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SECTION J: Students

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SECTION J: Students

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## EQUAL EDUCATIONAL OPPORTUNITIES/ NONDISCRIMINATION

### I. Policy Statement

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

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

The Joint Committee for Control shall:

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

### II. Complaint Procedure

#### A. File Report

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

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

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

## B. Investigation

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

The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The Joint Committee for Control 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 Executive Superintendent upon completion of the investigation. If the complaint involves the Executive Superintendent, then the report shall be sent to the Board of Control. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

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

### C. Action by Executive Superintendent

Within 5 calendar days of receiving the compliance officer's report, the Executive Superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the Executive Superintendent determines that prohibited discrimination occurred, the Northern Neck Technical Center shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge.

### D. Appeal

If the Executive Superintendent or designee determines that no prohibited discrimination occurred, the student who was allegedly subjected to discrimination may appeal this finding to the Joint Committee for Control within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Executive Superintendent who shall forward the record to the Board of Control. The Joint Committee for Control shall make a decision within 30 calendar days of receiving the record. The Joint Committee for Control may ask for oral or written argument from the aggrieved party and the Executive Superintendent and any other individual the Joint Committee for Control deems relevant.

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

### E. Compliance Officer and Alternate Compliance Officer

The Northern Neck Technical Center Joint Committee for Control has designated Randy Long, Principal, 13946 Historyland Hwy Warsaw, VA 22572, 804-333-4940, as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer, Todd Davis, Administrative Assistant, 13946 Historyland Hwy, Warsaw, VA 22752, 804-333-4940. The Compliance Officer shall:

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

### III. Retaliation

Retaliation against students or school personnel who report discrimination or participate in the related proceedings is prohibited. The Joint Committee for Control 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.

### IV. Right to Alternative Complaint Procedure

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

### V. Prevention and Notice of Policy

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

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

### VI. False Charges

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

Adopted: August 26, 2008

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Legal Refs: 20 U.S.C. §§ 1681-1688.  
29 U.S.C. §§ 794.  
42 U.S.C. §§ 2000d-2000d-7.  
  
34 CFR part 106.

Cross Refs: AC Nondiscrimination  
JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin,  
Disability and Religion



## SECTION 504 HEARING PROCEDURES

The Northern Neck Technical Center Joint Committee for Control 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 an informal or formal hearing.

### **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 **[INSERT NAME, TITLE, OFFICE ADDRESS, AND PHONE NUMBER]** as the Compliance Officer responsible for identifying, preventing and remedying discrimination. Complaints of discrimination may also be made to **[INSERT NAME, TITLE, OFFICE ADDRESS, AND PHONE NUMBER]**, 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**

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Legal Ref.: Section 504 of the Rehabilitation Act of 1973.

Cross Ref: JB Equal Educational Opportunities/Nondiscrimination

Adopted: August 26, 2008

Amended: September 20, 2011

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## SCHOOL ATTENDANCE AREAS

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

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

Adopted: August 26, 2008

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

Cross Refs: JCA Transfers by Student Victims of Crime  
JCB Transfers by Students in Persistently Dangerous Schools  
JCC School Choice for Students Enrolled in Schools Identified for Improvement

## TRANSFERS BY STUDENT VICTIMS OF CRIME

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

- by another student attending classes in the school, or
- by any employee of the Board of Control, or
- by any volunteer, contract worker or other person who regularly performs services in the school, or
- if the crime was committed upon the school property or on any school bus owned or operated by the Joint Committee for Control

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

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

Adopted: August 26, 2008

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Legal Refs.: 20 U.S.C. § 7912.

Code of Virginia, §§ 22.1-3, 22.1-3.3.

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

TRANSFERS BY STUDENTS IN  
PERSISTENTLY DANGEROUS SCHOOLS

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

In the event that a student elects to transfer, the transfer may remain in effect as long as the student's original school is identified as persistently dangerous.

Adopted: August 26, 2008

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Legal Refs.: 20 U.S.C. § 7912.

*Attachment A (No Child Left Behind Act of 2001 Unsafe School Choice Option Persistently Dangerous Schools Identification Process and Criteria) to Executive Superintendent's Memo No. 86 (May 9, 2003).*

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

SCHOOL CHOICE FOR STUDENTS ENROLLED IN SCHOOLS  
IDENTIFIED FOR IMPROVEMENT

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

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

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

Adopted: August 26, 2008

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Legal Refs.: 20 U.S.C. § 6316.

Cross Ref.: JC School Attendance Areas

## SCHOOL CENSUS

The Joint Committee for Control shall assure that, every three years, at a time to be designated by the Executive Superintendent of Public Instruction, a census is taken of all persons residing within the Joint Committee for Control who on or before December 31 immediately following the census will have reached their fifth birthday but not their twentieth birthday on forms furnished by the Executive Superintendent of Public Instruction.

On the recommendation of the Joint Committee for Control Executive Superintendent, the Joint Committee for Control shall appoint agents to take the census. Each agent shall receive compensation for his or her services from Joint Committee for Control funds, in an amount to be fixed by the Northern Neck Technical Center Board of Control. A reasonable travel allowance may be allowed at the discretion of the Board of Control.

Adopted: August 26, 2008

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-281 through 22.1-286

## COMPULSORY ATTENDANCE

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

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

The requirements of this policy apply to

- (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.

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

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

ENTRANCE AGE/ADMISSION OF PERSONS NOT OF SCHOOL AGE

A child who will reach his or her fifth birthday on or before September 30 of the school year shall be eligible for enrollment in school. The Executive Superintendent shall disseminate information received from the State Executive Superintendent of Public Instruction concerning the ages when children are required or eligible to attend school. This information shall be disseminated to parents of such children upon or prior to enrollment of such children in the public schools of the division.

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

Adopted: August 26, 2008

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-5, 22.1-199, 22.1-254.

## SCHOOL ADMISSION

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

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 Northern Neck Technical Center;
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 deployment outside the United States. The person of school age shall be allowed to attend a school in the Joint Committee for Control in which the individual providing for his 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 Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control not solely for school purposes, as an emancipated minor; or
6. When the person has been placed in a foster care placement within the Joint Committee for Control by a local social services agency.

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

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

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with section 22.1-5 of the Code of Virginia and pursuant to Northern Neck Technical Center Joint Committee for Control 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 Joint Committee for Control upon such child's relocation to military housing located in another Joint Committee for Control in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in the Joint Committee for Control and shall not be charged tuition for attending such school. Such children shall be counted in the average daily membership of the Joint Committee for Control in which they are enrolled. Further, the Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control 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 Executive Superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.
- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.
- D. Each student will present a federal social security number within 90 days of his enrollment. In any case in which a student is ineligible, pursuant to guidelines

File: JEC

promulgated by the Board of Education, to obtain a social security number or the parent is unwilling to present such number, the Executive 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 Northern Neck Technical Center, 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 Joint Committee for Control of the Commonwealth or another state for an offense in violation of Joint Committee for Control policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and
  - a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the Executive Superintendent and by any others to whom he disseminates it, separately from all other records concerning the student.

