a. All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage.
  - b. Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development (Head Start) services;
  - c. All vehicles used by the division for transporting students, staff, visitors or other persons.
  - d. All school grounds and property – including athletic fields and parking lots – owned, leased, rented or contracted by the Dickenson County School Board.
  - e. All school-sponsored or school-related events on-campus or off-campus.
2. "Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings.
3. "Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Students that possesses, distributes, and/or uses tobacco products or nicotine vapor products on school property will be disciplined as provided for in the Dickenson County Public Schools Handbook of Expectations and Consequences for Students.

Staff that uses tobacco products or nicotine vapor products on school property will be subject to appropriate discipline, up to and including termination.



Visitors that use tobacco products or nicotine vapor products on school property may be asked to immediately leave school grounds and/or may be banned from school grounds for a period of time.

### **DRUGS IN SCHOOL (File: JFCF)**

#### **I. Generally**

No person may manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance or imitation controlled substance while

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

##### **A. Expulsion**

A student who is determined to have brought a controlled substance or imitation controlled substance onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the School Board authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Any disciplinary action imposed pursuant to such a review must be taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

##### **B. Prevention and Intervention**

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

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

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

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

#### **II. Students with Disabilities**

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

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

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

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

- a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).

- b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

## **WEAPONS IN SCHOOL (File: JFCD)**

### **I. Generally**

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school principal or the superintendent or superintendent's designee is prohibited, and grounds for disciplinary action. The superintendent or superintendent's designee is permitted to give authority to possess a firearm on school property only to persons expressly authorized by statute to possess a firearm on school property.

Such weapons include, but are not limited to:

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

### **II. Expulsion for Possession of Firearms**

A student who has possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code § 22.1-277.07, or a firearm muffler or firearm silencer, or a pneumatic gun as defined in Va. Code § 15.2-915.4 on school property or at a school-sponsored activity may be expelled for at least one year in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may 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. The School Board authorizes 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. If it is determined by the superintendent or superintendent's designee that a disciplinary action other than expulsion is appropriate, such disciplinary action is taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

### **III. Students with Disabilities**

- A. Students with disabilities are subject to this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA Disciplining Students with Disabilities will be followed in addition to the regular disciplinary procedures.
- B. Additional authority to remove a student with a disability from school for a weapons violation.
1. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

2. For purposes of this forty-five (45) school day removal, the weapon must meet the following definition:

“a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.”

**GANG ACTIVITY OR ASSOCIATION (File: JFCE)**

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

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

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

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

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

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

**STUDENT DRESS CODE (File: JFCAA)**

A. Generally

School personnel have the responsibility to protect the health and safety of students and to maintain proper and appropriate conditions that promote learning. Based on the belief that school is a place of business where students are learning both academic and social skills, the Dickenson County School Board requires that all students dress appropriately. In accordance with the purpose of this dress code, no student shall present himself or herself to school in a manner, which is plainly offensive to others or is likely to cause disruption. As provided herein, the administration shall prohibit any clothing, jewelry, similar attachments, or accessories, which have a substantial and material disruptive effect on the school atmosphere or represents a clear safety concern for students and/or staff. School clothing should be appropriate as to time, place and weather conditions. Any form of dress or appearance that disrupts or distracts from the purpose or conduct of school that is considered contrary to good hygiene, or that threatens the safety of one's self or others will not be permitted.

1. Students shall wear appropriate clothing and footwear and groom themselves for school in a manner that does not offend the common rules of decency or reflect negatively on or distract from any phase of the educational program. Appropriate dress is clothing that covers the body sufficiently so as not to attract excessive attention to one's self.
2. Messages on clothing, jewelry and personal belongings that relate to drugs, alcohol, tobacco, sex, vulgarity, violence or that represent gang activity or membership or that advertise obscenities or that reflect adversely upon persons because of their race, sex, color, creed, national origin or ancestry are not permitted.

3. Any article of clothing, footwear, jewelry or other accessory that suggest, identifies or otherwise promotes "gang" related and/or endorses/promotes subversive activities will not be permitted.
4. For health and safety purposes, appropriate footwear must be worn at all times. Going barefoot is not acceptable.

B. Specific Guidelines

The following guidelines are examples that are intended to be age appropriate for all students in kindergarten through grade 12. They include but are not limited to:

