

# NEW KENT COUNTY PUBLIC SCHOOLS



# STUDENT AND FAMILY HANDBOOK

## 2017-2018

*Please review with your child the requirements for student conduct, attendance, acceptable computer use, technology device usage and other information contained in the handbook. Sign the forms in the back of this book and return to your child's home school.*

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## Purpose and Intent

The New Kent County Code of Student Conduct is designed to protect the health, safety, and welfare of students and to ensure rights of all students to an orderly, civil, and caring environment. The New Kent County School Board expects a high standard of student conduct and recognizes that the schools must balance individual rights with civic obligations. This will insure a respectful environment conducive to teaching and learning, free of disruption and threat to persons or property; an environment supportive of individual rights where the potential of each student may be realized.

The Code of Student Conduct policies and regulations will apply to students while on school property, when at school-sponsored activities and when going to and returning from school. The Code of Student Conduct may also apply to acts committed away from school property and outside school hours, if the conduct is (i) detrimental to the safety of the school, the well-being of students and staff, or adversely affects the school environment or discipline; or (ii) leads to an adjudication of delinquency or a conviction for an offense listed in §16.1-260 of the Code of Virginia, or a charge that would be a felony if committed by an adult. School personnel, parents, and students share the responsibility to create and maintain this environment.

In the interests of harmony, efficiency, uniformity of interpretation, coordination of effort, and in fairness to all concerned, the Board makes the School Division Policy Manual available to all who are affected by its policies. A hard copy is available for viewing in the Superintendent's Office. The School Division Policy Manual can also be found at <http://newkentschools.org> under the "School Board" tab.

## Beliefs about Children, Learning, and Discipline

- All children must be assured that they can learn in an orderly, respectful environment and will be treated fairly, equitably, and consistently.
- An open, engaging, challenging atmosphere is most conducive to the educational experience of all members of the school community.
- It is the role of the school community in partnership with families to create the conditions whereby students may self-regulate and be motivated to succeed.

## Rights and Responsibilities of School Community Stakeholders

School personnel have the responsibility to instruct and to help students meet the standards of behavior in the Code of Student Conduct. They must work to create a climate of trust and respect within the school. School personnel will provide consistent disciplinary responses to infractions of the Code of Student Conduct. These responses will be sensitive to the developmental needs of students of different age groups. Teachers and administrators will have the flexibility to use their professional judgment in responding to the unique circumstances that involve each child.

Parents play a critical role in motivating their children to act appropriately at school. Parents have the responsibility to assist the school in enforcing the Code of Student Conduct and to work cooperatively with teachers and administrators to resolve behavioral problems. Their duty is to provide a clear message to their children that inappropriate behavior at school is unacceptable.

Students are expected to respect the rights of others, exhibit a positive attitude, cooperate with school personnel and follow the rules of behavior as set out in the Code of Student Conduct. Students shall be held responsible for their behavior.

## Expectations for Student Conduct

An open, engaging, challenging atmosphere is most conducive to the educational experience of all members of the school community. Therefore, students are expected to do the following:

- cooperate in the creation and maintenance of a healthy learning environment;
- conduct themselves in a safe and orderly manner;
- respect the rights of others during both curricular and extracurricular school programs;
- dress in a way that is appropriate and responsible;

- refrain from inappropriate behavior, including disruptive actions such as the use of profanity, obscenity, and/or demeaning remarks;
- safeguard the property of the school and protect the community's investment in it; and
- refrain from cheating or plagiarizing on any assigned schoolwork; refrain from cheating, plagiarizing or receiving assistance on any tests.

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.

### Behavior Violations

#### Description of conduct violations

This list of offenses is provided to assist students and parents in understanding how certain offenses are classified. It is not meant to be a complete list of every potential student offense.

1. General School Disruption: Physical or verbal actions which distract students and staff or which otherwise interfere with or disrupt the teaching/learning process - an act that intentionally disrupts the orderly conduct of a school function or any behavior that substantially disrupts the orderly learning environment.

2. Disrespect/Defiance of School Staff's Authority: A verbal or non-verbal refusal to comply with a reasonable request from school personnel. Disobedience includes, but is not limited to, refusal to work in class or refusal to report to an assigned location. This shall include being in an area without authorization.