However, if the school administrators or the Joint Committee for Control 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 Joint Committee for Control 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 Northern Neck Technical Center regardless of whether such student has been admitted to another Joint Committee for Control 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 Joint Committee for Control after (i) written notice to the student and his/her parent that the student may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the Executive Superintendent or his designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the Executive Superintendent or his/her designee; and the decision has been to exclude the student from attendance. The student or his parent may file a written petition for review with the Joint Committee for Control within 15 days

File: JEC

of notice of the decision of the Executive Superintendent or his/her designee. If the Joint Committee for Control grants a review of the record, the decision of the Executive Superintendent or his/her designee may be altered.

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

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

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

- H. This policy does not preclude contractual arrangements between the Northern Neck Technical Center Joint Committee for Control and agencies of the federal government or the Joint Committee for Control of another jurisdiction to permit students not otherwise eligible to attend the Northern Neck Technical Center.

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 knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

Adopted: August 26, 2008  
Amended: September 20, 2011

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

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

File: JECA

## ADMISSION OF HOMELESS CHILDREN

The Northern Neck Technical Center Joint Committee for Control is committed to educating homeless children and youth. Homeless children and youth shall not be stigmatized or segregated on the basis of their status as homeless. The Joint Committee for Control will coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

The Northern Neck Technical Center will serve each homeless student according to the student's best interest and will

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

In determining the best interest of a homeless student, the Northern Neck Technical Center Joint Committee for Control shall

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

### Enrollment

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

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

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

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

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

#### Enrollment Disputes.

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

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

#### Appeal Process

##### Oral Complaint

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

## Written Complaint

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

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

## Appeal to Executive Superintendent

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

## Comparable Services

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

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

## Transportation

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

- if the homeless child or youth continues to live in the area served by the division

File: JECA

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in which the school of origin is located, the child's or youth's transportation to and from the school of origin shall be provided or arranged by the division in which the school of origin is located.

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

#### Definitions:

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

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

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

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

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

Adopted: August 26, 2008

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Legal Refs.: 20 U.S.C. § 6399  
42 U.S.C. §§ 11302, 11431 et seq.

Code of Virginia, 1950 as amended, §§ 22.1-3, 22.1-70, 22.1-78,  
22.1-253.13:1.D.6., 22.1-270.

Executive Superintendent's Memo No. 64 (Dec. 5, 2003).

Cross Refs.: JEC School Admission

## ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

The Northern Neck Technical Center Joint Committee for Control acknowledges the provisions for equivalent instruction under Virginia law. The Board further observes that equivalent or "acceptable alternative" home or private school instruction is not the same as the education delivered in the public school system.

The parents of students attending private school or being home schooled pursuant to Va. Code § 22.1-254.1 who wish to enroll their students on a part-time basis in the Northern Neck Technical Center for participation in academic and/or extracurricular/club activities shall, along with the students, conform with the following provisions:

### I. Admission

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

### II. Enrollment

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

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

### III. Activities

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

### IV. Transportation

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

### V. Academic Credit

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

Adopted: August 26, 2008

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

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

## STUDENT ABSENCES/EXCUSES/DISMISSALS

## I. Student Attendance Policy

Student attendance is a cooperative effort and the Joint Committee for Control shall involve parents and students in accepting the responsibility for good attendance.

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

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

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

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

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

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

## II. Compulsory Attendance Procedures

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

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

#### B. Upon Sixth Absence Without Parental Awareness and Support

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

#### C. Upon Additional Absence Without Parental Awareness and Support

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

#### D. Parental Cooperation in Remediating Excessive Unexcused Absences

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

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

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

#### IV. Attendance Reporting

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

#### V. Dismissal Precautions

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

Adopted: August 26, 2008  
Amended: August 24, 2010

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-254 and 22.1-258 through 22.1-269, 22.1-279.3, 46.2-323 and 46.2-334-001.

8 VAC 20-110-10 et seq.

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

## STUDENT INVOLVEMENT

The Joint Committee for Control recognizes the student body as a significant part of the community and in the decision making process.

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

Adopted: August 26, 2008

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

8 VAC 20-131-20.



## STUDENT CONDUCT

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

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

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

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

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school attendance. Parents

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

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

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

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

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

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

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

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

- possession or use of alcohol, illegal drugs, including marijuana, synthetic cannabinoids as defined in Va. Code Sec. 18.2-248.1:1; and anabolic steroids, or drug paraphernalia;
- selling drugs;
- assault/battery;
- sexual assault;

- arson;
- intentional injury (bullying, fighting);
- theft;
- bomb threats, including false threats, against school personnel or school property;
- use or possession of explosives (see Policy JFCD);
- possession of weapons or firearms (see Policy JFCD);
- extortion, blackmail, or coercion;
- driving without a license on school property;
- homicide;
- burglary;
- sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation);
- malicious mischief;
- shooting;
- any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs;
- stabbing, cutting or wounding;
- unlawful interference with school authorities including threats;
- unlawful intimidation of school authorities; and
- other unlawful acts including being an accessory to any of these or other unlawful acts.

Any student involved in a reportable drug or violent incident shall participate in prevention and intervention activities deemed appropriate by the Executive 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 Executive Superintendent shall issue regulations listing additional actions which may be cause for corrective action and if serious enough or exhibited repeatedly may lead to suspension or expulsion.

The Joint Committee for Control 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: August 26, 2008

Amended: September 20, 2011

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Legal Refs.: Code of Virginia, 1950, as amended, §§16.1-260, 18.2-308.1, 18.2-308.7, 22.1-78, 22.1-200.1, 22.1-253.13:7.C.; 22.1-254, 22.1-276.3, 22.1-277, 22.1-277-08, 22.1-277.2, 22.1-279.1, 22.1-279.3, 22.1-279.3:1, 22.1-279.6.

Cross Ref.: CLA Reporting Acts of Violence and Substance Abuse  
ECAB Vandalism  
IIBEA/GAB Acceptable Computer System Use  
IIBEA-R/ Acceptable Computer System Use  
GAB-R  
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

## TEACHER REMOVAL OF STUDENTS FROM CLASS

Teachers shall have the initial authority to remove students from class for disruptive behavior.

### Criteria for Removal

Prior to the removal of a student from class under this policy, the following criteria must be met:

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

When all of the above criteria have been satisfied, teacher removal of a student from class shall be deemed appropriate.

### Requirements for Incident Reports

No removal under this policy shall occur unless two prior written incident reports have been filed with school administrators. Upon removal, the teacher shall file a "Student Removal Form" (attached) with school administrators and any other documentation to support the removal including, but not limited to the previous two incident reports.

### Procedures for Written Notification of Student and Parents

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

## Guidelines for Alternative Assignment and Instruction of Removed Students

The Principal shall determine the appropriate placement of the student. The Principal has several options regarding the placement of a removed student including, but not limited to:

1. Assigning the student to an alternative program.
2. Assigning the student to another class.
3. Sending the student to the Principal's office or study hall. If the Principal chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student.
4. Suspending or expelling the student. If the Principal chooses this option, alternative instruction and assignment, if any, shall be provided according to Joint Committee for Control policy and in the case of students with disabilities, in accordance with federal law.
5. Returning the student to class (see procedures below).

