

BOARD MEMBER OATH OF OFFICE

School Board members shall qualify by taking the oath prescribed for officers of the Commonwealth before January 1 following the election. School Board members fulfilling unexpired terms of office must take the oath of office before serving in the first School Board meeting. Failure to take the oath of office within the time allowed by law renders the office vacant.

Adopted: August 6, 1998
Revised: August 16, 2007
Revised: December 20, 2007
Revised:

Legal Reference: Code of Virginia, 1950, as amended, Sections 15.2-1522, 15.2-1524, 22.1-31, 24.2-228, 49-1, 49-3

SCHOOL BOARD CLERK

File: BCC

On recommendation of the Superintendent, a clerk and a deputy clerk shall be appointed annually at the organizational meeting of the School Board.

The clerk and deputy clerk shall each be bonded in an amount no less than ten thousand dollars (\$10,000), and the School Board shall pay the premiums for each bond. The clerk and deputy clerk shall discharge under the general direction of the division superintendent all duties as required by law and such other duties as may be required by the School Board or the State Board of Education.

Adopted: August 6, 1998
Revised: December 20, 2007
Revised:

Legal References: Code of Virginia, 1950, as amended, sections ~~22.1-72~~, 22.1-76, 22.1-77.

RULES OF ORDER

FILE: BDDE

The School Board shall establish its own rules of order and shall adopt policies, bylaws, and regulations. In the absence of any specific rule, *Roberts Rules of Order Revised* shall be considered the authority on parliamentary law.

Adopted: August 6, 1998
Revised: December 20, 2007
Revised:

Legal Reference: Code of Virginia, as amended, sections ~~22.1-72~~ and 22.1-78.

ADMINISTRATION IN POLICY ABSENCE

File: BFE
(Also CHD)

In cases where action must be taken by the School Division and the School Board has provided no guidelines for administrative action, the Superintendent shall have the power to act, but his/her decisions shall be subject to review by the School Board at its next regular meeting. It shall be the duty of the Superintendent to inform the School Board promptly of such action and of the need for policy.

Adopted: August 6, 1998
Reviewed: December 20, 2007
Revised:

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

~~Banks v. Sellers, 224 VA. 168, 294 S.E. 2nd 862, (1982).~~

QUALIFICATIONS AND DUTIES
FOR THE SUPERINTENDENT

File: CBA

I. Qualifications

1. The candidate for superintendent shall meet the qualifications as set forth in State Board of Education Regulations Governing Licensure of School Personnel.
2. Preference shall be given to those applicants whose experience and education demonstrate a knowledge of both instruction and business administration.
3. Eligibility shall be limited to individuals whose records indicate they possess the following attributes:
 - a. Good character
 - b. Management talent
 - c. Leadership
 - d. Knowledge of school law
 - e. Understanding of academic, career technical and special education
 - f. Outstanding ability in career and technical and academic education
 - g. Awareness of current educational trends and strategies

The position of superintendent is a performance-based position with remuneration directly dependent on the achievement of the performance goals and standards established by the School Board and the School Board's evaluation of the superintendent.

II. Major Duties

- A. Serves as chief executive officer of the School Board
 1. Attends School Board meetings
 - 4.2. Implements policies of the School Board.
 - 2.3. Develops, implements, and monitors the school system's comprehensive plan.
 - 3.4. Reports to the School Board about the status of programs, personnel and operations of the schools.
 - 4.5. Recommends actions to the School Board.
 - 5.6. Communicates as liaison between the School Board and school personnel.
 - 6.7. Assists the chairperson in developing and distributing notices and agenda of meetings of the School Board.

- B. Acts as the educational leader of the schools
 - 1. Supervises the principals, assistant superintendents and directors.
 - 2. Oversees planning and evaluation of curriculum and instruction.
 - 3. Visits schools on a regular basis.
 - 4. Maintains a current knowledge of developments in curriculum and instruction.
 - 5. Develops for approval by the School Board procedures for adopting textbooks and other instruction materials.

- C. Enforces school laws and regulations
 - 1. Observes such directions and regulations as the Superintendent of Public Instruction or Board of Education may prescribe.
 - 2. Makes reports to the Superintendent of Public Instruction whenever required.
 - 3. Distributes promptly all reports, forms, laws and regulations which may be received from the Superintendent of Public Instruction.
 - 4. Enforces school laws, regulations and decisions of the Superintendent of Public Instruction and of the Board of Education.
 - 5. Prepares and maintains administrative procedures, guidelines and regulations to be used to implement School Board policy. If Board action is required by law or the Board has specifically asked that certain types of regulations be given prior Board approval, these regulations and guidelines shall be placed in the School Board manual. The administrative procedures, guidelines and regulations shall be discussed with the staff and made available for their information.

- D. Oversees staff personnel management
 - 1. Organizes recruitment of personnel.
 - 2. Reassigns personnel to schools and offices.

3. Ensures administration of personnel policies and programs.
 4. Supervises evaluation of personnel.
 5. Provides for maintenance of up-to-date job descriptions for all personnel.
- E. Oversees facility management
1. Prepares long and short-range plans for facilities and sites.
 2. Ensures the maintenance of school property and safety of personnel, students, and property.
 3. Inspects school property on a regular basis.
 4. Approves the utilization of school property.
 5. Monitors any construction, renovation and demolition of school facilities.
 6. Represents the schools before local or state agencies which control building requirements or provide financing for buildings.
 7. ~~Gondemns school buildings as provided by law when such school buildings are not safe and may endanger the health of pupils.~~ Closes public schools which appear to him/her to be unfit for occupancy.
- F. Oversees financial management
1. Prepares budget for School Board approval.
 2. Ensures that expenditures are within the limits approved by the School Board.
 3. Reports to the School Board on financial condition of the schools.
 4. Establishes procedures for procurement of equipment and supplies.
 5. Ensures that an accurate record of all receipts and disbursements of school funds is kept.
- G. Directs community relations activities
1. Articulates educational programs and needs to the community.
 2. Responds to concerns expressed in the community.

3. Maintains contact with the news media.
 4. Participates in community affairs.
 5. Involves the community in planning and problem solving for the schools.
- H. Oversees pupil personnel services
1. Monitors pupil personnel services.
 2. Ensures adequate pupil record system.
 3. Implements policies and programs relating to behavior and discipline of pupils.
 4. Maintains programs for health and safety of pupils.
 5. Communicates as liaison between schools and community social agencies.

Adopted: April 3, 1998
Revised: December 11, 2003
Revised: December 20, 2007
Revised:

Legal Reference: Constitution of Virginia, Article VIII, Section 5c; Code of Virginia, 1950, as amended, sections 22.1-58 through 22.1-70, 22.1-59, 22.1-68, 22.1-69, 22.1-136.

~~8 VAC 20-21-590~~

8 VAC 20-390-10
8 VAC 20-390-40
8 VAC 20-390-60
8 VAC 20-390-70
8 VAC 20-390-80

It is the responsibility of the Charlottesville City School Board to maintain and improve the quality of administration and instruction. One of the primary methods in carrying out this responsibility is to work with the Superintendent in improving his or her effectiveness.

Annually, the Superintendent will provide to the Board a work plan designed to implement the goals set for the division by the School Board. The School Board shall evaluate the Superintendent annually. The School Board shall develop the instrument to evaluate the Superintendent after consulting (1) the uniform performance standards and criteria developed by the Board of Education and (2) the Superintendent. Informal evaluations may take place as the School Board deems appropriate, provided that the purpose for such appraisals be communicated to the Superintendent.

Each Board member will be involved in assessing the Superintendent's job performance on a continuing basis and by completing the formal evaluation instrument. Upon conclusion of the annual performance appraisal, the evaluation will be reviewed with the Superintendent by the Board or its designees.

Adopted: April 3, 1999
Revised: October 21, 1999
Revised: May 4, 2006
Revised: December 20, 2007
Revised:

Legal Reference: Code of Virginia, 1950, as amended, section 22.1-60.1

Board of Education Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Administrators and Superintendents (Attached to Superintendent's Memo No. 100, May 19, 2000).

(http://www.doe.virginia.gov/teaching/regulations/uniform_performance_stds.pdf).

Cross Reference: ~~AFA Evaluation of School Board~~

CBA Qualifications and Duties for the Superintendent

ADMINISTRATION IN POLICY ABSENCE

File: CHD
(Also BFE)

In cases where action must be taken by the school division, and the School Board has provided no guidelines for administrative action, the Superintendent shall have the power to act, but his/her decisions shall be subject to review by the School Board at its next regular meeting. It shall be the duty of the Superintendent to inform the School Board promptly of such action and of the need for policy.

Adopted: April 3, 1998
Reviewed: December 20, 2007
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 22.1-70, 22.1-78
~~Banks v. Sellers, 224 VA. 168, 294 S.E. 2nd 862 (1982).~~

REPORTING ACTS OF VIOLENCE
AND SUBSTANCE ABUSE

1. Acts Reported to the Principal

A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made to the principal (or designee) on all incidents involving:

- (i) assault, or assault and battery, without bodily injury of any person
- (ii) assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person or stalking of any person as described in Va. Code § 18.2-60.3
- (iii) any conduct involving alcohol, marijuana, synthetic cannabinoids as defined in Va. Code § 18.2-248.1:1, a controlled substance, imitation controlled substance or an anabolic steroid including the theft or attempted theft of student prescription medications
- (iv) any threats against school personnel
- (v) illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property
- (vi) 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
- (vii) any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or schools buses;
- (viii) 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 therefore; and
- (ix) any illegal possession of weapons, alcohol, drugs, or tobacco products.

The principal of each school shall collect and maintain information on the above listed acts.

- B. The division Superintendent and principal (designee) shall receive reports from local law enforcement authorities on offenses,
- (i) wherever committed, by students enrolled at the school if the offense would be a felony if committed by adult or
 - (ii) that 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
 - (iii) that would be an adult misdemeanor involving any incidents described in clauses (i) through (viii) of subsection A.

The information received should state whether or not the student is released to the custody of his parent or, if 18 years of age or more, is released on bond.

When the division Superintendent 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, the Superintendent will report such information to the principal of the school in which the juvenile is enrolled.

II. Reporting Duties of the Principal and Superintendent

A. The principal or designee shall report all incidents required or authorized to be reported pursuant to section I of this policy to the Superintendent. The Superintendent shall annually report all such incidents to the Department of Education and shall make such information available to the public.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection I.B. of this policy.

Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to local law enforcement officials any of the acts listed in clauses (ii) through (vii) of subsection I.A. of this policy which may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (i) of subsection I.A.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal will also immediately report any act enumerated in

clauses (ii) through (v) of subsection 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 will report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

The principal or designee shall notify the parent of any student involved in an incident required to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

III. Prevention and Intervention Activities

Whenever any student commits any reportable incident as set forth in this policy, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the Superintendent or designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV-Safe and Drug-Free Schools and Communities Act).

The School Board shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which shall include prevention of hazing. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime. The School Board may develop and use a network of volunteer services in implementing prevention activities.