3. Unexcused/Excessive Absence/Tardiness to School or Class: Absence from school or class without authorization or approval from school personnel. Leaving school property without permission.

4. Dress Code: Student dress and appearance is to be neat, clean, and conducive to the educational process. Clothing that may be disruptive to the normal educational process of the school or promotes a violation of school rules may not be worn.

5. Bus Misconduct: Actions in violation of standard bus safety rules or which may divert the driver's attention and jeopardize the safety of riders.

6. Inappropriate Conduct/Language: Printed or recorded materials, spoken language, horseplay, rough-housing, pushing, shoving, hitting, conduct or gestures that are abusive, obscene, vulgar, or profane, including inappropriate sexual conduct.

7. Cheating: Cheating is defined as any activity that involves receiving or providing help and/or information to complete an assignment that was designed to be completed without any such aid. Cheating is not limited to homework, tests, research papers, and quizzes but is also copying work from a computer disc or jump drive.

8. Plagiarism: Plagiarism is the act of presenting another person's literary, artistic or musical work as one's own; it is the uncredited use of another person's material. A work need not be identical to the original to be plagiarism.

9. Lying/Falsification: The verbal or written statement of any untruth and/or misrepresentation of person, fact, official record, or other document.

10. Gambling: Participation in games of chance for money and/or things of value. Making, placing or receiving any bet or wage of money or other thing of value dependent upon the result of the game, contest, or any other event with an uncertain outcome.

11. Inflammatory Actions/Harassment/Gang Activity: Actions, comments, hazing, written messages, or taunting intended to cause the student or others to fight or be intimidated; to throw objects at someone, or to create a public disturbance, violence, disorder, or tumult on school property. Students shall not participate in gang activities as defined in Policy JFCE, incorporated by reference.

12. Trespassing: Coming on school property or attending a school activity without proper authority, including, but not limited to, the period of a student's out-of-school suspension or expulsion.

13. Smoking/Tobacco Possession: The use, distribution, selling, or possession of any tobacco products, including smokeless tobacco, electronic cigarettes, vaporizers, or related paraphernalia such as matches, lighters, etc. is prohibited on school grounds, at school sponsored events and/or on school transportation.

14. Fighting: Intentionally striking a student with the purpose of causing harm or injury; this action may extend to mutual physical contact by pushing, wrestling, hitting or other aggressive actions, which could result in harm or injury to either party, to by-standers or school property.

15. Reckless Driving/Driving Violations/Permit Violations: Driving any vehicle on school property or while under jurisdiction of school authority with disregard for the safety of persons or property. This includes violating parking permit policies and rules.

16. Stealing: The act of taking, possessing, or transferring the property of another without the consent of the owner.

17. Vandalism: The willful or malicious destruction or defacing of school property or the property of others. (NOTE: Student/parents will be held financially responsible as allowed by Virginia Law.)

18. Extortion: To obtain or attempt to obtain money, goods, a promise to act, or information from another by force or intimidation.

19. Evidence Rendered Inaccessible or Destroyed: Rendering inaccessible or destroying or refusing to surrender any material, item, weapon, or object in one's possession which a school employee has requested the student to surrender.

20. Burglary: Breaking into a schoolroom, building, or school property, such as a bus, for the purpose of stealing.

21. Reports of Conviction or Adjudication of Delinquency Pursuant to 16.1-305.1: Students convicted or adjudicated delinquent of an offense listed in the Code of Virginia, 1950 as amended, 16.1-305.1, may be suspended or expelled.

22. Portable Communication or Electronic Devices: Use and/or possession of any device or object including but not limited to portable electronic devices such as game, music or data/voice communication storage and/or display devices that disrupts the educational setting.

23. False Fire Alarm/Misuse of 911: Intentional false reporting or activation of emergency alarms, misuse of 911 emergency systems, or false activation of AED equipment. (NOTE: Student/parents will be held financially responsible as allowed by Virginia Law.)

24. Misuse/Abuse of Technology, Including Computers and Networked Computer Systems: Unauthorized access to or inappropriate use of information on technology resources contrary to the educational mission of the school or school division. Such misuse/abuse may also relate to other areas of offense, such as bullying, harassment, or threats of harm or violence.

25. Threats of Harm or Violence: To use direct or indirect threats (whether verbal, written, electronic or behavioral) which imply or create fear of bodily harm or violence to another student or adult.