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

The Principal shall determine, after consultation with the teacher, the duration of the student's removal from class. The Principal shall notify the teacher of the decision to return the student to class. The following procedure shall apply if the teacher disagrees with the Principal's decision to return a student to the class:

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

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

## Other Provisions

The Principal shall ensure that students removed from class under this policy continue to receive an education in accordance with Joint Committee for Control policies.

Application of this policy to students with disabilities shall be consistent with federal and state law and regulations as well as Joint Committee for Control policy regarding students with disabilities.

Teacher deficiencies in classroom management shall be addressed in teacher evaluations pursuant to Policy GCN.

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

Adopted: August 26, 2008

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

|             |         |   |
|-------------|---------|---|
| Cross Refs: | GCN     | Evaluation of Professional Staff        |
|             | JFC     | Student Conduct                         |
|             | JGDA    | Disciplining Students with Disabilities |
|             | JGD/JGE | Student Suspension/Expulsion            |

|                             |
|-----------------------------|
| <b>STUDENT REMOVAL FORM</b> |
|-----------------------------|

School Name: \_\_\_\_\_  
Student: \_\_\_\_\_  
Teacher: \_\_\_\_\_  
Class: \_\_\_\_\_  
Date: \_\_\_\_\_

Description of Behavior:

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

Date of Prior Incident Reports:  
(Note: Prior incident  
reports must be attached.)

Signature of Teacher:

## SPORTSMANSHIP, ETHICS AND INTEGRITY

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

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

Adopted: August 26, 2008

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Legal Refs.: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-176 (B), 22.1-207, 22.1-208, 22.1-211, 22.1-253.13:1.

Cross Ref.: KQ Commercial, Promotional, and Corporate Sponsorships and Partnerships

## STUDENT CONDUCT ON SCHOOL BUSES

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

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

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

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

Adopted: August 26, 2008

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

8 VAC 20-70-390.

Cross Ref.: EEA            Student Transportation Services  
JFC                Student Conduct

## WEAPONS IN SCHOOL

### I. Generally

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school or the Joint Committee for Control 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: August 26, 2008

Amended: September 20, 2011

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Legal Refs.: 18 U.S.C. § 930(g)(2).  
20 U.S.C. § 1415(k) (1) (G) (i).

Code of Virginia, §§18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 277.07:1.

Wood v. Henry County Public Schools, 255 Va. 85, 495 S.E.2d 255 (1998).

8 VAC 20-81-10.

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

File: JFCE

The Joint Committee for Control acknowledges the existence of gangs in the community and the threat they pose to the educational environment. Therefore, students shall not engage in gang activity on school grounds, on school buses or on any school sponsored activity. A gang is defined as any group of two or more persons whose purpose includes:

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

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

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

The Executive Superintendent shall, in cooperation with local law enforcement and/or juvenile agencies, develop a regulation listing known gang clothing, jewelry, emblems, badges, signs, gestures, handshakes and symbols. The list shall be updated regularly.

The Executive Superintendent shall provide in-service training in gang behavior and characteristics to facilitate staff identification of students at-risk and promote membership in authorized school groups and/or activities as an alternative.

Adopted: August 26, 2008

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Legal Refs.: Code of Virginia, as amended, §§ 22.1-70, 22.1-78, 22.1-79(2),  
22.1-253.13:7.B.3.

Stephenson v. Davenport Community School District, 110 F.3d 1303  
(8th Cir. 1997).

Chalifoux v. New Caney Independent School District, Case No. 97-1763, U.S.  
District Court, S.D. Texas (Sept. 3, 1997).

## DRUGS IN SCHOOL

### I. Generally

Possession of a controlled substance, imitation controlled substance or marijuana, as defined in § 18.2-247 of the Code of Virginia, 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 onto school property or to a school-sponsored activity shall be expelled in accordance with Policy JGD/JGE. The Joint Committee for Control may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate.

#### B. Prevention and Intervention

Any student who violates this policy shall participate in the prevention and intervention activities identified in Northern Neck Technical Center's drug and violence prevention plan.

The Joint Committee for Control 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 non-disabled 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: August 26, 2008

Amended: September 20, 2011

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Legal Refs: 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 20-81-10.

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

8 VAC 20-80-68.

## TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS

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

For purposes of this policy:

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

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

Each principal shall post signs stating “No Smoking,” or containing the international “No Smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a bar across it, clearly and conspicuously in every school cafeteria and other dining facility in the school.

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

### Designated Smoking Areas

The Joint Committee for Control may direct the Executive Superintendent to issue regulations designating smoking areas on school grounds outside buildings.

Adopted August 26, 2008

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Legal Refs.: 20 U.S.C. §§ 6083, 7183.  
Code of Virginia, 1950, as amended, §§ 15.2-2820, 15.2-2824, 15.2-2827

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

## SUBSTANCE ABUSE - STUDENT ASSISTANCE PROGRAM

The primary responsibility for helping students who are involved with substance abuse lies with the students and their parents. A supportive school environment is necessary for students who have been involved with substance use/abuse.

The Joint Committee for Control supports substance abuse programs which may vary in scope according to individual needs. Included among these would be programs for persons who desire more information, and for those who need help with intervention activities and programs.

The Joint Committee for Control supports division efforts to help students during the school day as well as to reinforce programs offered through other agencies. To that end, individual school substance abuse programs should provide group experiences, individual counseling and such other devices as are judged to be necessary by school personnel and other involved agencies.

Alcohol and illegal drug use/abuse shall be prohibited by the Code of Student Conduct in compliance with all applicable federal, state or local requirements.

Adopted: August 26, 2008

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

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

The Joint Committee for Control shall require written notification of an offense to the parent, guardian, or other person having charge or control of a pupil in an alternative education program as described in Va. Code § 22.1-209.1:2 when:

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

The notification shall be made no later than two school days following the incident. The Joint Committee for Control shall require the principal of the school the child attends, or other appropriate school personnel, to develop appropriate measures, in conjunction with the pupil's parent or guardian, for correcting such behavior.

Adopted: August 26, 2008

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

## STANDARDS OF STUDENT CONDUCT

The following are standards of student conduct established by the School Board for all students under its jurisdiction. Consequences shall be determined on the basis of the facts presented in each instance of misconduct in the reasonable discretion of the Board, its designated committees and other appropriate school officials.

### 1. Student Dress

A student's dress and appearance shall not be such that it causes disruption, distracts others from the educational process or creates a health or safety problem. Students must comply with specific building dress regulations and of which students will be given prior notice.

### 2. Unexcused Absence or Tardiness

Students shall not be absent from or report late to class or school without appropriate parental permission, school permission or an otherwise valid excuse.

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

### 3. Disruptive Conduct

Students shall not engage in conduct that is or is intended to be disruptive of any school activity, function or process of the school or is dangerous to the health or safety of students or others.