IV. Purpose

The purpose of reporting acts of violence and substance abuse shall be to develop a program of prevention activities that will provide children and staff with a school environment that is safe and conducive to learning.

Adopted: April 3, 1998
Revised: December 11, 2003
Revised: December 20, 2007
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 8.01-47, and 22.1-279.3:1, 22.1-279.9
8 VAC 20-560-10.

ANNUAL BUDGET

The annual school budget is the financial outline of the division's education program. It presents a proposed plan of expenditures and the expected means of financing those expenditures. After adoption, it provides the primary means of managing expenditures.

The fiscal year begins on the first day of July and ending on the thirtieth day of the following June.

The Superintendent shall prepare, with the approval of the school board, and submit to the appropriating body, an estimate of the amount of money needed during the next fiscal year for the support of the public schools of the school division. The estimate shall set up the amount of money needed for each major classification prescribed by the Board of Education and such other headings or items as may be necessary.

The Superintendent or his/her designee shall prepare a budget calendar identifying all deadlines for the annual budgetary process. The calendar shall include at least one work session for reviewing the budget and at least one public hearing on the budget. Notice of the time and place for the public hearing must be published at least ten days in advance, in a newspaper having general circulation with the school division.

When total revenues are expected to exceed the current year's budget, any authorization to expend these funds must be presented to the School Board for approval. A request will be submitted to the City Council for appropriation.

Upon approval of the school division's budget by the appropriating body, the school division shall publish the approved budget including the estimated required local match on its website and the document shall also be made available in hard copy as needed to citizens for inspection.

Adopted: June 19, 2008
Revised: June 18, 2009
Revised:

Legal References: Code of Virginia, 1950, as amended, Sections 15.2-2503, 15.2-2504, 15.2-2506, ~~22.1-90~~, 22.1-91, 22.1-92, 22.1-94

REPORTING PER PUPIL COSTS

~~Each parent, guardian or other person having control or charge of a child enrolled in the Charlottesville City school division shall be notified, in writing, of the estimated per pupil cost for public education in the school division for the coming year. The notification shall also include the actual per pupil state and local expenditures for the previous school year. The notice may also include federal funds expended for public education in the school division.~~

~~Such notification will be given using forms developed by the Board of Education for this purpose.~~

Upon preparing the estimate of the amount of money deemed to be needed during the next fiscal year for the support of the schools, the division superintendent will also prepare and distribute, within a reasonable time as prescribed by the Board of Education, notification of the estimated average per pupil cost for public education in the school division for the coming school year to each parent, guardian, or other person having control or charge of a child enrolled in the school division, in accordance with the budget estimates provided to the appropriating body. The notification will also include actual per pupil state and local education expenditures for the previous school year. The notice may also include federal funds expended for public education in the school division.

The notice will be made available in a form provided by the Department of Education and shall be published on the school division's website or in hard copy upon request.

Adopted: April 3, 1998
Revised: May 20, 2004
Revised: June 19, 2008
Revised:

Legal Reference: Code of Virginia, 1950, as amended, § 22.1-92(A).

Cross Reference: DB Annual Budget

SMALL PURCHASING

Pursuant to written procedures not requiring competitive sealed bids or competitive negotiation, the School Board may enter into single or term contracts for goods and services other than professional services if the aggregate or the sum of all phases is not expected to exceed ~~\$50,000;~~\$100,000; however, such small purchase procedures shall provide for competition wherever practicable. Purchases under this exception that are expected to exceed \$30,000 shall require 1) the written informal solicitation of a minimum of four bidders or offerors and 2) posting of public notice on appropriate websites.

The Charlottesville City School Board may purchase single or term contracts for professional services if the aggregate or sum of all phases is not expected to exceed \$50,000 without undertaking competitive bidding by adopting written procedures for such purchases. However, such small purchase procedures shall provide for competition wherever practicable.

Adopted: May 20, 2004
Revised: August 16, 2007
Revised: June 19, 2008
Revised: June 18, 2009
Revised:

Legal Reference: Code of Virginia, 1950, as amended, §§ 2.2-4303, 22.1-68, 22.1-78

HARASSMENT

I. Policy Statement

The Charlottesville City School Division is committed to maintaining a learning/working environment that is free of sexual harassment and harassment based on race, gender, ethnicity, sexual orientation, national origin, disability or religion. Therefore, the Charlottesville City School Division prohibits sexual harassment and harassment based on race, national origin, disability or religion of any school personnel at school or at any school-related activity.

It shall be a violation of this policy for any student or school personnel to harass any school personnel sexually, or based on race, national origin, disability or religion. Further, it shall be a violation of this policy for any school personnel to tolerate sexual harassment or harassment based on a student's or employee's race, national origin, disability or religion by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

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

The School Division shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability or religion; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel.

II. Definitions

A. Sexual Harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

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

Examples of conduct which may constitute sexual harassment 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.

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

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct relating to an individual's race, national origin, disability or religion when the conduct:

- (i) creates an intimidating, hostile or offensive working environment; or
- (ii) substantially or unreasonably interferes with an individual's work; or
- (iii) otherwise is sufficiently serious to limit an individual's employment opportunities.

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.

III. Complaint Procedure

The complaint process has both formal and informal procedures for addressing the complaint. Both procedures are described in accompanying regulations, while timelines are prescribed, school officials investigating a complaint will attempt to resolve the issue as soon as possible. Any staff member who wants to file a complaint is able to informally inform a school official at the school or central office who will assist in following the appropriate procedures.

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.

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 sexual harassment and harassment based on race, sexual orientation, national origin, disability and religion should be included in employee and student orientations as well as employee in-service training.

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

VII. False Charges

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

Adopted: September 21, 2000

Revised: June 19, 2008

Revised:

Legal References: 20 U.S.C. §§ 1681-1688.
29 U.S.C. § 794.
42 U.S.C. §§ 2000d-2000d-7
42 U.S.C. §§ 2000e-2000e-17
34 C.F.R. part 106.

Cross References: AC Nondiscrimination
AD Educational Philosophy
GB Equal Employment Opportunity/Nondiscrimination

JB Equal Educational Opportunities/Nondiscrimination
JFC Student Conduct

JFC-R Standards of Student Conduct

GCPD Professional Staff Members: Contract Status and
Discipline

GDPD Support Staff Members: Contract Status and Discipline

JFG Child Abuse and Neglect Reporting

KKA Service Animals in Public Schools

STAFF HEALTH

As a condition of employment every new employee of the School Board including teachers, cafeteria workers, janitors and bus drivers, shall submit a certificate signed by a licensed physician, physician assistant, nurse practitioner, or registered nurse stating the employee appears free of communicable tuberculosis. Volunteers may be required to provide such a certificate.

After consulting with the local health director, the School Board may require the submission of such certificates annually, or at such intervals as it deems appropriate, as a condition to continued employment.

Physical Exams for School Bus Drivers

No person shall be employed as a bus driver unless he or she has a physical exam of the scope required by the Board of Education and provides the School Board the results of the exam on the form prescribed by the Board of Education. Such exam and report may be provided by a licensed nurse practitioner or physician assistant.

The School Board may also require alcohol and drug testing in accordance with Policy GDQ.

Adopted: March 20, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, §§ 22.1-178, 22.1-300, 22.1-301, 54.1-2952.2, 54.1-2957.02.

Cross References: EBAB Possible Exposure to Viral Infections
EBBB Personnel Training—Viral Infections
GDQ School Bus Drivers
JHCC Communicable Diseases
JHCCA Blood-Borne Contagious or Infectious Diseases

STAFF WEAPONS IN SCHOOLS

~~The Charlottesville City School Board is committed to maintaining a safe and secure working and learning environment. Staff are prohibited from carrying, bringing, using or possessing any weapon, as defined in JFCD, in any school building, on school grounds, in any school vehicle or at any school sponsored activity without the authorization of the school or the school division. The Superintendent and School Board will take appropriate personnel action up to and including dismissal of any employee found in violation of this provision. Such actions of the Superintendent and School Board shall begin immediately on notification of a violation. All incidents involving illegal carrying of a firearm shall be reported in accordance with state law.~~

No one may possess or use any firearm or any weapon, as defined in Policy JFCD, on school property (including school vehicles), on that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or any school bus without authorization of the Superintendent or his designee.

Violation of this policy by an employee will result in appropriate personnel action up to and including dismissal. Violation of this policy by others will result in actions up to and including a prohibition against the violator returning to school property. In addition, illegal conduct will be reported as required by law.

Adopted: February 19, 1998
Revised: March 4, 2004
Revised: March 20, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 18.2-308.1, 22.1- 78, 22.1-279.3:1.

8 VAC 20-560-10.

Cross References. CLA Reporting Acts of Violence and Substance Abuse
JFCD Weapons in School

EMPLOYMENT OF FAMILY MEMBERS

The Charlottesville City School Board may not employ or pay, and the Superintendent may not recommend for employment, any family member of the Superintendent or of a School Board member ~~except as authorized below.~~

This prohibition shall not apply to the employment, transfer or promotion of any family member who

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

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

No family member of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit ~~shall be~~ is discouraged. The employee may not be highly involved in the hiring process of the family member and may not be included in the evaluation process.

Family members are defined as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, brother-in law, grandson, or granddaughter.

Adopted: February 19, 1998
Revised: March 20, 2008
Revised:

Legal Reference: Code of Virginia, 1950, as amended, section 2.2-3119
Cross Reference: BBFA School Board Members Conflict of Interest
GCI Professional Staff Assignments and Transfers

PROFESSIONAL STAFF PROBATION
AND CONTINUING CONTRACT

File: GCG

A probationary term of service of three years in the Charlottesville City School Division shall be required before a teacher is issued a continuing contract. Service under a local teacher license shall not count towards satisfying this probationary requirement. A mentor teacher shall be provided to every first year probationary teacher to assist him or her in achieving excellence in instruction. Probationary teachers with prior successful teaching experience may be exempt from this requirement with approval from the superintendent. Probationary teachers shall be evaluated at least annually in accordance with policy GCM and GCN. The superintendent shall consider such evaluations as one factor in making recommendations to the School Board regarding the employment of probationary teachers. If a probationary teacher's evaluation is not satisfactory, the School Board shall not re-employ such teacher.

Any teacher hired on or after July 1, 2001, shall be required, as a condition of achieving continuing contract status, to have successfully completed training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. The Charlottesville City School Division will provide said training at no cost to teachers it employs. If such training is not offered in a timely manner, no teacher will be denied continuing contract status for failure to obtain such training.

Once a continuing contract status has been attained in a school division in this State, another probationary period of one year shall be served in the Charlottesville City School Division and shall be made a part of the contract of employment. If a teacher separates from service and returns to teaching service in Virginia public schools by the beginning of the third year, the person shall be required to begin a new probationary period, not to exceed one year, if made part of the contract.

If a teacher who has not achieved continuing contract status receives notice of re-employment, he/she must accept or reject in writing within 15 calendar days of receipt of the notice. Unless a conference with the Superintendent is requested as specified in the Code of Virginia, written notice of non-renewal of the contract must be given by the board on or before April 15 of each year.