26. Bullying: Intentional repeated oppression, physical or psychological, which over time inflicts or threatens to inflict physical or emotional injury or discomfort upon another person's body, feelings or possessions. Bullying means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. Bullying may be overt or covert. All of the following behaviors may be considered bullying, including teasing, hitting, slapping, grabbing, biting, throwing, damaging property, slander, profanity, threatening comments, insults, verbal abuse/confrontation, cyber bullying (inappropriate language on email, texts,

websites), intimidation, spreading rumors and repeated bullying. Bullying does not include ordinary teasing, horseplay, argument, or peer conflict. (If any disciplinary incident is also deemed to be bullying, the consequences may be increased.) The principal notifies parent of any student involved in an alleged incident of bullying of the status of any investigation within five school days of the allegation of bullying.

27. Sexual Harassment: Sexual Harassment may include, but is not limited to, written and/or verbal harassment or abuse, indecent propositions, subtle pressure for sexual favors, unwelcome touching or sexual advances, indecent exposure, or inappropriate physical contact of a sexual nature, which conduct substantially interferes with a student's performance or creates an intimidating, hostile, or offensive school/work environment.

28. Arson: Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trashcan fires would be included in this category if they were contributing factors to a damaging fire.

29. Assault and Battery: The beating or use of physical force with the intent to commit bodily harm against any other student, staff member, or any other person. This action may extend to hitting or other aggressive actions, which could result in the harm or injury to a by-stander.

30. Weapons/Dangerous Objects: Students will not possess, handle, brandish, conceal, use, threaten to use, or transport any weapon, dangerous object, look alike, or any object that can be reasonably considered a weapon, or a substance that could cause harm or irritation to another person. Weapons include, but are not limited to, handguns, pistols, shotguns, or any device designed or intended to propel an object of any kind by any means (zip guns, starter guns), any pneumatic gun or rifle (BB guns, paint ball guns, pellet guns, etc.), taser guns or stun guns, any weapon that is designed to or may readily be converted to explode to include live ammunition, knives or any sharp-edged instrument that is classified as a knife, any weapon that is designed to explode with the use of a triggering device and is used as a destructive bomb, or any instrument, or object that is represented as a weapon or is utilized in such a manner as to create alarm or harm in another; said objects include but are not limited to, school supplies, toy weapons, laser pointers, etc. Dangerous Objects include, but are not limited to: any object that is utilized in such a manner as to create alarm or cause a disturbance may be considered a dangerous object: pepper sprays, mace, fireworks, stink bombs, etc.

31. Bomb Threats: Conveying by any means, whether verbally or in writing, a plan, intent, or threat to detonate or ignite a destructive explosive device.

32. Alcohol and Drugs: The unlawful possession, use, or facilitating the use of, or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance as defined in the Drug Control Act of Chapter 34 of Title 54 of the Code of Virginia § 18.2-247 of the Code of Virginia and as defined in Schedules I through V of § 202(c) of the Controlled Substance Act at 21 U.S.C. §812(c), imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school-approved activity or event, or going to and from school, shall result in suspension and/or expulsion from school. "Drug paraphernalia" shall mean those items described in Section 18.2-265.1 of the Code of Virginia and "imitation controlled substance" shall mean a pill, capsule, tablet, or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.

33. Illegal Possession of Controlled Drugs and Substances with the Intent to Sell or Distribute: Possession of a Schedule I, II, or III drug (See Drug Control Act, Section 54.1-3400 et. seq.) or marijuana as defined in Va. Code § 18.2-248.1:1, a) in sufficient quantity to indicate intent to sell or distribute, or b) to represent by any means the intention to sell or convey to another party the drug.

34. Possession of a Handgun, Rifle/Shotgun, Projectile Weapon, Bomb, or Other Firearm: Students will not possess, handle, brandish, conceal, use, threaten to use, or transport any handgun, rifle, or shotgun, projectile weapon (e.g., zip gun), bomb or other type of firearm on school property, while attending a school-sponsored activity or going to and from school. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free

Schools Act of 1994), a school board may expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a firearm onto school property or to a school-sponsored activity or going to or from school as prohibited by § 18.2-308.1, or to have brought a firearm as defined in § 22.1.277.07, subsection D, or a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection B of § 15.2-915.4 on school property or to a school-sponsored activity or going to or from school.