### 4. Profane, Obscene or Abusive Language

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

### 5. Threats or Intimidation

Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person for the purpose of extortion or for any other reason.

### 6. Assault and Battery

A student shall not assault or commit battery upon another person. Voluntary fighting resulting in physical injury to another person shall be considered assault and battery.

Physical Assault includes any physical confrontation that may result in no injury, minor injury, or serious injury that includes, but may not be limited to, kicking, shoving, pushing, hitting and fighting.

Battery is the unlawful application of force to the person of another.

7. Bullying

A student, either individually or as a part of a group, shall not harass or bully others either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes, but is not limited to, physical, verbal, or written intimidation, taunting, name-calling, and insults and any combination of prohibited activities. Prohibited conduct includes verbal or written conduct consisting of comments regarding the race, gender, religion, physical abilities or characteristics or associates of the targeted person.

8. Gambling

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

9. Use and/or Possession of Alcohol, Tobacco, Anabolic Steroids, and Other Drugs

A student shall not possess, use, and/or distribute alcohol, tobacco and/or tobacco products, or other drugs on school property, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, anabolic steroids, look-alike drugs, drug paraphernalia, and any prescription or non-prescription drug not possessed in accordance with Policy JHCD.

A student shall not possess, procure or purchase or attempt to possess, procure, or purchase, or be under the influence of (legal intoxication not required), or use or consume or attempt to use or consume, any of the restricted substances listed in this regulation or what is represented by or to the student to be any of the restricted substances listed in this regulation or what the student believes is any of the restricted substances in this regulation.

This regulation incorporates Policy JFCF.

Restricted Substances include alcoholic drinks, marijuana, synthetic cannabinoids, narcotic drugs, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act referenced below, as well as any abusable glue, paint and similar materials, anabolic steroids and both prescription and non-prescription drugs if they are not taken according to the prescription or directions on the package, and includes anything that a student represents to be a restricted substance or which a student believes is a restricted substance.

In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic

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Page 3

athletic competition if the school principal and the division superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

10. Distribution or Sale of Illegal Drugs or Possession or Distribution with Intent to Sell

Students shall not manufacture, give, sell, distribute or possess with intent to give, sell or distribute marijuana, synthetic cannabinoids, or other controlled substance as defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia.

11. Vandalism

Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board. In addition, students shall not willfully or maliciously damage or deface property belonging to or under the control of any other person at school, on a school bus or at school-sponsored events.

12. Defiance of the Authority of School Personnel

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

13. Possession or Use of Weapons or Other Dangerous Articles

Students shall not have in their possession any type of unauthorized firearm or other article which may be used as a weapon, regardless of whether it is commonly accepted as such. This regulation incorporates Policy JFCD.

14. Theft

A student shall not intentionally take the personal property of another person without consent under duress, threat or otherwise.

15. Behavior on School Bus

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

16. Cheating

Students shall not cheat, plagiarize or knowingly make false statements with respect to any assigned school work or tests.

17. Trespass

The student shall not trespass on school property or use school facilities without proper authority or permission, or during a period of suspension or expulsion.

18. Gang Activity

A student shall not engage in gang activities as defined in Policy JFCE, incorporated by reference.

19. Harassment

A student shall not harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions in violation of Policy JFHA/GBA Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion.

20. Possession of beepers, Cellular Telephones, Personal Digital Assistants (PDAs), or Similar Devices

Students may possess a beeper, cellular telephone, 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.

21. Reports of Conviction or Adjudication of Delinquency

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

22. Laser Pointers

Students shall not have in their possession laser pointers.

23. Acceptable Use of the Internet

Students shall abide by the **BLANK** School Division's Acceptable Computer Use Policy and Regulation.

24. Felony Charges

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

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25. Bomb Threats

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

26. Hazing

Students shall not engage in hazing.

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

The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney. Hazing, as defined above, is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2,500, or both, in addition to any disciplinary consequences which may be imposed under this policy. In addition, any person receiving bodily injury by hazing has a right to sue, civilly, the person or persons guilty thereof, whether adults or infants. See Va. Code 18.2-56.

27. Other Conduct

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

## CORRECTIVE ACTIONS

The following corrective actions are among those available to the school administration for violation of the Student Code of Conduct. Each offense shall be considered fully in determining reasonable corrective actions.

1. Counseling
2. Admonition
3. Reprimand
4. Loss of privileges, including access to the School Division's computer system
5. Parental conferences
6. Tasks or restrictions assigned by the principal or his designee
7. Detention after school or before school
8. Suspension from school-sponsored activities or events prior to, during, or after the regular school day
9. In-school suspension

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10. Out-of-school suspension

11. Referral to an alternative education program
12. Notification of legal authority where appropriate
13. Recommendation for expulsion
14. Mandatory expulsion for bringing a firearm onto school property or to a school-sponsored activity or use or possession of a controlled substance, imitation controlled substance or marijuana, as defined in Chapter 34 of Title 54.1 and §18.2-247 of the Code of Virginia, synthetic cannabinoids, on school property or at a school sponsored activity
15. Evaluation for alcohol or drug abuse
16. Participation in a drug, alcohol or violence intervention, prevention or treatment program.

Adopted: September 20, 2011

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-119, 18.2-308, 18.2-308.1, 18.2-308.7, 18.2-433.1, 22.1-70.2, 22.1-78, 22.1-202, 22.1-253.13:7.C.3, 22.1-276.3, 22.1-277, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-279.1, 46.2-323, 46.2-334.001.

Student Conduct Policy Guidelines 2005 Update, Virginia Board of Education, September 21, 2005.

Information Brief: Cyberbullying and School Policy (Virginia Department of Education August 2008)

|             |               |  |
|-------------|---------------|--|
| Cross Ref.: | CLA           | Reporting Acts of Violence and Substance Abuse                                       |
|             | ECAB          | Vandalism  |
|             | GAB/IIBEA     | Acceptable Computer System Use   |
|             | GAB-R/IIBEA-R | Acceptable Computer System Use Regulation  |
|             | IEA           | Pledge of Allegiance   |
|             | IGAG          | Driver Education   |
|             | JED           | Student Absences/Excuses/Dismissals  |
|             | JFC           | Student Conduct  |
|             | JFCD          | Weapons in School  |
|             | JFCE          | Gang Activity or Association   |
|             | JFCF          | Drugs in School  |
|             | JFHA/GBA      | Sexual Harassment/Harassment Based on Race, National Origin, Disability and Religion |
|             | JGA           | Corporal Punishment  |
|             | JGD/JGE       | Student Suspension/Expulsion   |

File: JFC-R  
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JGDA                      Disciplining Students with Disabilities

|      |  |
|------|--|
| JGDB | Discipline of Students with Disabilities for Infliction of |
|      | Serious Bodily Injury                                      |
| JHCD | Administering Medicines to Students                        |
| JN   | Student Fees, Fines and Charges                            |

File: JFG

## SEARCH AND SEIZURE

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

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

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

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

## PERSONAL SEARCHES

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

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

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

Strip searches may only be used when an extremely serious situation exists requiring immediate action. Such a search should be used only in the context of imminent threat of death

File: JFG  
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or great bodily injury to a person or persons. If a strip search is necessary the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult

witness, and the school official must have the prior approval of the Executive Superintendent or his designee, unless the health or safety of the student is endangered by the delay.