Teachers employed after completing the probationary period shall be entitled to continuing contracts during good behavior and competent service and prior to the age at which they are eligible or required to retire. Written notice of noncontinuation of the contract by either party must be given by April 15 of each year; otherwise the contract continues in effect for the ensuing year. The Charlottesville City School Board may reduce the number of teachers, whether or not such teachers have reached continuing contract status, because of decrease in enrollment or abolition of particular subjects. Furthermore, nothing in the continuing contract shall be construed to authorize the Charlottesville City School Board to contract for any financial obligation beyond the period for which funds have been made available.

As soon after April 15 as the school budget is approved by the appropriating body, the school board shall furnish each teacher a statement confirming continuation of employment, setting forth assignment and salary.

Within two weeks of the approval of the school budget by the appropriating body, but no later than June 1, the school board will notify any teacher who may be subject to a reduction in force due to a decrease in the school board's budget as approved by the appropriating body.

Adopted: October 21, 1999

Revised: March 20, 2008

Revised:

Legal References: Code of Virginia, 1950, as amended, sections 22.1-294, 22.1-303, 22.1-304
8 VAC 20-440-10 et seq.

Cross References: GBM Staff Complaints and Grievances
GCA Local Licenses for Teachers
GCB Professional Staff Contracts and Compensation Plans
GCN Evaluation of Professional Staff
GCP Professional Staff Termination of Employment
GCPA Reduction in Professional Staff Work Force
GCPD Professional Staff Members: Contract Status and Discipline
GDPB Resignation of Professional Staff Members

FAMILY LIFE EDUCATION (FLE)

Generally

The Charlottesville School Board approves the inclusion of Family Life Education (FLE) in the curriculum. Instruction shall be organized and maintained under the FLE standards of learning objectives developed by the Virginia Department of Education.

Community Involvement Team

Under the procedures adopted by the Board, a community involvement team shall be established. The team may include but not be limited to school administrators, teachers, parents, clergy, medical professionals, mental health professionals, and others in the community.

Instructional Materials

All instructional materials used in Family Life Education (FLE) must be approved by the Superintendent or his/her designee. No materials relating to FLE may be available for circulation to students through the school libraries or resource and media centers unless the Board has approved these materials.

Staff Training/Grade Level Leaders

The superintendent, or a designee, shall appoint a FLE leader for each grade level. The FLE leader will assist in training teachers, work with the community involvement team, and assist in the implementation and evaluation of the program.

Separate Sessions

Portions of classes in the FLE program which deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

"Opt-out" Procedures

The Superintendent shall develop "opt-out" procedures for parents or guardians who do not want their children included in all or part of the FLE program.

Curriculum

The FLE curriculum shall be reviewed annually. Such review shall allow for community participation. No outside agency will be able to provide Family Life Education curriculum without Superintendent recommendation and Board approval.

Right of Parental Review

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

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

Adopted: July 16, 1998
Revised: March 18, 2004
Revised: April 17, 2008
Revised: June 18, 2009
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 22.1-207.1; 22.1-207.2.
8 VAC 20-131-170

Virginia Department of Education, Family Life Education: Board of Education Guidelines and Standards of Learning for Virginia Public Schools (~~Sept. 2008~~) (revised 2009)

(http://www.doe.virginia.gov/testing/sol/standards_docs/family_life/familylife_guidelines_standards.pdf)

Cross References.: IIA Instructional Materials
INB Teaching About Controversial Issues
KLB Public Complaints About Learning Resources

The Charlottesville City School Board shall establish a child-find program designed to identify, locate and evaluate those children from ages 2 to 21 inclusive who may have disabilities and may need special education and related services. The Board shall ensure that a free, appropriate public education will be available for all children and youth with disabilities, ages 2 through 21, who are residents of Charlottesville.

The School Board shall ensure that students with disabilities and their parents/guardians are guaranteed the appropriate procedural safeguards in the process of identification, evaluation, placement, and provision of an appropriate education program. To the maximum extent appropriate, students with disabilities will be educated with children who are not disabled. Prior to the identification, evaluation, placement, or provision of a free appropriate public education to a disabled student, a full explanation of all procedural safeguards shall be made available to parents/guardians.

An Individualized Education Program (IEP) shall be designed and maintained for each child eligible for special education under the Individuals with Disabilities Education Act. The program will be developed in a meeting with the child's teachers, parent(s)/guardians(s), the student (when appropriate), a school division representative qualified to provide or supervise the provision of special education services and other individuals at the discretion of the parents/guardians or school division in accordance with state and federal law. This IEP shall be reviewed at least annually. The IEP shall be inclusive of areas specified by state and federal statutes and regulations.

The School Board shall establish a local advisory committee to advise in the development of special education services and to support the program in the community. Annually, the committee shall review the special education program and determine the extent to which the goals established for the program were achieved. The recommendations of the committee shall be provided in writing to the superintendent and to the School Board. The program shall be in compliance with the Code of Virginia and with the Regulations Establishing Standards for Accrediting Public Schools in Virginia.

Adopted: March 18, 2004
Revised: April 17, 2008
Revised:

Legal References: 20 U.S.C. § 1400 et seq.
29 U.S.C. § 701 et seq.
42 U.S.C. § 12101 et seq.

Code of Virginia, 1950, as amended, sections 22.1-213 through
~~22.1-215 22.1-221, 22.1-253.13:1, 22.1-253.13:5.~~

~~8 VAC 20-80-1 et seq.~~
8 VAC 20-81-50.
8 VAC 20-81-80.
8 VAC 20-81-100.
8 VAC 20-81-110.
8 VAC 20-81-130.
8 VAC 20-81-170.

PREVENTION, INTERVENTION,
REMEDIAL INSTRUCTION PROGRAM

Standards of Learning Assessment Tests

The School Board shall implement programs of prevention, intervention or remediation for students who are educationally at risk, including those who fail to pass any 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 required for graduation.

Any student who does not pass any of the Standards of Learning assessments in grades three through eight shall be required to attend a summer school program or participate in another form of remediation. Any student who passes one or more, but not all, of the Standards of Learning assessments in grades three through eight may be required to attend a remediation program. Such summer school program or other form of remediation shall be chosen by the school division to be appropriate to the academic needs of the student.

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 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 division superintendent. The costs of such private school remediation program or special program shall be borne by the student's parent.

Instruction

In designing the remediation programs required by the Standards of Quality, the School Board shall annually evaluate and modify, 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.

The program shall include, when appropriate, 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 required for the student's graduation. Such students shall be provided appropriate remediation activities.

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 after a reasonable effort to seek the student's attendance has failed. The effort should include direct notification of the parents of such attendance requirements. The compulsory attendance will be enforced if the student does not

attend and the Superintendent determines that remediation of the student's poor academic performance, passage of the Standards of Learning assessments in grades three through eight or promotion is related directly to the student's attendance in the remediation program.

Reporting

~~The Charlottesville City Schools Division will annually report the following information to the Board of Education pertaining to students eligible for remediation:~~

- ~~▪ The number of students failing a state sponsored test required by the Standards of Quality or Standards of Accreditation;~~
- ~~▪ A demographic profile of students attending state funded remedial programs;~~
- ~~▪ The academic status of each student attending state funded remedial programs;~~
- ~~▪ The types of instruction offered;~~
- ~~▪ The length of the program;~~
- ~~▪ The cost of the program;~~
- ~~▪ The number of ungraded and disabled students, and those with limited English proficiency;~~
- ~~▪ As required, the pass rate on Standards of Learning assessments; and~~
- ~~▪ The percentage of students at each grade level who have met their remediation goals.~~

Adopted: March 18, 2004
Revised: September 20, 2007
Revised: April 17, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 22.1-253.13:1, 22.1-253.13:2, 22.1-253.13:4, 22.1-254, 22.1-254.01

8 VAC 20-630-40

8 VAC 20-630-50

Cross References: BCF Advisory Committees to the School Board
IGCA Summer Schools

LIMITED ENGLISH PROFICIENT STUDENTS

The Charlottesville City School Board shall provide programs to improve the education of children with limited English proficiency by assisting the children to learn English and meet Virginia's challenging academic content and student academic achievement standards.

Assessments

The School division will annually assess the English proficiency of all students with limited English proficiency.

Notification

The School division will, not later than 30 days after the beginning of the school year, inform a parent or the parents of a child with limited English proficiency identified for participation in, or participating in, a program for students with limited English proficiency of

- the reasons for the identification of their child as limited English proficient and in need of placement in a language instruction education program;
- the child's level of English proficiency, how that level was assessed, and the status of the child's academic achievement;
- the method of instruction used in the program in which their child is, or will be, participating, and the methods of instruction used in other available programs, including how such programs differ in content, instruction goals, and use of English and a native language in instruction;
- how the program in which their child is, or will be participating will meet the educational strengths and needs of the child;
- how such program will specifically help their child learn English, and meet age-appropriate academic achievement standards for grade promotion and graduation;
- the specific exit requirements for such program, the expected rate of transition from such program into classrooms that are not tailored for children with limited English proficiency, and the expected rate of graduation from secondary school for such program;
- in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child; and
- information pertaining to parental rights that includes written guidance
- detailing the right that parents have to have their child immediately removed from such program upon their request and the options that parents have to decline to enroll their child in such program or to choose another program or method of instruction, if available, and
- assisting parents in selecting among various programs and methods of instruction, if more than one program or method is offered by the school division.

For a child who has not been identified for participation in a language instruction education program prior to the beginning of the school year, the School Board shall provide the notice detailed above within 2 weeks of the child being placed in the program.

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

Students may be accepted and provided English-Second language programs if they entered school in Virginia for the first time after reaching their 12th birthday, and who have not reached age 22 on or before August 1 of the school year. No tuition shall be charged such students, if state funding is provided for such programs.

Adopted: July 16, 1998
Revised: October 21, 1999
Revised: April 17, 2008
Revised:

Legal References: 20 U.S.C. sections 6311, 6312, 6825, 7012.

Code of Virginia, 1950, as amended, §§ ~~7-1-42~~; 22.1-5.

Cross Reference: IGBC Parental Involvement

HOMEBOUND, CORRESPONDENCE AND ALTERNATIVE MEANS OF
INSTRUCTION

The School Board shall maintain 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, or licensed clinical psychologist.

Credit for the work shall be awarded when it is done under the supervision of a licensed teacher, a person eligible to hold a Virginia license, or other appropriately credentialed personnel, employed by the Board, and there is evidence that the instructional time requirements or alternative means of awarding credit adopted by the School Board have been met.

Correspondence Courses

Students may enroll in and receive a standard and verified unit of credit for supervised correspondence courses with prior approval of the principal. Standard units of credit will be awarded for the successful completion of such courses when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, approved by the local school board. Verified units of credit may be earned when the student has passed the SOL test associated with the correspondence course completed. The division superintendent will develop regulations governing this method of instruction in accordance with the regulations of the Board of Education.