1. Any item of clothing, jewelry, adornment, etc. which may be distracting or may materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or which represents a potential danger to self or others will not be permitted.
2. Footwear must be worn at all times and should be appropriate for normal activities. Socks without other footwear are not considered appropriate. Tennis shoes are appropriate. It is recommended to not wear flip flops (beach type) to school. Other open-heeled footwear is deemed appropriate. Sport shoes with cleats are not acceptable for inside wear.
3. Some school programs, such as industrial technology, laboratory activities, physical education and interscholastic athletics may require special hair care and clothing to ensure the health and safety of all students.
4. Hats, visors, bandannas, sunglasses and/or other headwear (unless required by a physician) may not be worn inside the building.
5. Shorts/dresses/skirts must be of appropriate length. Shorts/dresses/skirts should be no shorter than mid-thigh when standing. The following shorts are not acceptable: very short shorts, such as the thin nylon, athletic type shorts with side slits, biker, jogging, swimwear, cut-offs, gym shorts (except in physical education classes and athletic practices). Athletic and cheerleading uniforms, which do not meet the criteria established above, may not be worn during classes.
6. Shirts or blouses should be of sufficient length so they may be tucked in the waistband. Pants/shorts/skirts shall be appropriately sized and worn at the natural waistline.
7. No undergarments (including boxer shorts and sports bras) should be readily visible or be worn as outer garments.
8. Strapless tops, tops with "spaghetti" straps, traditional tank tops with narrow straps and cut-away underarms, tube tops, bare back or bare midriff style, mesh or "fish net" style apparel are not permitted. If sleeveless garments are worn, underwear may not be readily visible.
9. Clothes with holes exposing underwear or private areas are not permitted.
10. T-shirts, articles of clothing and badges or buttons that have writing, symbols or slogans encouraging the use of alcohol, drugs, sex, profanity, vulgarity, violence, promotion of racial prejudice, or subversive activities may not be worn.
11. Clothing usually worn outdoors such as heavy coats, raincoats, jackets or gloves should not be worn in the building under normal circumstances.
12. In schools where lockers are provided, backpacks will not be permitted in the classroom. Backpacks should be placed in lockers upon arrival at school and not picked up until school is dismissed.
13. Accessories typically, referred to as "animal jewelry" such as heavy chains, dog collars, or spiked collars are not permitted.

Decisions regarding the appropriateness of clothing, footwear, hair and accessories will be made by the building principal or designee. Initially, items deemed inappropriate will be called to the attention of the parent(s), and the student may be required to call home for a change of clothing, cover the noncomplying clothing, be assigned to In-School-Suspension (ISS) for the remainder of the day, and/or go home. Repeated violations of the dress code may result in suspension from school.

The board believes that the primary responsibility for appropriate dress, grooming and overall appearance of students rests with the parents of students and with the student.

## **TEACHER DRESS AND PERSONAL APPEARANCE (File: JFCAA)**

The Dickenson County School Board recognizes the right of teachers to exercise personal judgment in matters of dress and personal appearance, within certain boundaries. At the school and division levels appropriate dress and grooming contribute to a productive learning environment.

Teachers should dress appropriately as a professional educator. Under no circumstances shall teachers' dress standards fall below those outlined in the dress code for students. Teachers' dress should meet or exceed those standards.

Research proves that the type of clothing worn by teachers affects the work, attitude, and discipline of students. Teachers should dress to achieve these effects:

- 1) Respect
- 2) Credibility
- 3) Acceptance
- 4) Authority

## **MOTOR VEHICLES ON PARKING LOTS**

All school parking lots are under the jurisdiction, ownership, and control of the Dickenson County School Board and are available only for use by school personnel, students, and authorized visitors.

All such use is subject to regulations issued by the Superintendent of the Dickenson County School System in cooperation with the principal of the local school.

Regulations include the following minimal requirements as to the high schools, career center, and elementary schools:

1. All students who drive motor vehicles to and from the high school shall be fully licensed drivers. Permission must be obtained from the principal to drive to and from school.
2. All student motor vehicles must be registered. Any information required must be furnished to the school office.
3. All visitors to the school must park only in the assigned marked "visitor spaces" and must sign-in at the school principal's office.
4. Student vehicles parked on the school parking lot shall be parked in the assigned areas and shall not be occupied or driven during the student's regular school day.
5. If there are insufficient parking spaces on the school campus to accommodate the requests, parking spaces will be assigned on the basis of criteria developed by the school principal and his staff.
6. Student motor vehicles are subject to search in accordance with School Board Policy Manual and Code of Student Conduct.
7. Any student who rides as a passenger to and from school with another student must have specific written permission to do so from the parent/guardian of the passenger and from the registered driver of the vehicle on file in the school principal's office. The principal has final approval of this request.
8. As provided in Virginia Code section 46.2-1231, any vehicle parked on a school parking lot in violation of this policy and the regulations issued pursuant to this policy, will be subject to removal by towing or otherwise to a licensed garage for storage until called for by its owner or his/her agent. However, prior notice of towing or removal shall first be given to a local law enforcement officer. If the vehicle is removed and stored, the vehicle owner shall be responsible for cost of such removal and storage. If the owner of the trespassing vehicle is present and removes the trespassing vehicle before it is actually towed, the trespassing vehicle shall not be towed, but the owner of the trespassing vehicle shall be liable for a fee of \$25 (twenty-five dollars).
9. Any vehicle requiring more than one parking space must have prior approval from the principal.

This section shall not apply to police, fire or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily.

In addition to the foregoing, any violation by a student shall be treated as a violation of required student conduct and shall be disciplined accordingly.

## INTERVIEW OF STUDENTS

When a law enforcement officer or employee of the Child Protective Services Unit of the Social Services Department calls at the school, whether to question a student or to serve a court order or arrest warrant, the principal shall lend his or her full cooperation.