## LOCKER SEARCHES

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

## AUTOMOBILE SEARCHES

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

## SEIZURE OF ILLEGAL MATERIALS

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

## COMPUTER SEARCHES

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

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## CONSENT SEARCHES

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

## SEIZURE OF ILLEGAL MATERIALS

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

Adopted: August 26, 2008

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Legal Refs.: New Jersey v. T.L.O., 469 U.S. 325 (1985).

Constitution of the United States, Amendment IV.

Constitution of Virginia, Article I, § 10.

Code of Virginia, 1950, as amended, § 22.1-279.7.

Board of Education Guidelines for Student Searches in Public Schools,  
(12/21/99).

Cross Refs.: GAB/IIBEA Acceptable Computer System Use

**SEXUAL HARASSMENT/  
HARASSMENT BASED ON RACE, NATIONAL ORIGIN, DISABILITY AND RELIGION**

**I. Policy Statement**

The Northern Neck Technical Center is committed to maintaining a learning/working environment free from sexual harassment and harassment based on race, national origin, disability or religion. Therefore, the Northern Neck Technical Center prohibits sexual harassment and harassment based on race, national origin, disability or religion of any student or school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any student or school personnel to harass a student or 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 Joint Committee for Control members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

The Joint Committee for Control 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 or 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 employment or 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 employment or education; or
- (iii) that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct which may constitute 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 or educational environment; or
- (ii) substantially or unreasonably interferes with an individual's work or education; or
- (iii) otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

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

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

### III. Complaint Procedure

#### A. Formal Procedure

## 1. File Report

Any student or school personnel 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 Executive 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 Joint Committee for Control 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 Executive Superintendent upon completion of the investigation. If the complaint involves the Executive Superintendent, then the report shall be sent to the Board of Control. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any.

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

### 3. Action by Executive Superintendent

Within 5 calendar days of receiving the compliance officer's report, the Executive 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 Executive Superintendent or designee determines that prohibited harassment occurred, the Northern Neck Technical Center shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the Executive Superintendent or designee determines that prohibited harassment occurred, the Executive Superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant receive counseling.

### 4. Appeal

If the Executive Superintendent or designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this

finding to the Joint Committee for Control within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Executive Superintendent who shall forward the record to the Board of Control. The Joint Committee for Control shall make a decision within 30 calendar days of receiving the record. The Joint Committee for Control may ask for oral or written argument from the aggrieved party and the Executive Superintendent and any other individual the Joint Committee for Control deems relevant.

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

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

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

The Northern Neck Technical Center Joint Committee for Control has designated Harold Long, Principal, 13946 Historyland Hwy, Warsaw, VA 22572, 804-333-4940, as the Compliance Officer responsible for identifying, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer Todd Davis, 13946 Historyland Hwy, Warsaw, VA 22572, 804-333-4940. The Compliance Officer shall:

- receive reports or complaints of harassment;
- oversee the investigation of any alleged harassment;
- assess the training needs of the Joint Committee for Control 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.

#### 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 Joint Committee for Control 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, 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.

#### **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: August 26, 2008

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Legal Refs: 20 *U.S.C.* §§ 1681-1688.  
29 *U.S.C.* § 794.  
42 *U.S.C.* §§ 2000d-2000d-7.  
42 *U.S.C.* §§ 2000e-2000e-17.

34 C.F.R. part 106.

Cross Refs: AC Non-discrimination  
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

Report of Harassment

Name of Complainant:

For Students, School Attending:

For Employees, Position:

Address and Phone Number:

Date(s) of Alleged Incident(s) of Harassment:

Name of person(s) you believe harassed you or others.

If the alleged harassment was toward another, please identify that person:

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). 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: \_\_\_\_\_  
(Principal or Compliance Officer)                      Date

## CORPORAL PUNISHMENT

No teacher, principal or other person employed by the Joint Committee for Control shall subject a student to corporal punishment.

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

In addition, this definition shall not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or the use of reasonable and necessary force as permitted by § 22.1-279.1 of the Code of Virginia, 1950, as amended.

Adopted: August 26, 2008

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Legal Refs.: Code of Virginia, 1950 as amended, §§ 22.1-70, 22.1-78, 22.1-279.1, 63.1-248.4:1.

## 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 Joint Committee for Control regulations governing student conduct that interrupts or obstructs the learning environment.

“Exclusion” means a Board of Control’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 Joint Committee for Control 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 Joint Committee for Control committee thereof, as provided in Joint Committee for Control policy, whereby a student is not permitted to attend school within the Joint Committee for Control 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 Joint Committee for Control or any vehicle owned or leased by the Joint Committee for Control or operated by or on behalf of the Board of Control.

“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 Executive Superintendent of the Joint Committee for Control 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 Executive Superintendent or his designee and the parent of the pupil suspended. The division Executive 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 Executive Superintendent or his designee may be appealed to the Joint Committee for Control unless the Joint Committee for Control has provided by regulation that the decision of the Executive Superintendent or his designee shall be final.

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

#### IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before the Joint Committee for Control or the Executive Superintendent or his designee, in accordance with regulations of the Board of Control. If the regulations provide for a hearing by the Executive Superintendent or his designee, the regulations shall also provide for an appeal of the decision to the full Board of Control. Such appeal shall be decided by the Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the Joint Committee for Control 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 therefore and of the right to a hearing before the Joint Committee for Control. The regulations shall provide for subsequent confirmation or disapproval of the proposed expulsion by the Joint Committee for Control 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 Board of Control, 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 Joint Committee for Control 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 Joint Committee for Control from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program provided by the Joint Committee for Control for the term of such expulsion.

If the Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control or the division Executive Superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division Executive Superintendent denies such petition, the student may petition the Joint Committee for Control for review of such denial.

File: JGD/JGE  
(Option 1)  
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### 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 Joint Committee for Control from considering any of the factors listed above as “special circumstances” for purposes of expulsions discussed in the following subsections.

#### Firearms

The Joint Committee for Control shall expel from school attendance for a period of not less than one year any student whom such Joint Committee for Control 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 Joint Committee for Control policy, or a Joint Committee for Control may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons shall apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this policy shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the Joint Committee for Control 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 Joint Committee for Control shall expel from school attendance any student whom the Joint Committee for Control has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code § 18.2-247, or synthetic cannabinoids as defined in § 18.2-248.1:1 onto school property or to a school-sponsored activity. The Joint Committee for Control may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate.