Instruction through Alternative Technological Means

Standard units of credit will be awarded for the successful completion of courses delivered through emerging technologies and other similar means when the course is equivalent to that offered in the regular school program and the work is done under the supervision of a licensed teacher, or a person eligible to hold a Virginia license, and approved by the School Board. Verified units of credit may be earned when the student has successfully completed the requirements and passed the SOL test associated with the course. The Superintendent will develop regulations governing this method of delivery of instruction in accordance with the regulations of the Board of Education.

Adopted: July 16, 1998
Revised: April 17, 2008
Revised: June 17, 2010

Legal Reference: Code of Virginia, 1950, as amended, section 22.1-253-13:2, 54.1-2952.2,
54.1-2957.02
8 VAC 20-131-180

Cross Reference: IGBGA Online Courses and Virtual School Programs

TESTING PROGRAMS

File: IL

A program of standardized testing prescribed by the Virginia Department of Education is administered annually. Standardized tests will be administered according to state and local directives. However, in administering tests or other assessment instruments, school board employees shall not require any public elementary school students being tested to disclose their race or ethnicity on such tests. A school division, however, may obtain such information from a student's permanent record and place the information on the test or assessment.

In addition to this testing program, school personnel may test to meet specific needs within a school. This testing should be submitted to the superintendent for approval.

Adopted: July 16, 1998
Revised: April 17, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 22.1-4.2, ~~22.1-78~~, ~~22.1-253.13:1~~, ~~22.1-253.13:3C~~

~~8-VAC-20-131-20~~

SECTION 504 HEARING NON DISCRIMINATION POLICY AND GRIEVANCE PROCEDURES

The Charlottesville City School Board does not discriminate against individuals on the basis of disability. Where a student believes that he or she has been discriminated against on the basis of disability, the student shall have the right to ~~request a hearing~~ file an informal or formal grievance in accordance with the following procedures: ~~The superintendent of the Charlottesville City school division shall establish hearing procedures that conform to federal requirements for any student alleging disability discrimination.~~

A. FORMAL PROCEDURE

1. Filing a Complaint

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

The complainant should use the "Complaint of Discrimination" form (see end of this policy) to make a complaint of discrimination. However, oral complaints shall also be accepted. The complaint should be filed with the school principal, other school or school division staff, or the Compliance Officer. School or school division staff receiving a complaint of discrimination shall forward it to the school principal; who shall immediately forward the complaint of discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Superintendent.

The complaint and the identity of the complainant, the individual who reported the alleged discrimination (if other than the complainant), and the persons allegedly responsible for the discrimination will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint, or as authorized by the complainant.

2. Investigation

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

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

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all 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. The Compliance Officer's written report, and all written notices sent pursuant to this policy shall be maintained and distributed in accordance with the Family Educational Rights and Privacy Act.

3. Action by the Superintendent

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

4. Appeal

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

If the Superintendent or designee determines that discrimination occurred and discipline is imposed, the disciplined person (i.e. student or employee) may appeal the disciplinary sanction in accordance with existing School Board policies and regulations.

5. Compliance Officer and Alternate Compliance Officer

The School Board has designated Director of Special Education and Student Services as the Compliance Officer responsible for identifying, preventing and remedying discrimination. Complaints of discrimination may also be made to Assistant Superintendent for Administrative Services as the Alternate Compliance Officer. The Compliance Officer duties may include the following:

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

B. INFORMAL PROCEDURE

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

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

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

C. RETALIATION

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

D. FALSE CHARGES

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

COMPLAINT OF DISCRIMINATION

Name of Complainant:

Student's School and Class:

Address, Email Address, and Phone Number(s):

Parent/Legal Guardian Name Address, Email addresses, and Phone Number(s):

Dates of Alleged Discrimination:

Names of the persons you believe discriminated against you or others:

Please describe in detail the incidents of alleged discrimination, including where and when the incidents occurred. Please name any witnesses that may have information regarding the alleged discrimination. Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint.

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

Signature of Complainant _____ **Date**

Complaint Received By: _____
_____ **Compliance Officer** _____ **Date**

Adopted: June 19, 2008
Revised:

Legal Ref.: ~~Section 504 of the Rehabilitation Act of 1973~~
29 U.S.C. § 794
34 CFR Part 104.7(b)

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

COMPULSORY ATTENDANCE

Principals, attendance officers and the superintendent will follow all legal requirements with regard to the compulsory school reporting requirements of State law.

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

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

The requirements of this policy apply to

- (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and
- (ii) 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

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

Individual Student Alternative Education Plan

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

1. The student must be at least sixteen years of age.
2. There shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled to develop the plan, which must include the following:

- Career guidance counseling;
 - Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the school board, with attendance reported to the principal or his designee;
 - Counseling on the economic impact of failing to complete high school; and
 - Procedures for re-enrollment.
3. A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan shall be in violation of the compulsory attendance laws, and the superintendent or attendance officer shall seek immediate compliance with such laws.

Alternative Education Programs

The Superintendent, pursuant to regulations adopted by the school board, may in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and School Board policy and upon a finding that a school-age child has been

- (i) 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;
- (ii) 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;
- (iii) suspended pursuant to Va. Code § 22.1-277.05; or
- (iv) expelled from school attendance pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or subsection B of § 22.1-277.

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

Prior to requiring a student to attend an alternative education program, the Superintendent shall provide: (1) written notice to the student and his parent/guardian that the student will be required to attend an alternative education program and (2) written notice to the student and his parent/guardian of the right to a hearing before the superintendent or designee regarding the placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board.

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

Adopted: July 16, 1998
Reviewed: June 19, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 22.1-78, 22.1-254 ~~through 22.1-269.1.~~

~~8 VAC 20-110-10 et seq.~~

Cross References: JEG Exclusions and Exemptions from School Attendance
~~JFC Student Conduct~~
LBD Home Instruction

SCHOOL ADMISSION

Any person of school age (i.e. a person who will have reached his or her fifth birthday on or before September 20 of the school year and who has not reached 20 years of age on or before August 1st of the school year) who is a bona fide resident of the City of Charlottesville, and who does not live in the City solely for school purposes, is eligible for admission on a non-tuition basis.

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

1. when the person is living with a natural parent, or a parent by legal adoption, in the Charlottesville City School Division;
2. when the person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; and such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code § 1044b providing for the care of the person of school age by an individual who is defined as a parent in Va. Code § 22.1-1 during the time of his/her deployment outside the United States. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his/her care, pursuant to the Special Power of Attorney resides. Furthermore, when practicable, such persons of school age may continue to attend school in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending such division.
3. when the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
4. when the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either (i) the court-appointed guardian, or has legal custody of the person, or (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code § 63.2-1200;
5. when the person is living in the school division not solely for school purposes, as an emancipated minor; or
when the person has been placed in a foster care placement within the school division by a local social services agency. The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child.

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

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with section 22.1-5 of the Code of Virginia and pursuant to the Charlottesville City School Board regulations.

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

ADDITIONAL ADMISSION REQUIREMENTS

- A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit present information sufficient to estimate with reasonable certainty the age of such child.
- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law enforcement agency shall include copies of the submitted proof of the pupil's identify and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.
- D. Each student will present a federal social security number with 90 days of his/her enrollment. In any case in which a student is ineligible, pursuant to guidelines promulgated by the Board of Education, to obtain a social security number or the parent is unwilling to present such number, the superintendent or his designee may assign another identifying number to the student or waive this requirement.
- E. Tuition rates are established each year in accordance with the provisions of § 22.1-5 of the Code of Virginia.

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

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

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

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

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

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

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

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

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

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

Foreign students in an F-1 immigration status or who obtain F-1 student visas shall not be admitted in the Division's elementary schools or publicly funded adult education programs. Such students may be admitted, up to 12 months, in the Division's secondary schools only if they pre-pay the full, unsubsidized per capita cost of the education.

Adopted: April 3, 2003

Revised: September 20, 2007

Reviewed: June 19, 2008

Revised:

Legal References: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, ~~22.1-200.1~~, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, ~~22.1-277~~, 22.1-277.2, 22.1-288.2, 32.1-46, 63.2-900, and 63.2-1200.

2007 Va. Opin. AG 07-015.

1987-88 Va. Opin. AG 374.

Cross References:	JECA	Admission of Homeless Children
	JHCA	Physical Examinations of Students
	JHCB	Immunization of Students
	JGD/JGE	Student Suspension/Expulsion

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The School Board shall excuse from attendance at school:

1. Any student who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school.

2. On the recommendation of the juvenile and domestic relations court of the city or county in which the student resides, and for such period of time as the court determines appropriate, any student who, together with his parents, is opposed to attendance at a school by reason of concern for the student's health as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for 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 division superintendent and with the written consent of the parent or guardian, any student who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at school; or
2. On recommendation of the juvenile and domestic relations district court of the city or county in which the student resides, any student who, in the judgment of the court, cannot benefit from education at school.

~~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 his designee of the school in which the student is enrolled to develop the plan, which must include the following:~~

- ~~• Career guidance counseling;~~
 - ~~• Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the school board, with attendance reported to the principal or his designee;~~
 - ~~• Counseling on the economic impact of failing to complete high school; and~~
 - ~~• Procedures for re-enrollment.~~
3. ~~A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan, shall be in violation of the compulsory attendance laws, and the superintendent or attendance officer shall seek immediate compliance with such laws.~~

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

The compulsory attendance requirement does not apply to the following children:

1. ~~Children suffering from contagious, or infectious diseases when the physical incapacity is established by a written statement from a physician or nurse practitioner attending the child, giving the reasons for the student's inability to participate in school. (See Policy JHCC).~~
2. Children whose immunizations against communicable diseases have not been completed. (See Policy JHCB)
3. ~~Any child who will not have reached his sixth birthday on or before September 30 whose parent or guardian notifies the School Board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically or emotionally prepared to attend school.~~
3. 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 they live, and children between 10 and 17 years of age, inclusive, who live more than two and one-half miles from a public school, unless public transportation is provided within one and one-half miles of the place where the children live. Distances shall be measured or determined by the nearest practical routes usable for either walking or riding, from the entrance to the school grounds, or from the nearest school bus stop, to the residence of the children.

~~Any parent, guardian or other person having control or charge of a child being exempted or excused from school attendance shall comply with the immunization~~

requirement provided in § 32.1-46 Code of Virginia in the same manner and to the same extent as if the child has been enrolled in and is attending school.

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

All other exemptions granted by the Charlottesville City School Board shall be in accordance with existing state law.

Alternative Education Programs

— The Superintendent, pursuant to regulations adopted by the school board, may in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and School Board policy and upon a finding that a school age child has been (i) 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; (ii) 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; (iii) suspended pursuant to Va. Code § 22.1-277.05; or (iv) expelled from school attendance pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or subsection B of § 22.1-277, require a student to attend an alternative education program as provided by Va. Code § 22.1-209.1:2 or 22.1-277.2:1.