### 1. Criminal Investigations

Should a law enforcement officer wish to interrogate a non-adult student during an investigation of possible criminal activity by the student, the student must be asked if he/she wishes for a parent, or his/her attorney to be present. If he/she does not, the school officials must make a good faith effort to contact the student's parents or guardian prior to the beginning of the interrogation, and it is mandatory that the principal or his/her representative be present as an observer. However, the interrogation must be conducted by the officer and not by the principal or representative.

### 2. Student Interviews

Except in Child Protective Services cases, should a law enforcement officer wish to speak with a non-adult student about matters which do not involve possible criminal activity by the student, the student should be asked if he or she wants a parent or attorney to be present. If he or she does not, the principal or his representative should be present as an observer.

### 3. Child Protective Services Investigators

Because of the sensitive nature of Child Protective Services cases, Child Protective Services Unit employees and law enforcement officers investigating Child Protective Services cases are permitted by state law to interview students outside the presence of school personnel, parents, or attorneys, Virginia Code section 63.1-248.10. School officials are expected to cooperate fully in maintaining strict confidentiality in Child Protective Services investigations. School officials should adhere to requests of Child Protective Services officers as to whether or not parents are to be informed of Protective Services investigations.

## SEARCH AND SEIZURE (File: JFG)

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

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

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

### PERSONAL SEARCHES

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

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

- justified at its inception and
- reasonably related in scope to the circumstances justifying the search.

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



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

A pat down search of a student may only be conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present.

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

#### LOCKER AND DESK SEARCHES

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

#### AUTOMOBILE SEARCHES

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

#### COMPUTER SEARCHES

The school computer system, as defined in Policy GAB/IIBEA Acceptable Computer System Use, is school property. Students are only authorized to use the school's computer system and other similar educational technology consistent with the educational mission of the school and in accordance with Policy GAB/IIBEA Acceptable Computer System Use. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

#### CONSENT SEARCHES

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

#### SEIZURE OF ILLEGAL MATERIALS

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

#### **CORPORAL PUNISHMENT (File: JGA)**

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

- to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- to prevent a student from inflicting physical harm on himself;
- for self-defense or the defense of others; or

- to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

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

### **DISCIPLINING STUDENTS WITH DISABILITIES**

School authorities may remove a student with a disability from his or her current educational setting for 10 school days cumulative in a school year to the extent that such removals would be applied to students without disabilities and for additional short-term suspensions during the school year provided no pattern exists. Short term suspensions which constitute a pattern will be handled through long term removal procedures.

Students with disabilities 1) who carry or possess a weapon to or at school, or on school premises, or to or at a school function under the jurisdiction of a state or local educational agency; 2) who knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or 3) who inflict serious bodily injury upon another person at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency may be disciplined pursuant to Policies JFCD Weapons in School, JFCF Drugs in School or JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury and may be placed in an interim alternative educational setting for up to forty-five school days. These options are available even if a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Weapons, controlled substance and serious bodily injury have the meaning given under state regulations in 8 VAC 20-81-10.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability as a result of discipline.

### **STUDENT SUSPENSION/EXPULSION (File: JGD/JGE)**

#### **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 policies or the Standards of Student Conduct issued by the superintendent pursuant to Policy JFC 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 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.

In Sections III, IV, VI, and VIII of this Policy, “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 § 22.1-277 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 may be appealed to the School Board.

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 11 to 45 school days after written notice is provided to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before 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 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 the pupil's parent of the proposed action and the reasons therefor and of the right to a hearing before 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 the pupil's 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 the expulsion is borne by the parent of the student.

Nothing in this section 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 the expulsion, and of the conditions, if any, under which readmission may be granted.

Such students may apply and reapply for readmission to school in accordance with the following schedule:

To enable the student to resume school attendance one calendar year from the date of expulsion, the student may apply for admission or readmission to Dickenson County Public Schools 45 days prior to the expiration of the one calendar year expulsion.

##### *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, Destructive Devices and Pneumatic Guns

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 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 authorizes the superintendent or superintendent’s designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section 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 section do not apply to students 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 to use school premises.

#### Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance or imitation controlled substance as those terms are 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 authorizes 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. Nothing in this section 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 principal’s representative and the student or student’s 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, the student’s 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, the student's parent(s), the principal and superintendent.

## **VI. ALTERNATIVE EDUCATION PROGRAM**

The School Board may require any student who has been

- 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;
- 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;
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or 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 conduct 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.

The School Board authorizes the superintendent or superintendent's designee to require students to attend an alternative education program consistent with the provisions of the previous paragraph after (i) written notice to the student and the student's parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or the superintendent's designee regarding such placement. If the student or parent wants to participate in a hearing regarding the placement, the student or parent must notify the superintendent or superintendent's designee within 7 days of receiving the written notice of the student's assignment to the alternative education program. The decision of the superintendent or superintendent's designee regarding such alternative education placement is final unless altered by the Board upon written petition by the student or student's parent for a review of the record by the School Board. Such petition must be received by the superintendent or superintendent's designee within 7 days after receiving written notice of the decision after the hearing.