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#### C. Procedure for Joint Committee for Control Hearing

The procedure for the Joint Committee for Control hearing shall be as follows:

- The Joint Committee for Control 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 Board of Control.
- The Joint Committee for Control 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 Board of Control, 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 Joint Committee for Control members and by the parties (or their representative). The Joint Committee for Control 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 Joint Committee for Control may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the Joint Committee for Control determines, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the Joint Committee for Control may deem necessary. The Joint Committee for Control shall be the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the Joint Committee for Control and, when so received, shall be marked and made part of the record.
- The Joint Committee for Control may, by majority vote, uphold, reject or alter the recommendations.
- The Joint Committee for Control shall transmit its decision, including the reasons therefore, to the student, his parent(s), the principal and Executive Superintendent.

## VI. ALTERNATIVE EDUCATION PROGRAM

The Joint Committee for Control may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of Joint Committee for Control policies, on weapons, alcohol or drugs, or intentional injury to another person; (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 Executive Superintendent of the Joint Committee for Control pursuant to Va. Code § 16.1-260.G.; (3) found to have committed a serious offense or repeated offenses in

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violation of Joint Committee for Control 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  
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subsection B of Va. Code § 22.1-277, to attend an alternative education program. The Joint Committee for Control may require any student who has been found to have been in possession or, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of Joint Committee for Control 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 Executive Superintendent and to the principal or his designee on all incidents involving
1. the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
  2. the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
  3. any conduct involving alcohol, marijuana, synthetic cannabinoids as defined in § 18.2-248.1:1, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
  4. any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
  5. the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
  6. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
  7. any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;

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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 therefore; and

9. any illegal possession of weapons, alcohol, drugs, or tobacco products.

- B. The Executive Superintendent and the principal or his designee shall receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection 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. An Executive 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 Executive Superintendent of the school division. The division Executive Superintendent shall annually report all such incidents to the Department of Education.

In submitting reports of such incidents, principals and division Executive 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 Executive Superintendent or his designee. Prevention and intervention activities shall be identified in the local Joint Committee for Control 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.

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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 BLANK 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 Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control or Executive Superintendent or his designee, as the case may be at the relevant hearing, the student may re-petition the Joint Committee for Control for admission. If the petition for admission is rejected, the Joint Committee for Control shall identify the length of the continuing exclusion period and the subsequent date

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upon which such student may re-petition the Joint Committee for Control for admission.

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

## IX. DISCIPLINING STUDENTS WITH DISABILITIES

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

Adopted: August 26, 2008

Amended: September 20, 2011

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Legal Ref.: 20 U.S.C. § 7151

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

8 VAC 20-560-10.

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

## 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 Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control 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 permitted by law. The student may also be removed to a more restrictive placement by following change in placement procedures. The IEP team must conduct or review a FBA and/or BIP as provided in Section III.

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

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

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

File: JGDA

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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 Joint Committee for Control 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 Joint Committee for Control did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. A Joint Committee for Control 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 Joint Committee for Control 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 Joint Committee for Control and information provided by the parents, then the student must be provided special education and related services, although in another setting, in compliance with the procedures for suspended and expelled students with disabilities. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities.

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

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

Adopted: August 26, 2008

Amended: September 20, 2011

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

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

File: JGDB

DISCIPLINE OF STUDENTS WITH DISABILITIES FOR  
INFLICTION OF SERIOUS BODILY INJURY

A student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent that a student without disabilities would be disciplined.

In addition, the applicable procedures of Policies JGDA and JGD/JGE will be followed.

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

Adopted: August 26, 2008

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

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

File: JHC

## STUDENT HEALTH SERVICES AND REQUIREMENTS

The Northern Neck Technical Center Joint Committee for Control may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists who meet such standards as may be determined by the Board of Education. Subject to the approval of the local appropriating body, a local health department may provide personnel for health services for the school division.

Adopted: August 26, 2008

Amended: September 20, 2011

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

|              |       |   |
|--------------|-------|---|
| Cross Refs.: | EBBA  | First Aid/CPR Certified Personnel             |
|              | JHCA  | Physical Examinations of Students             |
|              | JHCB  | Student Immunizations                         |
|              | JHCC  | Communicable Diseases                         |
|              | JHCCA | Blood Borne Contagious or Infectious Diseases |
|              | JHCD  | Administering Medicines to Students           |

Adopted: August 26, 2008

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-270, 22.1-271.2, 22.1-272, 22.1-273, 22.1-274 .

File: JHCA

A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in Northern Neck Technical Center unless such pupil furnishes, prior to admission,

(1) a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school; or

(2) records establishing that such pupil furnished such report upon prior admission to another school or Joint Committee for Control and providing the information contained in such report.

B. If the pupil is a homeless child or youth as defined in Va. Code § 22.1-3, and for that reason cannot furnish the required report or records, and the person seeking to enroll the pupil furnishes to the Joint Committee for Control an affidavit so stating and also indicating that, to the best of his knowledge, such pupil is in good health and free from any communicable or contagious disease, the Joint Committee for Control shall immediately refer the student to the division's homeless liaison, who will, as soon as practicable, assist in obtaining the necessary physical examination by the local health department or other clinic or physician's office and shall immediately admit the pupil to school.

C. The health care provider making a report of a physical examination shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as handicapped.

D. Physical examination reports shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

E. A physical examination shall not be required of any child whose parent or guardian objects on religious grounds and who shows no visible evidence of sickness. The parent or guardian shall state in writing that, to the best of his or her knowledge, the child is in good health and free from any communicable or contagious disease.

F. The health departments of the counties and cities of the Commonwealth shall conduct such required physical examinations for medically indigent children, upon request, without charge and may provide such examinations to others on such uniform basis as the departments establish.

G. Parents/guardians of students entering school shall complete a health information form as required by state law. Such forms shall be returned within 15 days of receipt unless reasonable extensions have been granted by the Executive Superintendent or his designee. Upon failure of the parent to complete such form within the extended time, the Executive Superintendent may send the parent written notice of the date he intends to exclude the child ©

from school; however, no child who is a homeless child or youth as defined in subdivision 6 of Va. Code § 22.1-3 shall be excluded from school for such failure to complete such form.

Adopted: August 26, 2008

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

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

## STUDENT IMMUNIZATIONS

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

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

- (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

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

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

### Immunization Record

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

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

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

Adopted: August 26, 2008

Amended: September 20, 2011

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-271.2, 22.1-271.4, 32.1-46, 54.1-2952.2, 54-1-2957.02.

File: JHCB  
Page 3

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

File: JHCC

## COMMUNICABLE DISEASES

The Northern Neck Technical Center Joint Committee for Control 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 Executive 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 Executive Superintendent based upon consultation with the local health department, the student's or employee's physician, 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: August 26, 2008

Amended: September 20, 2011

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

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

## BLOOD BORNE CONTAGIOUS OR INFECTIOUS DISEASES

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

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

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

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

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

Adopted: August 26, 2008

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-271.3, 32.1-36.1, 32.1-45.2.

Model Guidelines for School Attendance for Children with Human Immunodeficiency Virus (Attachment to Virginia Department of Education Executive Superintendent's Memo #32 (Feb. 13, 2004)).