— Prior to requiring a student to attend an alternative education program, the Superintendent shall provide: (1) written notice to the student and his parent/guardian that the student will be required to attend an alternative education program and (2) written notice to the student and his parent/guardian of the right to a hearing before the superintendent or designee regarding the placement. The decision of the superintendent or his designee regarding such alternative education placement shall be final unless altered by the school board, upon timely written petition, as established in regulation, by the student or his parent, for a review of the record by the school board.

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

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

Adopted: October 21, 1999
Revised: June 19, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, §§ ~~22.1-3, 22.1-254, 22.1-271.4,~~
~~22.1-277, 22.1-277.2:1, 32.1-46; 54.1-2957.02.~~

Cross References: JEA Compulsory Attendance
~~JGD/JGE Student Suspension/Expulsion~~
JHCB Immunization of Students
JHCC Communicable Diseases
~~IGBH Alternative School Programs~~
~~IKF Standards of Learning Tests and Graduation~~

Requirements

LBD Home Instruction

STUDENT CONDUCT

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

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

The Mutual Accountability Agreement (MAA) form will be sent to each parent with the Code of Student Conduct. This agreement describes the responsibility of the school division, each student's school, parents and students. Each party will sign the agreement to indicate willingness to accept the responsibility for the student's success both in academics and behavior.

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

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

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

The school principal shall notify the parents of any student who violates a School Board policy or the compulsory attendance requirements when such violation will result in the student's suspension or the filing of a court 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 (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 his designee shall notify the parent of any student involved in an incident required to be reported to the superintendent and Virginia Board of Education.

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

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

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

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

Unlawful acts identified in the Code of Student Conduct which will lead to police notification and may lead to suspension from classes, exclusion from activities, or expulsion include but are not limited to:

- possession or use of alcohol, illegal drugs, including marijuana, synthetic cannabinoids as defined in Va. Code § 18.2-248.1:1, and anabolic steroids, or drug paraphernalia
- selling drugs
- assault/battery
- sexual assault
- arson
- intentional injury (bullying, fighting)
- theft
- bomb threats, including false threats against school personnel or school property
- use or possession of explosives (see File JFCD)
- possession of weapons or firearms (see File JFCD)
- extortion, blackmail, or coercion
- driving without a license on school property
- homicide
- burglary
- sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation)
- malicious mischief
- shooting
- any illegal conduct involving firebombs, explosives or incendiary devices or materials, hoax explosive devices or chemical bombs
- stabbing, cutting or wounding
- unlawful interference with school authorities including threats
- unlawful intimidation of school authorities

- other unlawful acts including being an accessory to any of these or other unlawful acts

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

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

Students may possess a beeper, cellular phone, 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. If a student possesses 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/guardian.

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

Adopted: July 16, 1998
Revised: April 15, 1999
Revised: April 15, 2004
Revised: June 19, 2008
Revised:

Legal References: 20 U.S.C. 1145g, 3224a; 20 U.S.C. section 3351

Code of Virginia, 1950, as amended, sections 16.1-260, 22.1-78, ~~22.1-253.13.7.(B.3.)~~, 22.1-253.13.7 C, 22.1-200.1, 22.1-254, 22.1-276.3, 22.1-277, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.3, 22.1-279.3:1, 22.1-279.6, 18.2-308.1, 18.2-308.7,

Cross References:

CLA	Reporting Acts of Violence and Substance Abuse
ECAB	Vandalism
<u>IIBEA/GAB</u>	<u>Acceptable Computer System Use</u>
JFHA/GBA	Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion
JGA	Corporal Punishment
JGD/JGE	Student Suspension/Expulsion
JGDA	Disciplining Students With Disabilities
JGDB	Discipline of Students With Disabilities for Infliction of Serious Bodily Injury
JN	Student Fees, Fines and Charges

WEAPONS IN SCHOOL

I. Generally

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

Such weapons include, but are not limited to:

- any pistol, shotgun, stun weapon, revolver, or other firearm listed in section 22.1-277.07(E), of the Code of Virginia, designed or intended to propel a projectile of any kind, including a rifle,
- unloaded firearms in closed containers,
- any air rifle or BB gun,
- toy guns and look-alike guns,
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor,
- slingshots,
- 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 section 22.1-277.07(E), of the Code of Virginia, or other dangerous articles.

II. Students with Disabilities

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

Adopted: July 16, 1998
Revised: April 19, 2007
Revised: June 19, 2008

Legal References.: 18 U.S.C. § 930(g)(2).
20 U.S.C. § 1415(k)(1)(G)(i).
Code of Virginia, §§18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 277.07:1.

Wood v. Henry County Public Schools, 255 Va. 85, 495 S.E.2d 255 (1998).
~~8 VAC 20-80-68.~~
8 VAC 20-81-10

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

DRUGS IN SCHOOL

I. Generally

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

A. Mandatory Expulsion

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

B. Prevention and Intervention

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

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

C. Required Reporting to Parents and Local Law Enforcement

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

II. Students with Disabilities

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

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

1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.
2. For purposes of this forty-five (45) school day removal, “illegal drugs” and “controlled substance” are defined as follows:
 - a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).
 - b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Adopted: June 19, 2008
Revised:

Legal References: 20 U.S.C. §§1415(k)(1)(G)(ii), 1415(k)(7)(A), 1415(k)(7)(B).
21 U.S.C. § 812(c).

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

~~8 VAC 20-80-68.~~
8 VAC 20-81-10

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

HARASSMENT

The Board is committed to maintaining a learning environment that is free of sexual harassment and harassment based on race, gender, ethnicity, sexual orientation, national origin, disability or religion. Therefore, the Board prohibits the unlawful sexual harassment or harassment based on race, gender, ethnicity, sexual orientation, national origin, disability or religion of any student at school or at any school-related activity.

It shall be a violation of this policy for any student or school personnel to harass a student sexually, or based on race, gender, ethnicity, sexual orientation, national origin, disability or religion. Further, it shall be a violation of this policy for any school personnel to tolerate sexual harassment or harassment based on a student's race, gender, ethnicity, sexual orientation, national origin, disability or religion by students, participating in, observing or otherwise engaged in school-sponsored activities.

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

The School Division shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability or religion; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student who violates this policy and take any other action reasonably calculated to end and prevent further harassment of students.

II. Definitions

A. Sexual Harassment.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

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

Examples of conduct which may constitute sexual harassment 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.

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

Harassment based on race, national origin, disability or religion consists of physical or verbal conduct relating to an individual's race, national origin, disability or religion when the conduct:

- (ii) creates an intimidating, hostile or offensive educational environment; or
- (ii) substantially or unreasonably interferes with an individual's education; or
- (iii) otherwise is sufficiently serious 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.

IV. Complaint Procedure

The complaint process has both formal and informal procedures for addressing the complaint. Both procedures are described in this policy and in accompanying regulations. While timelines are prescribed, school officials investigating a complaint will attempt to resolve the

issue as soon as possible. Any student who wants to file a complaint is able to informally inform an adult at the school who will assist in following the appropriate procedures.

A. Formal Procedure

1. File Report

Any student who believes he or she has been the victim of sexual harassment or harassment based on race, national origin, religion or disability by a student, school personnel or a third party should report the alleged harassment to one of the compliance officers designated in this policy or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to one of the compliance officers designated in this policy or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to one of the compliance officers designated in this policy.

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

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

2. Investigation

Upon receipt of a report of alleged prohibited harassment, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 calendar days after receipt of the report by the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of

harassment. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the compliance officer determines that more than 14 days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG.

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

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

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

3. Action by Superintendent

Within 5 calendar days of receiving the compliance officer's report, the Superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the alleged perpetrator. If the Superintendent or designee determines that prohibited harassment occurred, the Charlottesville City 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. Whether or not the Superintendent or designee determines that prohibited harassment occurred,

the Superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant receive counseling.

4. Appeal

If the Superintendent or designee determines that no prohibited harassment occurred, the student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the 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.

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

5. Compliance Officer and Alternate Compliance Officer

The Charlottesville City School Board has designated the Director of Student Services, 1562 Dairy Road, Charlottesville, VA., 434-245-2400 as the Compliance Officer responsible for identifying, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer Assistant Superintendent for Administrative Services, 1562 Dairy Road, Charlottesville, VA 434-245-2400. Note: this individual must be of the opposite gender of the Compliance Officer. The Compliance Officer shall:

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

B. Informal Procedure

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

If the complainant and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal

procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The School Division shall take appropriate action against students who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings.

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 sexual harassment and harassment based on race, national origin, disability and religion should be included in student orientations.

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 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 shall be notified annually of the names and contact information of the compliance officers.

VIII. False Charges

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

Adopted: September 21, 2000
Revised: June 19, 2008
Revised:

Legal References: 20 U.S.C. §§ 1681-1688.
29 U.S.C. § 794.
42 U.S.C. §§ 2000d-2000d-7

42 U.S.C. §§ 2000e-2000e-17
34 C.F.R. part 106.

Cross References: AC Nondiscrimination
 AD Educational Philosophy
 GB Equal Employment Opportunity/Nondiscrimination
 JB Equal Educational Opportunities/Nondiscrimination
 JFC Student Conduct

JFC-R Standards of Student Conduct

GCPD Professional Staff Members: Contract Status and
Discipline

GDPD Support Staff Members: Contract Status and Discipline

JHG Child Abuse and Neglect Reporting

KKA Service Animals in Public Schools

STUDENT SUSPENSION/EXPULSION

I. DEFINITIONS

As used in this Policy,

“Alternative education program” shall include, but shall not be limited to, 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” shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

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

“Exclusion” means a 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 any weapon prohibited on school property or at a school-sponsored activity pursuant to Va. Code § 18.2-308.1, or (1) any weapon, including a starter gun, that will,

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

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

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

"Pneumatic gun" means any implement, designed as a gun, that will expel a 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.

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

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

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

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

III. SHORT-TERM SUSPENSIONS

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

explanation of facts, and opportunity to present his version shall be given as soon as is practical thereafter.

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

The decision of the division superintendent or his designee shall be final.

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

IV. LONG-TERM SUSPENSION

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

If the regulations provide for a hearing by a committee of the school board, the regulations shall also provide that such committee may confirm or disapprove the suspension of a student. Any such committee of the school board shall be composed of at least three board members. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within thirty days.

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

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

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board Disciplinary Committee in accordance with the regulations of the school board.

The regulations shall provide that such committee may confirm or disapprove the expulsion of a student. Any such committee of the school board shall be composed of no more than three members. The committee may invite other persons to participate, as appropriate, for the meeting. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within 30 days.

The regulations shall also provide for subsequent confirmation or disapproval of the proposed expulsion by the committee regardless of whether the pupil has exercised the right to a hearing.