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 in this section, "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 the student's 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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 the student's 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 Dickenson County 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 the student's 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 section 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.

## **X. DISCIPLINARY COMMITTEE REGULATIONS**

The Division Superintendent shall appoint a Discipline Committee which shall act in an advisory role to the Division Superintendent and the School Board. The membership of the Discipline Committee shall be at the discretion of the Division Superintendent. The membership may consist of a principal, secondary or elementary; a guidance counselor, (secondary or elementary) one high school teacher; one elementary teacher; one central office personnel, one special education personnel (when needed). However, this membership may be modified by the Division Superintendent based upon availability of personnel or such other factors as deemed appropriate by the Division Superintendent. The Discipline Committee shall select a chair and a secretary. The Committee shall meet at such times and places as may be designated by the chair of the Discipline Committee or the Division Superintendent. The Discipline Committee will hear all cases related to suspension in excess of ten (10) days.

The Discipline Committee shall consider all information that it deems relevant. The Discipline Committee will summarize its conclusions and the facts that serve as the basis for the Discipline Committee's disposition of the case by an informal memorandum. The Division Superintendent shall have the authority to review and modify any actions proposed by the Discipline Committee. The Division Superintendent may summarize any modifications of the Discipline Committee's recommendations or simply approve the action taken by the Discipline Committee.

In any case where the School Principal finds that a student is in violation of school board policy relating to alcohol and/or drugs as defined in Policy JFCF, the student shall be suspended from school until the Discipline Committee hears the case.

In any case where the School Principal finds that a student is in violation of school policy relating to weapons as defined in Policy JFCD, then the following procedures shall apply:

1. For those weapons, as that term is defined in policy JFCD, that are relatively nonthreatening, including, but not limited to, small knives, toy guns and slingshots, then the School Principal shall consult with the Division Superintendent's designee and thereafter, the School Principal shall exercise professional discretion regarding the nature of the discipline. The Division Superintendent's designee is Mike Setser, Director of Compliance.
2. For any weapon, as that term is above-defined, where there are, in the School Principal's professional discretion, concerns regarding the safety of the students within the school or the need for more structured review and discipline, then the matter will be referred to the Disciplinary Committee. Pending review by the Discipline Committee, Division Superintendent and/or the School Board, the student shall be suspended. The student may be placed in an alternative instructional setting until such hearing takes place.

Regardless of the nature of the discipline, the student and/or student's parent/guardian may appeal any decision made by the School Principal, Division Superintendent or the Discipline Committee. Any appeal must be made within seven (7) calendar days after receipt of the final decision of the School Principal, Division Superintendent or Discipline Committee. A quorum of the School Board shall consider the appeal within thirty (30) days of receipt of said appeal.

## **CHILD ABUSE AND NEGLECT REPORTING (File: GAE)**

### *Reporting Requirement*

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

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

### *Notice of Reporting Requirement*

The School Board posts in each school a notice that

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

### *Complaints of Abuse and Neglect*

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

## **SCHOOL VISITORS (File: KK)**

Visitors are welcome in the schools as long as their presence is not disruptive. Upon arriving at a school, all visitors must report to the administrative office. Potential visitors, including parents, who are registered sex offenders, should consult Policy KN Sex Offender and Crimes Against Minors Registry Information before arriving at school property or school sponsored activities. The school division expects mutual respect, civility and orderly conduct from all individuals on school property and at school events. Unauthorized persons, including suspended and expelled students, will be requested to leave school grounds by the building administrator. Unauthorized persons who fail to leave the school grounds or school activity as requested will be considered trespassers. The School Board authorizes the superintendent to take all necessary actions regarding the safety, order and preservation of the educational environment on School Board property or at school division sponsored activities. Law enforcement may be called to enforce this policy.

Anyone, including students, who enters a school at nighttime without the consent of an authorized person except to attend an approved meeting or service or who enters or remains on any school property, including school buses, in violation of (i) any direction to vacate the property by an authorized individual or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen may be prosecuted.

## **PUBLIC CONDUCT ON SCHOOL PROPERTY (File: KGB)**

All visitors must register at the school office on arrival.

No one may possess or consume any alcoholic beverage in or on the grounds of any public school during school hours or school or student activities. In addition, no one may consume, and no organization shall serve, any alcoholic

beverage in or on the grounds of any public school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

In accordance with Policy KGC Tobacco Products and Nicotine Vapor Products, use of tobacco products and nicotine vapor products is not permitted in schools, at school-sponsored events, or in school vehicles.

Any person found to be engaged in or advocating illegal activity while on school property, including school buses, is reported by the principal to the local law enforcement authorities.

Any person who willfully and maliciously damages, destroys or defaces any school district building, or damages or removes any school property from a school building, is required to compensate the school division and may be prosecuted.

Any person who willfully interrupts or disturbs the operation of any school or, being intoxicated, disturbs the same, whether willfully or not, may be ejected and/or prosecuted.