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

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

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

The Northern Neck Technical Center will work cooperatively with the local health department with regard to the school attendance of students infected with HIV. To enhance the school attendance of students who are HIV-infected, the Joint Committee for Control will collaborate with public and private organizations in the provision of support services to HIV-infected students.

All students are expected to satisfy the immunization requirements of Virginia Code § 22.1-271.2 unless a required immunization would be harmful to the health of the student. Students who are HIV-infected or have acquired immune deficiency syndrome (AIDS) may be exempted from obtaining immunizations which would otherwise be required. School personnel will cooperate with public health personnel regarding exemptions from the requirements.

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

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

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

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

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

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

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

Adopted: August 26, 2008

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## ADMINISTERING MEDICINES TO STUDENTS

### Prescription Medications

The Northern Neck Technical Center personnel may give prescription medication to students only-pursuant to the written order of a physician, physician assistant, or nurse practitioner and with written permission from the student's parent or guardian. Such medicine must be in the original container and delivered to the principal, school nurse or technical center designee by the parent/guardian of the student.

### Nonprescription Medications

The Northern Neck Technical Center 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 technical center 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 Medications and Auto-Injectable Epinephrine

Students with a diagnosis of asthma or anaphylaxis, or both, are permitted to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, in accordance with this policy during the school day, at school-sponsored activities, or while on a school bus or other school property. 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 health care provider must be on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication;
- an individualized health care plan must be prepared, including emergency procedures for any life-threatening conditions; and
- information regarding the health condition of the student may be disclosed to Joint Committee for Control 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 Executive 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: August 26, 2008

Amended: September 20, 2011

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Legal Ref.: Code of Virginia, as amended, §§ 22.1-78, 22.1-274.2, 54.1-2952.2, 54.1-2957.02.

File: JHCD

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

File: JHCE

RECOMMENDATION OF MEDICATION  
BY SCHOOL PERSONNEL

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

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

Adopted: August 26, 2008

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-274.3.

Executive Superintendent's Memorandum No. 54 (August 16, 2002).

Cross Ref.: JHCD Administering Medicine to Students

## HUMAN RESEARCH

Psychiatric or psychological examination, testing or treatment, or survey, analysis or evaluation conducted as part of any program which is funded by the United States Department of Education or is otherwise subject to policies and regulations promulgated by any agency of the federal government shall be conducted in accordance with Policy KFB, 20 U.S.C. § 1232h, and the applicable federal regulations.

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

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

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

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

Adopted: August 26, 2008

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Legal Ref.: 20 U.S.C. § 1232h.  
 45 C.F.R. Part 46.  
 Code of Virginia, 1950, as amended, §§ 22.1-16.1, 32-162.16 et seq.  
 8 VAC 20-565-40.  
 8 VAC 20-565-50.

Cross Ref.: IFB Pilot, Research or Experimental Projects  
 KFB Administration of Surveys and Questionnaires  
 LE Relations with Colleges and Universities

## CHILD ABUSE AND NEGLECT REPORTING

### Reporting Requirement

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

1. the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
2. to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
3. to the person in charge of the school or department, or his designee, who shall make the report forthwith.

### Notice of Reporting Requirement

The Joint Committee for Control shall post in each school a notice that

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

### Complaints of Abuse and Neglect Against School Personnel

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

Adopted: August 26, 2008

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

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

## SUICIDE PREVENTION

The Northern Neck Technical Center is committed to protecting its students from the risk of suicide.

### Duties of Teachers and Administrative Staff

Any licensed instructional or administrative staff member who has reason to believe that a student is at imminent risk of suicide, based on a direct communication from that student occurring within the staff member's scope of employment, shall promptly report this matter to a qualified professional identified below, while keeping the student safe.

### Qualified Professional

The following licensed professionals are designated to assess suicide risks in students under this policy: Deborah Hughes, Guidance Counselor, 804-333-4940, and Angela Rennolds, Nursing Instructor, 804-333-4940.

### Duties of the Qualified Professional

The qualified professional shall promptly meet with the student to determine whether the student is at imminent risk of suicide.

### Abuse and Neglect

If a student is determined to be at imminent risk of suicide and has indicated that the reason for this risk relates to parental abuse or neglect, the qualified professional shall not contact the parent/guardian. Instead, the qualified professional shall immediately report the alleged abuse in accordance with Joint Committee for Control policy JHG. The qualified professional needs to emphasize that immediate action is necessary to protect the student from harm.

### Contacting the Parent/Guardian

If a student is determined to be at imminent risk of suicide, and if the above section titled "Abuse and Neglect" does not apply, then the qualified professional shall immediately call at least one of the student's parents/guardians. When contacting a parent/guardian, the qualified professional should:

1. Provide his/her name and position in the school;
2. Tell the parent/guardian that in his/her professional judgment, the student is at imminent risk of suicide;
3. Assure the parent/guardian that the student is currently safe;
4. State the legal requirement for the call, citing § 22.1-272.1 of the Code of Virginia;
5. Ask the parent/guardian whether he or she is aware of the student's mental state;
6. Ask the parent/guardian whether he or she wishes to obtain or has obtained mental counseling for the student;

7. Provide names of community counseling resources if appropriate and offer to facilitate the referral; and
8. Determine the parent's intent to seek appropriate services for the student.

#### Inability to Reach Parent/Guardian

If the qualified professional is unable to make contact with the parent/guardian by the end of the school day, then the professional shall seek treatment for a student without the parent's/guardian's authorization in accordance with local Joint Committee for Control policy.

#### Additional Concerns

If parental/guardian contact is made and, in the course of this contact, relevant issues of abuse or neglect are discovered (e.g., a parent acknowledges the child's suicidal intent but indicates no intent to act for the well-being of the child), the qualified professional shall report the abuse or neglect in accordance with policy JHG.

#### Duty to Keep Student Safe and Secure

A student who is at imminent risk of suicide shall remain under qualified supervision until a parent/guardian or other authorized individual accepts responsibility for the student's safety.

#### Follow-up

After a student has been identified or determined to be at imminent risk of suicide, the qualified professional shall make appropriate follow-up contact to ascertain the current status of the student and facilitate any in-school support that may be required.

#### Required Documentation

The qualified professional shall document the phone call to the parent/guardian by recording the: (a) time and date of the call; (b) parent/guardian response; (c) response plan agreed upon; and (d) anticipated follow-up.

Adopted: August 26, 2008

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Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-272.1 and 63.2-1509.

Va. Board of Education "Suicide Prevention Guidelines," October 1999.

Cross Refs: JHG Child Abuse and Neglect Reporting  
 EB School Crisis, Emergency Management, and Medical Emergency Response Plan

## FUND RAISING AND SOLICITATION

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

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

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

The Executive Superintendent periodically shall furnish the Joint Committee for Control with an up-to-date listing of all fund raising activities being conducted by the school division.

Adopted: August 26, 2008

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

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

## STUDENT FEES, FINES AND CHARGES

It shall be the policy of the Joint Committee for Control to charge student fees and to recover funds for the loss of or damage to Joint Committee for Control property in accordance with the Code of Virginia.