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

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

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

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

B. Conduct Giving Rise to Expulsion

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

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

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

Firearms

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

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

Drug Offenses

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

C. Procedure for School Board Disciplinary Committee Hearing

The procedure for the Disciplinary Committee hearing shall be as follows:

- The Disciplinary Committee shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the Disciplinary Committee.
- The Disciplinary Committee may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the Disciplinary Committee, may allow closing statements.
- The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he shall present his evidence first. Witnesses may be questioned by the Disciplinary Committee members and by the parties (or their representative). The Disciplinary Committee may, at its discretion, vary this

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

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

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

- The terms or conditions of re-admission, if any;
- The duration of expulsion;
- A statement declaring whether the student is eligible to return to school or attend an appropriate alternative education program approved by the School Board or an adult education program offered by the division during or after the expulsion. If neither option applies, a statement that the student may petition the School Board for readmission after one calendar year from the date of his expulsion; and
- The availability of community-based educational, training and intervention programs.
- The student or his parent(s) may appeal the committee's decision to the full School Board only if the decision of the Disciplinary Committee is not unanimous. Otherwise the decision of the Disciplinary Committee is final.

The appeal to the full School Board must be in writing and must be filed with the superintendent within five (5) calendar days of the committee's decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The full School Board will decide the appeal upon the record of the case within thirty (30) calendar days of the request for an appeal and communicate its decision in writing to the student and his parent, guardian, or other person having control or charge of the student. Such written notice shall include any changes in: (1) the duration of the suspension; (2) the availability of community-based educational, training, and intervention programs; and/or (3) eligibility to return to school or attend an alternative education program. No statements, witnesses or evidence may be presented at this appeal unless specifically requested by the Chairman of the Board.

VI. ALTERNATIVE EDUCATION PROGRAM

The school board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; , or with an offense that is required to be disclosed to the Superintendent of the school division pursuant to Va. Code § 16.1-260.G; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to Va. Code § 16.1-260.G.; (3) found to have committed a serious offense or repeated offenses in violation of school board policies; (4) suspended pursuant to Va. Code § 22.1-277.05; or (5) expelled pursuant to Va. Code §§ 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code § 22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred. The School Board may require any student who has been found to have been in possession of, or under the influence or, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

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

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

VII. REPORTING

A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports shall be made to the division superintendent and to the principal or his designee on all incidents involving

- (1) the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- (2) the assault and battery which results in bodily a injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described by Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
- (3) any conduct involving alcohol, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- (4) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
- (5) the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
- (6) any illegal conduct involving firebombs, explosive materials or devices or hoax explosive devices, as defined in Va. Code § 18.2-85, or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- (7) Page 9 any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property of school buses;
- (8) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefor and
- (9) any illegal possession of weapons, alcohol, drugs, or tobacco products.

B. The division superintendent and the principal or his designee may receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code § 16.1-260 shall report such information to the principal of the school in which the juvenile is enrolled.

C. The principal or his designee shall submit a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this policy to the superintendent of the school division. The division superintendent shall annually report all such incidents to the Department of Education.

In submitting reports of such incidents, principals and division superintendents shall accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this policy.

- D. The principal or his designee shall also notify the parent of any student involved in an incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.
- E. Whenever any student commits any reportable incident as set forth in this subsection, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division drug and alcohol violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV-Safe and Drug-Free Schools and Communities Act).
- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection 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 shall also immediately report 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 shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

- G. For purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

VIII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS

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

Any student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the Charlottesville City Schools, in accordance

with Policy JEC (G). In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

In excluding any such expelled student from school attendance, the local 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 excluding school board shall not impose additional conditions for readmission to school.

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

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

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

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

IX. DISCIPLINING STUDENTS WITH DISABILITIES

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

Adopted: June 19, 2008

Revised: June 18, 2009

Revised:

Legal Reference: 20 U.S.C. § 7151

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

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

DISCIPLINING STUDENTS WITH DISABILITIES

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

I. Long-Term Suspensions, Expulsions or Short-Term Suspensions Which Constitute a Pattern -- Change in Placement

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

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

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

II. Short-Term Suspension

A short-term suspension is a suspension of 10 consecutive days or less at a time.

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

III. Functional Behavior Assessments and Behavior Intervention Plans

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

- conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,

- if the student already has a FBA and BIP in place, review and modify the BIP, as necessary to address the behavior.

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

IV. Educational Services While Disciplined

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

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

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

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

V. Manifestation Determination

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

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

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

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

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

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to nondisabled students. Following a removal which constitutes a change in placement, the student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the discipline.

VII. Disciplinary Action and/or Alternative Placement for Behavior That Is Determined To Be a Manifestation

A student with a disability whose behavior is determined to be a manifestation of his or her disability may not be disciplined except to the extent a removal is otherwise. The student may also be removed to a more restrictive placement by following change in placement procedures. The IEP team must conduct or review a FBA and/or BIP as provided in Section III.

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

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

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student must also

receive, as appropriate, a FBA, behavioral intervention services and modifications designed to address the behavior so it does not recur.

IX. Change of Placement by Hearing Officer

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

X. Placement During Appeals

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

XI. Students Not Identified as Disabled

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

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

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

- (1) the parents refused to allow an evaluation of the student or refused special education services; or

- (2) the student was evaluated and found not eligible for special education services.

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

XII. Disciplining Students Determined Eligible for Section 504 Who Violate Alcohol and Drug Policies

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

Adopted: June 19, 2008

Revised:

Legal References.: 20 U.S.C. § 1415(k).
29 U.S.C. § 705(20)(C)(iv)
34 C.F.R. 300.530-30.536
~~8 VAC 20-80-68.~~
8 VAC 20-81-160

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

STUDENT HEALTH SERVICES AND REQUIREMENTS

Authority

Charlottesville City Schools shall comply with the Code of Virginia requirements in matters relating to health, physical examinations, and inoculations. Interpretation of such regulations shall be sought from the Charlottesville City Department of Health (See Policies JHCA and JHCB).

The Charlottesville City School Board may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists who meet such standards as may be determined by the Board of Education. The local health department may provide personnel for health services for the school division.

Contagious Disease

Students shall be excluded from school when suffering from contagious disease. (See Policy JHCC)

Treatment of Medical Emergencies

No treatment of injuries, except first aid, will be given in the schools. Exceptions are made to this policy only in cases of medical necessity. (See policy JHCD)

Rights of Students

The religious beliefs and constitutional rights of students shall be respected within constraints of legal requirements for health instruction, examination, and treatment.

Adopted: July 16, 1998
Revised: June 19, 2008
Revised:

Legal Reference: Code of Virginia, 1950, as amended, sections ~~22.1-270, 22.1-271.2, 22.1-272,~~
~~22.1-273, 22.1-274.~~

Cross References.:

<u>EBBA</u>	<u>First Aid/CPR Certified Personnel</u>
<u>JHCA</u>	<u>Physical Examinations of Students</u>
<u>JHCB</u>	<u>Student Immunizations</u>
<u>JHCC</u>	<u>Communicable Diseases</u>
<u>JHCCA</u>	<u>Blood Borne Contagious or Infectious Diseases</u>
<u>JHCD</u>	<u>Administering Medicines to Students</u>

STUDENT IMMUNIZATIONS

~~Before entering a public school, every pupil shall furnish a certificate certifying that the pupil has been immunized against communicable diseases as required by sections 32.1-46, 22.1-271.2 and 22.1-271.4 of the Code of Virginia or has begun receiving the first series of all such vaccinations, or unless the pupil is exempt as provided elsewhere in this policy, or is a homeless child or youth as defined in Va. Code § 22.1-3. 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 state immunization requirements.~~

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 § 22.1-32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

Conditional Enrollment

~~A student may be enrolled for a period of 90 school days contingent upon the student's having received at least one dose of each of the required vaccines and the student's possessing a plan, from a physician or local health department, for completing his or her immunization requirements within the ensuing 90 school days; except that a student who has not yet received the measles (rubeola) vaccine must receive such second dose pursuant to the State Board of Health minimum immunizations required for school attendance.~~

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 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

The statements above do not apply

- ~~1. when the parent or guardian has an objection on the grounds that the administration of immunizing agents conflicts with his or her religious tenets or practices and provides the principal with a written statement of such objection, unless an emergency or a disease epidemic has been declared by the State Board of Health.~~
- ~~2. when the parent or guardian presents a statement from a physician that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child.~~

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.

Evidence of Immunization

~~Evidence acceptable for proof of required immunizations must include the month, day, and year each dosage was administered on forms developed by or approved by the State Department of Health. All students for whom dates cannot be provided (month, day, year) must be referred to the local health department or their private physicians to update their records before entering school.~~

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.

Approved: July 16, 1998
Revised: June 19, 2008
Revised:

Legal Reference: Code of Virginia, 1950, as amended, sections ~~22.1-3~~, 22.1-271.2, 22.1-271.4, 32.1-46, 54.1-2952.2, 54.1-2957.02

12 VAC 5-110-10

Cross References: JEC School Admission
JECA Admission of Homeless Students
LBD Home Instruction

COMMUNICABLE DISEASES

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

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

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

Adopted: June 19, 2008
Revised:

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

Cross References: EBAB Possible Exposure to Viral Infections
EBBB Personnel Training—Viral Infections

ADMINISTERING MEDICINES TO STUDENTS

Prescription Medications

Charlottesville City School Board personnel may give prescription medication to students only ~~with a physician's written order~~ pursuant to the written order of a physician, physician assistant, 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/guardian of the student.

Nonprescription Medications

Charlottesville City School Board personnel 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/guardian of the student.

Self-Administration of Medication

Self-administration of any medication with the exception of asthma medication and auto-injectable epinephrine, as discussed below, is prohibited for students in grades kindergarten through eight.

Students in grades nine through twelve may be allowed to possess and self-administer non-prescription medicine if:

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

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 Medication and Auto-Injectable Epinephrine

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

- written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both must be on file with the school;
- written notice from the student's primary care provider must be on file with the school, indicating 1) the identity of the student, 2) the diagnosis of asthma or anaphylaxis, or both, and approval for self-administration of inhaled asthma medications or auto-injectable epinephrine, or both that have been prescribed for the student; 3) the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use, and 4) the student's demonstrated ability to safely and effectively self-administer the medication;
- an individualized health care plan must be prepared, including emergency procedures for any life-threatening conditions; and
- information regarding the health condition of the student may be disclosed to 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.

Regulation

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

Adopted: July 16, 1998
Revised: April 15, 1999
Revised: April 15, 2004
Revised: June 19, 2008
Revised:

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

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

STUDENT-ATHLETE CONCUSSIONS DURING EXTRACURRICULAR ACTIVITIES

The Charlottesville City Schools division desires the safe return to activity for all student-athletes participating in extracurricular physical activities following an injury, but particularly after a concussion. The goal of this policy is to ensure (i) that coaches, school staff, volunteers, student-athletes, and their parents or guardian are aware of the short-term and long term effects of concussions; (ii) that concussed student-athletes are identified, removed from play immediately, and referred appropriately; and (iii) that concussed student-athletes are returned to play only after receiving appropriate medical care, given adequate time to heal, and are symptom free.