**PARENTAL RESPONSIBILITY AND INVOLVEMENT REQUIREMENTS**  
**(Section 22.1-279.3 of the Code of Virginia)**

- A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.
- B. A School Board shall provide opportunities for parental and community involvement in every school in the school division.
- C. Within one calendar month of the opening of school, each School Board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section and (ii) a copy of the School Board's standards of student conduct. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions. Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the School Board's standards of student conduct and the notice of the requirements of this section. Each school shall maintain records of such signed statements.
- D. The school principal may request the student's parents to meet with the principal or his/her designee to review the School Board's standards of student conduct and the parent's responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and education progress.
- E. In accordance with section 22.1-277 and the guidelines required by section 22.1-278, the school principal may notify parents of any student who violates a School Board policy when such violation could result in the student's suspension, whether or not the school administration has imposed such disciplinary action. The notice shall state (i) the date and particulars of the violation, (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior, and (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials.
- F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.
- G. Upon the failure of a parent to comply with the provisions of this section, the School Board may, by petition to the Juvenile and Domestic Relations Court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior, as follows:
  - 1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and education progress, it may order the parent to so meet; or
  - 2. If the court finds that the parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order (i) the student or his/her parent to participate in such

programs or such treatment as the court deems appropriate to improve the student's behavior or (ii) the student or his parent to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

- H. The civil penalties established pursuant to this section shall be enforceable in the Juvenile and Domestic Relations Court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision 3 of subsection G. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.
- I. All references in this section to the Juvenile and Domestic Relations Court shall be also deemed to mean any successor in interest of such court.

### **PARENTAL RIGHTS AND RESPONSIBILITIES (File: KP)**

All staff members respect the parental rights of both parents. Unless there is a law, legally binding document, or court order to the contrary, both parents have the right to

- inspect and review the child's school records, in accordance with Policy JO Student Records;
- visit the school in accordance with Policies KK School Visitors and KN Sex Offender and Crimes against Minors Registry Information.
- receive all notifications required by law.

#### Parent Responsibilities

The custodial parent has the responsibility to

- keep the school office informed of the parent's address and how the parent may be contacted at all times;
- provide the current address and phone number of the noncustodial parent at registration unless such address is unknown and the custodial parent signs a statement to that effect, or unless a court order restricts the educational or contact rights of the noncustodial parent; and
- provide a copy of any legal document which restricts the educational and/or contact rights of the noncustodial parent.

The noncustodial parent has the responsibility to keep the school informed of changes in the parent's phone number and address. At the request of a noncustodial parent, such parent will be included as an emergency contact for the student's activities unless a court order has been issued to the contrary.

### **SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY INFORMATION (File: KN)**

#### Generally

Each school in the division registers with the Department of State Police to receive electronic notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry (the Registry) within the division.

The superintendent establishes procedures regarding the use and distribution of information received from the Registry. Information received from the Registry may not be used to intimidate or harass.

The superintendent notifies the parent of each student enrolled in the school division of the availability of information in the Registry and the location of the website.

#### Visitors to Schools

When the school division learns that a parent, other than a parent who has been convicted of a Tier III offense as defined in Va. Code § 9.1-902, of an enrolled student is required to register with the Registry, the parent is notified in writing that he or she is barred from being present at school or at school functions without the express written approval of the student's principal. Such approval must be obtained in advance of the proposed visit and will state the conditions under which the parent may be present. When such a parent is permitted at school or at school functions the parent is monitored to ensure that he or she does not come into contact with any children other than the parent's own children.

When the school division learns that any person other than the parent of an enrolled student, who is required to register with the Registry, but who has not been convicted of a Tier III offense, as defined in Va. Code § 9.1-902,



seeks to be present at school or at school functions, the person is notified in writing that he or she is barred from being present at school or school functions without the express written approval of the principal of the school the person seeks to visit or which sponsors the event the person seeks to attend. Such approval must be obtained in advance of the proposed visit and, if obtained, will state the conditions under which the person may be present. One of the conditions will be that the person will be monitored to ensure the safety of students, staff, and others.

Principals consider requests to be present at school or at school sponsored activities from all persons who are required to register with the Registry but have not been convicted of a Tier III offense as defined in Va. Code § 9.1-902 in accordance with procedures established by the superintendent.

No adult who has been convicted of a Tier III offense, as defined in Va. Code § 9.1-902, may enter or be present during school hours, and during school-related or school-sponsored activities on any property the person knows or has reason to know is a school or child day center property, school bus, or on any property, public or private, when such property is solely being used by an elementary or secondary school for a school-related or school-sponsored activity unless

- the person is a lawfully registered and qualified voter and is coming upon such property solely to vote;
- the person is a student enrolled at the school; or
- the person has obtained a court order pursuant to Va. Code 18.2-370.5.C allowing the person to enter and be present upon such property, has obtained the permission of the School Board or its designee for entry within all or part of the scope of the lifted ban, and is in compliance with the School Board's terms and conditions and those of the court order.