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

Only those fees and charges permitted by law or the regulations of the Board of Education may be required of students. No school or employee may require a fee or charge of any student without the prior approval of the Executive Superintendent or his or her designee who may approve such fees and charges only if the Joint Committee for Control has adopted a resolution authorizing the Executive Superintendent or his or her designee to approve such fees and charges. In approving any such fee or charge, the Executive Superintendent /designee shall ensure that the fee or charge is either reduced or waived for those students who are unable to afford them. The Executive Superintendent/designee shall inform the Joint Committee for Control of any fee or charge assessed, and of any changes to such fees/charges.

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

Adopted: August 26, 2008

Amended: August 24, 2010

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 8.01-43, 22.1-6, 22.1-243, 22.1-280.4.

Virginia Department of Education Superintendents Memo. No.95, Informational, May 1994.

8 VAC 20-370-10

Cross Ref.: ECAB Vandalism  
IIA Instructional Materials

## STUDENT RECORDS

The Northern Neck Technical Center Joint Committee for Control shall maintain accurate and complete records for every student enrolled in the public schools in accordance with all federal and state laws.

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

### Definitions

For the purposes of this policy, the Northern Neck Technical Center has used the following definitions of terms:

Student - any person who attends or has attended the Northern Neck Technical Center.

Eligible student - a student who has reached age 18.

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

Education records - any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other medium) maintained by the Northern Neck Joint Committee for Control or an agent of the Joint Committee for Control which is directly related to a student, except:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record.
2. Records created and maintained for law enforcement purposes by the Northern Neck Technical Center law enforcement unit, if any. A law enforcement unit is an individual, department or office of the Joint Committee for Control that is authorized to enforce any state or federal law, report enforcement matters to appropriate authorities or maintain the physical security and safety of the school division.
3. An employment record which is used only in relation to a student's employment by the Northern Neck Technical Center.
4. Records created or received after an individual is no longer in attendance and that are not directly related to the individual's attendance as a student.

5. Grades on peer-graded papers before they are collected and recorded by a teacher.

### **Dissemination and Maintenance of Records About Court Proceedings**

#### Adjudications:

The Executive Superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code 16.1-260.G. contained in a notice received pursuant to § 16.1-305.1 of the Code of Virginia, 1950, as amended, to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

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

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

#### Petitions

The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to § 16.1-260 except as follows:

- if the juvenile is not enrolled as a student in a public school in the division to which the notice was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed and may forward the notice of petition to the superintendent of the division in which the juvenile is enrolled, if known;
- prior to receipt of the notice of disposition, the Executive Superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the division Executive Superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students or school personnel within the division; and

- after the student has been taken into custody, whether or not the student has been released, the principal may further disseminate the information only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety, appropriate educational placement or other educational services.

## ANNUAL NOTIFICATION

The Joint Committee for Control shall annually notify parents and eligible students of their rights under the Family Educational Rights and Privacy Act (FERPA) including

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

## PROCEDURE TO INSPECT EDUCATION RECORDS

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

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

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

File: JO

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

### **Copies of Education Records**

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

### **Fees for Copies of Records**

A fee may be charged for copies of records including the actual cost of copying time and postage. The Northern Neck Technical Center shall not charge for search and retrieval of the records. The Northern Neck Technical Center shall not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

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

The Northern Neck Technical Center shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types of records that the Northern Neck Technical Center maintain, their locations, and their custodians.

| <b>Types</b>                | <b>Location</b> | <b>Custodian</b> | <b>Information</b> |
|-----------------------------|-----------------|------------------|--------------------|
| Discipline                  | Main Office     | Todd Davis       |                    |
| Attendance                  | Main Office     | Linda Long       |                    |
| Certification of Completion | Main Office     | Randy Long       |                    |

### **Disclosure of Education Records**

The Northern Neck Technical Center shall disclose education records or personally identifiable information contained therein only with the written consent of the parent or eligible students subject to the following exceptions. The Joint Committee for Control may disclose education information without consent:

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

A school official is:

- A person employed by the Division as an administrator, supervisor, instructor, or support staff member.
- A person appointed or elected to the Board of Control.
- A person employed by or under contract to the Joint Committee for Control to perform a special task, such as an attorney, auditor, medical consultant, or therapist.

- A contractor, consultant, volunteer, or other party to whom the Joint Committee for Control has outsourced services or functions for which the Joint Committee for Control would otherwise use employees and who is under the direct control of the Joint Committee for Control with respect to the use and maintenance of education records.

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

- Performing a task that is specified in his or her position description or by a contract agreement.
  - Performing a task related to a student's education.
  - Performing a task related to the discipline of a student.
  - Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. If records or information are released under this provision, the student's parents will be notified of the release, receive a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.
  3. To certain officials of the U.S. Department of Education, the United State Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
  4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
  5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.

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6. To organizations conducting certain studies for or on behalf of the school division.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the Joint Committee for Control releases information in connection with an emergency, it will record the following information:
  - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
  - the parties to whom the division disclosed the information.
11. Directory information so designated by the school division.
12. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

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

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

The Northern Neck Technical Center will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

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

The Joint Committee for Control will provide military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

### **Record of Disclosure**

The Northern Neck Technical Center shall maintain a record, kept with the education records of each student, indicating all individuals, agencies, or organizations which request or obtain access to a student's education records, except those who receive records with consent. The record will indicate the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

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

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

### **Directory Information**

The Northern Neck Technical Center shall notify parents and eligible students at the beginning of each school year what information, if any, Northern Neck Technical Center Joint Committee for Control has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information and the period of time to refuse, in writing, the directory information designation in accordance with FERPA.

### **Correction of Education Records**

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

1. Parents or the eligible student must request in writing that the Northern Neck Technical Center amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
2. The Northern Neck Technical Center shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the Joint Committee for Control shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.

3. Upon request, the Northern Neck Technical Center shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
4. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. Northern Neck Technical Center shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
7. If Northern Neck Technical Center decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
8. If Northern Neck Technical Center decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the Joint Committee for Control discloses the portion of the record to which the statement relates.

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

The Northern Neck Technical Center shall comply with the confidentiality requirements of Section 32.1-36.1 of the Code of Virginia, 1950, as amended, providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the Joint Committee for Control shall maintain confidentiality of drug and alcohol treatment records as required by federal and state law.

Adopted: August 26, 2008  
Amended: August 24, 2010

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Legal Refs.: 18 U.S.C. §§ 2331, 2332b.

20 U.S.C. §§1232g, 1400 et seq., 7908.

42 U.S.C. § 290dd-2.

34 C.F.R. Parts 99.3, 99.7, 99.10, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37..

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23-2.1:3, 32.1-36.1.

8 VAC 20-720-130

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

## STUDENT PUBLICATIONS

### Definition of Official School Publications

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

### Responsibilities of Student Editors and Journalists

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

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

### Responsibilities of Student Publications Faculty Co-Editor

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

### Responsibilities of the School Principal (Editor)

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

Adopted: August 26, 2008

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

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