Definitions

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

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

Return to Play: *to participate in a non-medically supervised practice, game, or athletic competition.*

I. Charlottesville City Schools Concussion Management Team

- a. The Charlottesville City Schools Concussion Management Team (“CMT”) shall be appointed by the Superintendent of Schools and shall consist of the Director of Student Services a school administrator, an athletic administrator, a licensed health care provider, a coach, a parent or guardian of a student-athlete, a student athlete, and any such other person the Superintendent determines will assist the CMT in its actions.
- b. The CMT shall develop concussion training materials for school personnel, volunteers, student-athletes, and parents of student-athletes. The CMT shall also develop concussion reporting, management, and review protocols for the school division. The CMT shall maintain a record of all incidents where a student-athlete has been removed from a game, competition, or practice because he or she has been suspected of sustaining a concussion.
- c. The CMT shall meet at least once per semester and shall evaluate the division’s training materials, concussion reporting, management, and review protocols annually.

II. Required Concussion Training for School Personnel and Volunteers:

- a. Every Coach, Assistant Coach, School Staff, Adult Volunteer, or other person serving in a coaching or advisory role over student-athletes during games, competitions, or practices shall receive training in the signs and symptoms of sports-related concussions, strategies to reduce the risk of concussions, how to seek proper medical treatment for concussions, and the process by which a concussed student-athlete may safely return to practice or competition. Each school and the CMT shall maintain a written record of the names and dates of completion for all persons completing the school's concussion training.
- b. Each school shall ensure that no person is allowed to coach or advise a student-athlete in any practice, game, or competition who has not completed the school's concussion training within the previous twelve months.

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

- a. Prior to participating in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review concussion training materials developed by the CMT and sign a statement acknowledging receipt of such information. The concussion training materials shall describe the short-and long-term health effects of concussions.
- b. The signed statements acknowledging the receipt of concussion training materials shall be valid for one calendar year and will satisfy the concussion training requirements for all of a student-athlete's extracurricular physical activities for a calendar year.

IV. Removal from Extracurricular Physical Activities

- a. A student-athlete suspected by a student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice, game, or competition shall be removed from the activity immediately, evaluated, and if necessary referred for further treatment. A student-athlete who has been removed from play, evaluated, and suspected to have sustained a concussion shall not return to play that same day.
- b. In determining whether a student-athlete removed from play is suspected of having sustained a concussion, an appropriate licensed health care provider or other properly trained individual, shall evaluate the student-athlete at the time of removal utilizing a standardized concussion sideline assessment instrument (e.g., Sideline Concussion Assessment Tool (SCAT-II), the Standardized Assessment of Concussion (SAC), or the Balance Error Scoring System (BESS)).

- c. The determination of whether a student-athlete removed from play is suspected of having sustained a concussion shall be the sole determination of the licensed health care provider or other properly trained individual conducting the concussion sideline assessment. Such determination is final and may not be overruled by another licensed health care provider or other properly trained individual, coach, assistant coach, school staff, or other person serving in a coaching or advisory role, the student-athlete, or the parent or guardian of the student-athlete.
- d. The coach of a student-athlete may elect not to return the student-athlete to play, even if after the concussion sideline assessment it is determined that the student-athlete is no longer suspected of having sustained a concussion.

V. Return To Play Protocol

- a. No student-athlete shall be allowed to return to extracurricular physical activities, which includes the student-athlete's practices, games, or competitions, until the student presents a written medical release from the student-athlete's licensed health care provider. The written medical release shall certify that (i) the provider is aware of the current medical guidance on concussion evaluation and management; (ii) the student-athlete no longer exhibits signs symptoms or behaviors consistent with a concussion at rest or with exertion; and (iii) that the student-athlete has successfully completed a progressive return to sports participation program. The length of progressive return to sports participation program shall be determined by the student-athlete's licensed health care provider but shall last a minimum of five calendar days.
- b. The coach of a student-athlete may elect not to allow a student-athlete to return to extracurricular physical activities, even after the production of written medical release from the student-athlete's licensed health care provider, if the coach observes signs and symptoms of sports-related concussions. If the student-athlete's coach makes such a decision, the coach shall communicate the observations and concerns to the student-athlete's parent or guardian within one day of the decision not to allow such student-athlete to return to extracurricular physical activities.

VI. Helmet Replacement and Reconditioning

- a. All helmets used in school physical activities must conform to the National Operations Committee on Standards for Athletic Equipment (NOCSAE) and certified as conforming by the manufacturer at the time of purchase.
- b. Reconditioned helmets that have been purchased must be recertified as conforming to the NOCSAE by the reconditioner.

Adopted:

Legal References: Va. Code § 22.1-271.5

ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES

I. Instructional Materials and Surveys

A. Inspection of Instructional Materials

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

B. Participation in Surveys and Evaluations

No student shall be 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 sexual information of students is to be administered, the school board shall notify the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice will inform the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the survey, and whether and how any findings or results will be disclosed. Parents shall have the right to review the questionnaire or survey and to exempt their child from participating in the survey. No questionnaire or survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

D. Youth Health Risk Behavior Survey

The school board will notify parents of each student enrolled in a middle or high school selected for participation in the survey of student health risk behaviors pursuant to Va. Code § 32.1-73.8, in writing and at least 30 days prior to administration of the survey, that their child may be randomly selected to participate in the survey unless the parent denies consent for the student's participation in writing prior to administration of the survey. The notice will inform the parent regarding the nature and types of questions included in the survey, the purposes and age-appropriateness of the survey, how information collected by the survey will be used, who will have access to such information, whether and how any findings or results will be disclosed, and the steps that will be taken to protect students' privacy. Parents have the right to review the survey prior to its administration.

E. Additional Protections

A parent or emancipated student may, upon request, inspect any instructional material Used as part of the educational curriculum of the student and any survey created by a third party before the survey is administered or distributed to a student. Any inspection shall be in accordance with Policy KBA.

In addition, in the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection I.B. above, the privacy of students to whom the survey is administered will be protected by use of identification codes with names maintained separately.

II. Physical Examinations and Screenings

If the Charlottesville City School Division administers any physical examinations or screenings other than

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

III. Commercial Use of Information

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

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

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

IV. Notification

Notification of Policies

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

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

Notification of Specific Events

The Board will directly notify 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;

- any nonemergency, invasive physical examination or screening that is required as a condition of attendance;
- administered by the school and scheduled by the school in advance; and
- not necessary to protect the immediate health and safety of the student, or of other students.

V. Definitions

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

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

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

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

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

Survey: the term "survey" includes an evaluation.

Adopted: February 21, 2008

Revised:

Legal References: 20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, § 22.1-79.3.

Cross References: IFB Pilot, Research or Experimental Projects
JHDA Human Research
KBA Requests for Information
KF Distribution of Information/Materials
~~KFA Special Interest Materials~~
LE Relations with Colleges and Universities

SERVICE ANIMALS IN PUBLIC SCHOOLS

Admission of Service Animals to Public Events

Persons with disabilities may be accompanied by their service animals while on school property for events that are open to the general public, such as athletic games or plays. This right of access does not extend to the schools generally or to other activities which are not open to the general public.

School officials can ask the owner or handler of an animal whether the animal is a trained service animal and inquire into the specific tasks that the animal has been trained to perform. School officials should not ask questions about a person's disability.

Admission of Service Animals to Schools

When requested for educational purposes: There is no automatic right to be accompanied by a service animal in the school setting. A student with a disability may request to bring a service animal to school for educational reasons. Such requests should be directed to a student's IEP or Section 504 team. A student's IEP or Section 504 team will decide whether the service animal is required to accompany the student to school in order for the student to receive a free appropriate public education.

When requested for noneducational reasons: Trained guide, hearing, or service dogs are permitted in school buildings under certain circumstances:

- Totally or partially blind persons may be accompanied by a trained guide dog while on school property.
- Deaf or hearing impaired persons may be accompanied by a trained hearing dog while on school property.
- Mobility impaired or other disabled persons may be accompanied by a trained service dog while on school property.
- Persons conducting training of a guide, hearing, or service dog may be accompanied by a dog in training while on school property.

Dogs in Training

Persons conducting training of a guide, hearing, or service dog may be accompanied by a dog in training while on school property for the purpose of school business. Persons who are part of a three-unit service dog team also may be accompanied by a service dog while on school property provided that the person is conducting training of a service dog. The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.

Requirements That Must be Satisfied Before a Service Animal Will Be Allowed in a School

Vaccination: The service animal must be immunized against diseases common to that type of animal.

Health: The service animal must be in good health.

Documentation: Before a service animal will be allowed in a school building, the owner or handler of the animal must submit to the school principal or building supervisor a request along with documentation from a certified professional of the following: diagnosis of a specific disability, verification of the need for a service animal; a description of the function(s) that the service animal is expected to perform in relation to the person's disability; a current license; a current veterinary health certificate; and proof of current vaccinations and immunizations of the service animal. Documentation of current vaccinations and immunizations of the service animal must be resubmitted annually.

Supervision and Care of Service Animals

_____ The owner or handler of a service animal is solely responsible for the supervision and care of the animal, including any feeding, exercising and clean up.

Damages to School property and Injuries

_____ Thee owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel or students caused by the animal.

Extra Charges

_____ Public schools cannot require an owner or handler of a service animal to pay an extra charge for the animal to attend events for which a fee is charged. This provision does not preclude public schools from charging an owner or handler for any damages to school property caused by the animal.

Excluding Service Animals From School Property

_____ A public school can exclude a service animal from school property under the following circumstances:

- _____ 1. The presence of the animal poses a direct threat to the health and safety _____
_____ of others;
- _____ 2. The owner or handler is unable to control the animal;
- _____ 3. The presence of the animal is disrupting or interfering with the _____
_____ educational processes; or
- _____ 4. The presence of an animal would require a fundamental alteration to the _____
_____ program.

A. SERVICE ANIMALS

An individual with a disability is permitted to be accompanied by his/her service animal on school property when required by law, subject to the conditions of this policy.

A “service animal” means a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, training or untrained, are not service animals for the purposes of this definition. (See, however, Section D regarding miniature horses.) The work or tasks performed by a service animal must be directly related to the **handler’s individual’s** disability or necessary to mitigate a disability.

School officials can ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person’s disability and may not require documentary proof of certification or licensing as a service animal.

B. REQUIREMENTS THAT MUST BE SATISFIED BEFORE A SERVICE ANIMAL WILL BE ALLOWED ON SCHOOL PROPERTY

Request: A person who wants to be accompanied by his/her service animal must make a prior written request of the school’s principal if the service animal will come into a school. A person who wants to be accompanied by his/her service animal must make a prior written request of the superintendent for all other locations. These requests must be renewed each school year.

Vaccination: The service animal must be immunized against diseases common to that type of animal.

Health: The service animal must be in good health. The owner or handler of the animal must submit to the school principal each school year documentation from a licensed veterinarian of the following: a current veterinary health certificate; and proof of the service animal’s current vaccinations and immunizations.

Control: A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack, vet identifying the dog as a trained service dog, leash (blaze orange in color for hearing dogs), or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of harness, backpack, vest, leash or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control.

C. SERVICE DOGS IN TRAINING

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while the school property for school purposes.

Use of Harnesses, Vests, etc. A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.

A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.

The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.