## **PARENT AND FAMILY ENGAGEMENT POLICY**

### *STATEMENT OF PURPOSE*

Dickenson County Public Schools encourages and supports the role of parental participation in the educational process. It is the mission of Dickenson County Public Schools to equip our students with the necessary and fundamental learning skills needed to become lifelong learners and to prepare each student for their next step. It is the partnership of school and parents that help strengthen student academic success. Everyone gains if school and home work together to promote high achievement by our children. Neither home nor school can do the job alone. Parents play an extremely important role as children's first teachers. Their support for their children and for the school is critical to their children's success every step along the way.

Dickenson County Public Schools intend to include parents in all aspects of the district's Title I program. The goal is a school-home partnership that will improve student achievement and school performance.

### *PARENT'S RIGHT TO KNOW*

At the beginning of each school year, the division shall notify the parents of each student attending a Title I school that they may request information regarding the professional qualifications of the student's classroom teachers. This notice is included in the Student/Parent Handbook. If a parent requests this information, at a minimum, the following shall be included:

- whether the teacher has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
- whether the teacher is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived;
- the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree; and
- whether the child is provided services by paraprofessionals and, if so, their qualifications.

In addition to the above information that parents may request, a school that receives Title I funds shall provide to each parent:

- information on the level of achievement of the parent's child in each of the state academic assessments, and
- timely notice, if the parent's child has been assigned, or has been taught for four or more consecutive weeks by a teacher who is not properly licensed and endorsed. (This notice is to be sent only to parents of children taught by this teacher.)



*IMPLEMENTING REQUIRED ESEA COMPONENTS OF THE DISTRICT PARENT AND FAMILY ENGAGEMENT POLICY*

1. Dickenson County Public Schools will take the following actions to involve parents in the joint development of its district wide parental involvement plan under section 1112 of the ESEA:
  - Establish a district wide parent advisory council ( PAC) to provide advice on all matters related to parental involvement in Title I, Part A programs
  - Hold annual Title I informational meeting that is advertised to the public
  - Invite members from the schools' PAC to attend and participate in the annual informational meeting to review among other things, the District Parent and Family Engagement Policy.
2. Dickenson County Public Schools will take the following actions to involve parents in the process of the school review and improvement under section 1116 of the ESEA:
  - Ensure that each school has a PAC established for the school
  - Ensure that each school holds quarterly PAC meetings
  - Ensure that each school holds annual school improvement meeting that includes parents
  - Ensure that each school has a school compact in place
3. Dickenson County Public Schools will provide the following necessary coordination technical assistance, and other support to assist Title I Part A schools in the planning and implementing effective parental involvement activities to improve student academic achievement and school performance:
  - Title I district staff will attend and participate in school PAC meetings
  - Title I district staff will give suggestions for PAC meeting topics and activities
  - Title I district staff will provide a monthly parental involvement strategy or idea to increase parental involvement through an email to elementary teachers
4. Dickenson County Public Schools will coordinate and integrate parental involvement strategies in Part A with parental involvement strategies under the following other programs:
  - Virginia Preschool Initiative
  - Special Education Programs
5. Dickenson County Public Schools will take the following actions to conduct, with the involvement of parents an annual evaluation of the content and effectiveness of this District Parent and Family Engagement Policy in improving the quality of its Title I, Part A schools. The evaluation of the district parental involvement policy will include identifying barriers to greater participation by parents in parental involvement activities (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). Ideas will be generated for different or additional activities to be planned to better involve parents. The findings of this evaluation will be used in modifying the District Parent and Family Engagement Policy and activities.
  - At least two parents chosen from each school's PAC members will receive an invitation to attend this meeting
  - An invitation to the meeting to any interested parents will be posted on the district website.
6. Dickenson County Public Schools will build the schools' and parents' capacity for strong parental involvement, in order to ensure effective involvement of parents and to support a partnership among the schools involved, parents, and the community to improve student academic achievement, through the following activities:
  - a) The school district will, with the assistance of its Title I, Part A schools, provide assistance to parents of children served by the school district or school, as appropriate, in understanding topics such as the following, by providing student progress reports, open house events, parent/teacher conferences, teacher pages on district website containing homework and test information as well as class syllabus, handouts of SOL standards to meet, student/parent handbooks:
    - The State's academic content standards
    - The State's student academic achievement standards
    - The State and local academic assessments including alternate assessments
    - The requirements of Part A
    - How to monitor their child's progress

- b) The school district will, with the assistance of its schools, provide materials to help parents work with their children to improve their children’s academic achievement by doing the following:
  - The district will maintain a Title I Parent Resource Center with skill specific educational materials for parents to borrow.
  - The schools will participate by encouraging parents to use the center and by providing information about the needs of the students.
  - The materials will be delivered to the schools for the parents to pick up or to will be sent home with the students, at the parent’s request.
- c) The school district will, with the assistance of its schools and parents, educate its teachers, pupil services personnel, principals and other staff, in how to reach out to, communicate with, and work with parents as equal partners, in the value and utility of contributions of parents, and in how to implement and coordinate parent programs and build ties between parents and schools, by:
  - Providing teachers, guidance counselors, and principals of the schools a monthly publication with tips for increasing parental involvement
  - The district Title I staff will provide the school parental advisory councils information about topics for meetings and activities to increase parental involvement in the schools
- d) The school district will, to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities through its parent resource center.
  - Various meetings will be held at the center for the purpose of providing parental awareness of the center
  - Flyers will be sent to parents advertising the educational materials offered by the center for parental use
  - Letters will be sent home to parents by classroom teachers suggesting the use of the parent resource center
  - Parents are offered free internet use at the center
  - Phone calls are made to parents who use the center to encourage them to use the services again
- e) The school district will take the following actions to ensure that the information related to the school and parent programs, meetings, and other activities, is sent to the parents of participating children in an understandable and uniform format, including alternative formats upon request, and to the extent practicable, in a language the parents can understand:
  - Publish information in the parent/student handbook
  - Publish information on district or school website
  - Read information aloud at parental advisory council meetings and district annual parent Title I meetings

**PARENTAL NOTIFICATION OF ASSESSMENT OPT OUT POLICIES UNDER SECTION 1112(e)(2) OF THE EVERY STUDENT SUCCEEDS ACT OF 2015 (ESSA)**

Background

Section 1112(e)(2) of the *Every Student Succeeds Act of 2015* (ESSA) requires divisions that receive Title I, Part A, funds to notify parents of students attending Title I schools that the parents may request information about any state or division policy regarding student participation in required assessments.

On December 10, 2015, the *Every Student Succeeds Act of 2015* (ESSA) was signed into law. Section 1112(e)(2) of ESSA states that parents of students in Title I schools have a right to know about state or division policies regarding student participation in any assessments mandated by ESSA, including any policy, procedure, or parental right to opt students out of such assessments. If you would like to receive information about this topic, please contact the Director of Federal Programs, either by phone at (276) 926-4643 or in writing at PO Box 1127, Clintwood, VA 24228.

**All students enrolled in Virginia public schools are expected to take the applicable state tests. The Virginia Board of Education Regulations Establishing Standards for Accrediting Public Schools in Virginia state:**

“In kindergarten through eighth grade, where the administration of Virginia assessment program tests are required by the Board of Education, each student shall be expected to take the tests” and “each student in middle and secondary schools shall take all applicable end-of-course SOL tests following course instruction” (8VAC20-131-30).

The Virginia regulations do not provide for what is sometimes referred to as an “opt out policy” for students regarding the Virginia assessments. If parents refuse to have their student participate in one or more of the required Virginia assessments, they should be aware that their student’s state assessment score report will reflect a score of “0” for any test that is refused.

**ACCEPTABLE COMPUTER SYSTEM USE (File: GAB/IIBEA)**

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

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

This policy applies to all users of the division’s computer system. By using or accessing the computer system, the user agrees to abide by this policy and the Technology Use Guidelines established by the superintendent.

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocols for use of the computer system. The superintendent is also responsible for reviewing and updating, as necessary, the Guidelines at least every two years. It is the user’s responsibility to know and follow this policy and the Technology Use Guidelines.

The Guidelines include:

- (1) a prohibition against use of the division’s computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;
- (2) provisions, including the selection and operation of a technology protection measure for the division’s computers having internet access to filter or block internet access through such computers, that seek to prevent access to:
  - A. child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
  - B. obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and
  - C. material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;
- (3) provisions establishing that the technology protection measure is enforced during any use of the division’s computers;
- (4) provisions establishing that all usage of the computer system may be monitored;
- (5) provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;
- (6) provisions designed to prevent unauthorized online access by minors, including “hacking” and other unlawful online activities;
- (7) provisions requiring every user to protect the security of information necessary to access the computer system, such as usernames and passwords, and prohibiting the sharing of passwords;
- (8) provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and
- (9) a component of internet safety for students that is integrated in the division’s instructional program.

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

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

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

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

The failure of any user to follow the terms of this policy or the Technology Use Guidelines may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

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

The School Board reviews and amends, if necessary, this policy every two years.

### **ACCEPTABLE COMPUTER SYSTEM USE REGULATIONS (File: GAB/IIBE-R)**

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

#### **Computer System Use-Terms and Conditions:**

1. **Acceptable Use.** Access to the division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the division or (2) for legitimate school business.
2. **Privilege.** The use of the division's computer system is a privilege, not a right.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
  - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
  - sending, receiving, viewing or downloading illegal material via the computer system.
  - unauthorized downloading of software.
  - using the computer system for private financial or commercial purposes.
  - wastefully using resources, such as file space.
  - gaining unauthorized access to resources or entities.
  - posting material created by another without his or her consent.
  - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
  - using the computer system while access privileges are suspended or revoked.
  - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
  - intimidating, harassing, bullying, or coercing others.
  - threatening illegal or immoral acts.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
  - be polite.
  - users shall not forge, intercept or interfere with electronic mail messages.