All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

D. MINIATURE HORSES

The school division will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school division must consider the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses.

E. EXTRA CHARGES

The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal at attend events for which a fee is charged.

F. SUPERVISION AND CARE OF SERVICE ANIMALS

The owner or handler of a service animal is responsible for the supervision and care of the animal, including nay feeding, exercising, and clean up.

G. DAMAGES TO SCHOOL PROPERTY AND INJURIES

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

H. REMOVAL OF SERVICE ANIMALS FROM SCHOOL PROPERTY

A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others; or
4. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service program, or activity without the service animal.

I. DENIAL OF ACCESS AND GRIEVANCE

If a school official denies a request for access of a service animal o a dog in training, the individual with disabilities or parent or guardian can file a written grievance with the school division's Section 504 Coordinator.

Adopted: June 18, 2009

Revised:

Legal References: Code of Virginia, 1950, as amended § 51.5-44.

28 C.F.R. Part 35

U.S. Department of Justice and the National Association of
Attorneys General guidance documents on service animals dated
July 26, 1996, at www.ada.gov/animal.htm

Cross References:

DJG	Vendor Relations
GB	Equal Employment Opportunity/Nondiscrimination
JB	Equal Educational Opportunities/Nondiscrimination
JBA	Section 504 Hearing Procedures
JFHA/GBA	Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion
KK	School Visitors
KGB	Public Conduct on School Property
KN	Sex Offender Registry Notification
KNA	Violent Sex Offenders on School Property

SEX OFFENDER REGISTRY NOTIFICATION

Charlottesville City Schools recognizes the danger sex offenders pose to student safety. Therefore, to protect students while they travel to and from school, attend school or are at school-related activities, each school in the Charlottesville City school division shall request electronic notification of the registration or reregistration of any sex offender in the same or contiguous zip codes as the school. Such requests and notifications shall be made according to the procedure established by the Virginia Department of State Police (State Police).

Annual Notification

At the beginning of each school year, the school division shall notify parents and employees of this policy. The school board will also annually notify the parent of each student enrolled in the school division of the availability of information in the Sex Offender and Crimes Against Minors Registry and the location of the Internet website (<http://sex-offender.vsp.state.va.us/cool-ICE/>).

Dissemination of Sex Offender Registry Information

Sex offender registry information should be provided to employees who are most likely to observe unauthorized persons on or near school property including but not limited to:

- school bus drivers
- employees responsible for visitor registration
- employees responsible for bus duty
- security staff
- coaches
- playground supervisors, and
- maintenance personnel.

When registry information is disseminated, it shall include a notice that such information should not be shared with others and may only be used for the purposes discussed below. Employees who share registry information with others may be disciplined.

The Charlottesville City school division recognizes that it is the responsibility of local law enforcement to notify the community of potential public danger. Therefore, the division will not disseminate registry information to parents.

Use of Sex Offender Registry Information

Registry Information shall only be used for the purposes of the administration of law-enforcement, screening current or prospective school division employees or volunteers and for the protection of school division students and employees. Registry information shall not be used to intimidate or harass others.

1. Registered Sex Offender Sighted. If a notified employee sees a registered sex offender on or near school property, around any school division student, or attending any school division activity, the Superintendent or designee shall be notified immediately. The Superintendent or his designee may, in his or her discretion, notify local law-enforcement.
2. School Volunteers and Student Teachers. Each staff member shall submit to the Principal the name and address of each volunteer the staff member is or may be using as soon as the person is identified. The Principal shall screen each student teacher and volunteer's name and address against the registry information. If a match is found, the Principal shall notify the Superintendent, who shall confirm the match. If the match is confirmed, the Superintendent shall inform the individual, in writing, that he or she may not be on school property without permission of the Superintendent. The notice shall provide the reason with reference to this policy. The Superintendent shall also inform the Principal and employees that the individual may not be used as a volunteer.
3. Contractors' Employees. The Superintendent shall include the following language in all Division contracts that may involve an employee of the contractor having any contact with a student:

The contractor shall not send any employee or agent who is a registered sex offender to any school building or school property. Monthly, the contractor shall check the registry to determine if any employee is registered.
4. School Division Employees. Each time sex offender registry information is received, the principal shall review it to determine if a school division employee is registered. If a match is found, the Superintendent shall confirm or disprove the match with local law enforcement. If the match is confirmed, the Superintendent shall notify the School Board. The School Board will take the appropriate action to comply with state law which may include termination of employment.
5. Applicants for Employment. Before hiring any person, the Superintendent shall determine whether the prospective employee is a registered sex offender. If the prospective employee is a registered sex offender, he or she shall not be hired by the division.

6. Parents of Students. When the school division learns that a parent is a registered sex offender, the parent will be notified in writing that he or she is barred from being present on school property or at school-sponsored events , on any 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 without the express written approval of the student's principal, unless such parent is otherwise prohibited by law or court order from being present on school property. Such approval must be obtained in advance of the proposed visit. When a parent, who is a registered sex offender, is permitted at school or at school functions, he or she will be monitored to ensure that he or she does not come into contact with any children other than his or her own children.

Requests for Registry Information

Anyone requesting registry information from the school division shall be referred to the State Police.

Adopted: August 6, 1998
Revised: January 8, 2004
Revised: September 20, 2007
Reviewed: February 21, 2008
Revised: June 19, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, §§ 22.1-79.3, 9.1-914, 9.1- 918 and 19.2-390.1.
Commonwealth v. Doe 278 VA 223 (Va. 2009)

Cross References: BBA School Board Powers and Duties
DJF Purchasing Procedures
KK School Visitors
KNA Violent Sex Offenders on School Property
KNAJ Relations with Law Enforcement Authorities

RELATIONS WITH LAW
ENFORCEMENT AUTHORITIES

File: KNAJ

Investigations by Law Enforcement Officers at School

Law-enforcement authorities, including school resource officers, occasionally talk with students at school about a variety of topics, which may include illegal activity in the community or at school. Students suspected of involvement in a crime in the community should be interviewed in the presence of a parent or guardian outside of school time whenever feasible. If a law enforcement agent feels that it is necessary to conduct an interview at school with a student who is suspected of involvement in a crime, every effort should be made to inform the student's parents and delay the interview until the parents arrive. If the parents cannot be contacted and the interview cannot be delayed, the principal, or designee, shall remain present during the interview.

Service of Process at School

Should there be a need to serve a student or school employee with any "legal process", the School Board encourages the process server to make all reasonable attempts to serve such documents off school premises; however, if the documents must be served on school premises, they shall be served at the principal's office of the school at which the student is in attendance or the main office of the facility at which the employee is assigned.

In any case in which custody or visitation of a minor child is at issue and a summons is issued for the attendance and testimony of a teacher or other school employee who is not a party to the proceeding, if such summons is served on school property, it may be served only by a sheriff or his deputy.

Development of Programs

The Superintendent shall seek to develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs and procedures to prevent violence and crime on school property and at school-sponsored events. The superintendent shall obtain and use Sex Offender Registry information in accordance with Policy KN.

Report to Law Enforcement Officials

The Superintendent or his designee shall be notified as soon as possible of any report to law enforcement authorities. The superintendent, principal or their designees shall promptly report to local law-enforcement officials all incidents occurring on school property involving:

1. the assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, wounding or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; or
2. any conduct involving alcohol, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity including the theft of or attempted theft of student prescription medications; or
3. any threats against school personnel while on a school bus, on school property, or at school-sponsored activity ; or
4. the illegal carrying of a firearm, as defined by Va. Code § 22.1-277.07, onto school property.
5. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85, or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; or
6. any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses.

The principal may report to local law enforcement officials any incident involving the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity.

Adopted: August 6, 1998
Revised: January 8, 2004
Revised: February 21, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, sections 8.01-47, 8.01-293, 9.1-101, 16.1-264, 22.1-279. 3:1 22.1-280.2:1, 22.1-293(B-D).

Cross References: JFC Student Conduct
JGD/JGE Student Suspension/Expulsion
CLA Reporting Acts of Violence and Substance Abuse
KN Sex Offender Registry Information.

HOME INSTRUCTION

The Charlottesville City School Board recognizes that when the requirements of Va. Code § 22.1-254.1 are complied with instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent 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 may elect to provide home instruction in lieu of school attendance if he

- (i) holds a high school diploma; or
- (ii) is a teacher of qualifications prescribed by the Board of Education; or
- (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner;
- (iv) or provides evidence that he is able to provide an adequate education for the child.

DEFINITION

For purposes of this policy, "parent" means the biological parent or adoptive parent, guardian or other person having control or charge of a child.

NOTIFICATION BY PARENTS

Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent no later than August 15 of his intention to so instruct the child and provide a description of the curriculum to be followed for the coming year and evidence of having met one of the criteria for providing home instruction. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall comply with the requirements of this policy within thirty days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

EVIDENCE OF PROGRESS

A parent who elects to provide home instruction to a child who is over the age of six as of September 30 of the school year shall provide the division superintendent by August 1 following the school year in which the child has

received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine any nationally normed standardized achievement test or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with Va. Code § 22.1-254.

IMMUNIZATIONS

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

Upon request by the division superintendent, the parent shall submit to such division superintendent documentary proof of immunization in compliance with Va. Code § 32.1-46.

No proof of immunization shall be required of any child upon submission of (i) an affidavit to the division superintendent stating that the administration of immunizing agents conflicts with the parent's or guardian's religious tenets or practices or (ii) a written certification from a licensed physician ~~or~~, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstance that contraindicates immunization.

NOTIFICATION TO PARENTS

Students receiving home instruction and their parents will be notified of the availability of Advanced Placement (AP) and Preliminary Scholastic Aptitude Test (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. Such notice will be given when the parent notifies the division that the student will receive home instruction.

Adopted: June 19, 2008
Revised:

Legal References: Code of Virginia, 1950, as amended, §§ 22.1-254, 22.1-254.1, 22.1-271.4, 32.1-46, 54.1-2952.2

Pollard v. Goochland County School Board, No. 3:00CV563 (E.D. Va. Sept. 27, 2001).

RELATIONS WITH EDUCATIONAL
ACCREDITATION AGENCIES

File: LI

All Charlottesville City Public Schools will be accredited according to standards developed by the Virginia Department of Education. The School Board will review the accreditation status of each school in the division annually in a public session of a board meeting.

The school board will recognize individual schools under the Virginia Index of Performance (VIP) program established by the Board of Education to recognize and reward fully accredited schools that make significant progress toward achieving advanced proficiency levels in reading, mathematics, science, and history and social science, and other indicators of school and student performance that are aligned with Virginia's goals for public education. The recognition may include public announcements, media releases, and other appropriate recognition.

The school board may ask the Board of Education for release from state regulations and for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC [20-131-280 C.](#)

Adopted: August 6, 1998
Revised: June 19, 2008
Revised: June 17, 2010
Revised:

Legal References: Code of Virginia, 1950, as amended, Sec. 22.1-19, 22.1-253.13.3.
22.1-253.13:9

8 VAC 20-131-5 et.seq.