- use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
  - users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
  - users shall respect the computer system's resource limits.
  - users shall not post chain letters or download large files.
  - users shall not use the computer system to disrupt others.
  - users shall not modify or delete data owned by others.
5. **Liability.** The school board makes no warranties for the computer system it provides. The school board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the school board for any losses, costs, or damages incurred by the school board relating to or arising out of any violation of these procedures.
  6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
  7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.
  8. **Charges.** The school division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.
  9. **Electronic Mail.** The school division's electronic mail system is owned and controlled by the school division. The school division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the school division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.
  10. **Enforcement.** Software will be installed on the division's computers having internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by school board policy, or legal action.**

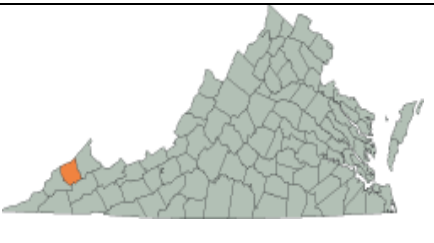




# Dickenson County Public Schools

P.O. BOX 1127, 309 VOLUNTEER AVENUE  
CLINTWOOD, VA 24228-1127

PHONE: (276) 926-4643 FAX: (276) 926-6374

<b>Clintwood Elementary School</b> 150 Elementary Circle Clintwood, VA 24228-0585 School: 276- <b>926-6088</b> Fax: 276-926-6505 Cafeteria: 276-926-6665	<b>Ervinton Elementary School</b> 195 Ervinton Circle Nora, VA 24272-0519 School: 276- <b>835- 8423</b> Fax: 276-835-8796 Cafeteria: 276-835-8797	<b>Sandlick Elementary School</b> 186 Anderson Lane Birchleaf, VA 24220-0188 School: 276- <b>865-5361</b> Fax: 276-865-0489 Cafeteria: 276-865-5180
<b>Ridgeview High School</b> 310 Wolfpack Way Clintwood, VA 24228 School: 276- <b>835-1600</b> Fax: 276-835-1615 Cafeteria: 276-835-1610		<b>Ridgeview Middle School</b> 320 Wolfpack Way Clintwood, VA 24228 School: 276- <b>835-1601</b> Fax: 276-835-1626 Cafeteria: 276-835-1610

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## NOTICE OF NON-DISCRIMINATION

*The Dickenson County School Board is an equal opportunity employer, committed to nondiscrimination in recruitment, selection, hiring, pay, promotion, retention or other personnel actions affecting employees or candidates for employment. Therefore, discrimination in employment against any person on the basis of race, color, creed, religion, national origin, ancestry, political affiliation, sex, sexual orientation, gender, gender identity, age, pregnancy, childbirth or related medical conditions, marital status, status as a veteran, genetic information or disability is prohibited. Equal educational opportunities shall be available for all students, without regard to sex, sexual orientation, race, creed, color, national origin, gender, gender identity ethnicity, religion, disability, ancestry, marital or parental status or any other unlawful basis. The following persons have been designated to handle inquiries regarding the non-discrimination policies:*

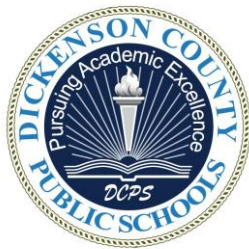
Mr. Mike Setser, Director of Compliance  
P.O. Box 1127 Clintwood, Virginia 24228  
(276) 926-4643  
msetser@dcps.k12.va.us

or

Mrs. Denechia Edwards, Director of Special Education  
P.O. Box 1127 Clintwood, Virginia 24228  
(276) 926-4643  
dedwards@dcps.k12.va.us







# DICKENSON COUNTY PUBLIC SCHOOLS

## ACKNOWLEDGMENT OF PARENTAL RESPONSIBILITY

This form is for parents/legal guardians of all students enrolled in **Dickenson County Public Schools** to ensure that they have received and reviewed the following important documents.

Student Name: \_\_\_\_\_ DOB: \_\_\_\_\_

School: \_\_\_\_\_ Grade: \_\_\_\_\_

I have received a copy of the Student/Parent and Attendance/Conduct Code Handbook and reviewed each of the following:

- 1. A copy of the Standards of Student Conduct (Page 49).**
- 2. A copy of § 22.1-279.3. of the Code of Virginia that sets forth the duty of each parent of a student enrolled in a public school to assist the school in enforcing the standards of student conduct and compulsory school attendance (Page 72).**
- 3. A copy of the Compulsory Attendance Policy (Page 2).**
- 4. A copy of the Student Absences/Excuses/Dismissals Policy and accompanying regulations (Page 3).**
- 5. A copy of the Acceptable Computer System Use Agreement (Page 77).**

My signature acknowledges receipt of the above-listed documents. By signing this statement of receipt, I do not waive, but expressly reserve, my rights protected by the constitution or laws of the United States or Commonwealth of Virginia. I retain the right to express disagreement with a school's or school division's policies or decisions.

**Print Parent/Legal Guardian/Eligible Student Name:** \_\_\_\_\_

Signature of Parent/Legal Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Student Age 18 or older: \_\_\_\_\_ Date: \_\_\_\_\_

**(Please sign and return to your child's school)**