35. Robbery: Attempting to take or taking of personal property from another person by the threat or use of force or violence.

36. Assault with a Firearm or Other Weapon: The intentional causing of bodily harm to an individual with a weapon.

37. Malicious Wounding Without a Weapon: Intentionally causing another person bodily injury by any means other than use of a weapon, with the intent to maim, disfigure, disable or kill.

38. Aggravated Sexual Battery: Attempted sexual intercourse or a violent or aggressive action of a sexual nature committed against another person by force, threat, or intimidation resulting in mental distress or bodily injury, including a person less than 15 years of age.

39. Kidnapping/Abduction: Unlawfully holding or forcing the relocation of a person against his/her will under threat of physical or psychological harm (and as further defined in Section 18.2-47 of the Code of Virginia).

40. Sexual Assault: Sexual penetration without consent; includes statutory rape and carnal knowledge of a minor.

41. Homicide With a Firearm or Other Weapon: Death of a student, staff member, or other person resulting from causes other than natural, accidental, or suicide.

42. Use of a Bomb: Detonation or ignition of a destructive explosive device.

#### Interventions and Consequences

To determine the appropriate disciplinary intervention and consequence to impose, and to address the inappropriate, unacceptable, and unsuccessful behaviors, it is necessary to evaluate the totality of the circumstances surrounding the incident. The following specifics are to be considered to determine the appropriate assignment of the intervention and/or consequence:

- student's age and maturity
- student's cumulative and school disciplinary record
- previous disciplinary interventions and consequences applied
- student's response to previous interventions and consequences
- nature, severity, and scope of the incident
- frequency and duration of the behavior
- number of persons involved in the incident
- the student's IEP, BIP (Behavioral Intervention Plan), or 504 Plan, if applicable
- the student's response to initial interventions

#### Behavioral Responses for Students in Grades K-2

Different levels of development warrant different levels of interventions and consequences based upon the needs of the students. Steps are taken to align the developmental needs of the students in grade Kindergarten through 2<sup>nd</sup> grade to the consequences and interventions assigned to the specific behavior. All students in New Kent must adhere to the policies regulating student conduct; however, discretion from the principal may be taken. If a student in grades K-2 engages in pervasive or serious aggressive acts that cause injury or threaten the safety of students or staff, the principal may determine the most appropriate interventions including, but not limited to out-of-school suspension.

### Interventions and Responses

The following list of interventions and responses does not encompass all options or strategies available to change or support student behavior.

Intervention Response	Description of Intervention or Response
Restitution	Student amends for negative actions by taking responsibility for his or her actions by reimbursing for loss.
Apology	A written or verbal formal apology to declare remorse. Student makes amends for negative actions by taking responsibility to correct the problem created by the behavior through verbal or written declaration.
Verbal Correction	Verbal reprimand from teacher or administrator to acknowledge and correct behavior.
Warning	Warning should be used, when appropriate, to assist a student in understanding that his/her conduct interferes with the educational process, threatens the rights of others, and is contrary to school policy or regulations and needs to be corrected.
Loss of Recess	A student may be detained by a teacher or the principal when the rest of the class has recess. During this time, the student may be given assigned tasks.
In-Class Separation from Peers	Predetermined consequence for breaking classroom rules of short duration - five minutes or less, usually separated from group, but remains in class.
Conference with Parent/Guardian	Teacher communicates with student's parent/guardian by phone, email, written notes, or in person about behavior.
Behavior Checklist	Teacher documents student behaviors daily on pre-determined format which includes both positive and corrective notation.
School/Home Plan	Parent(s) and teacher plan and utilize a consistent approach. The plan should be consistent, emphasizing teaching and rewarding of appropriate behaviors and shared with the student by the teacher and parents.
FBA/BIP	Functional Behavioral Assessment to determine the root causes of student behavior followed by a Behavior Intervention Plan to address those root causes and outline clear, measurable action steps for teaching alternative behaviors.
Daily Check	Daily contact with an assigned adult on campus. Student should see the adult before school starts each day as well as at the end of the day
After School Detention	Student is detained for a reasonable period of time after the closing of the last scheduled class. Any student who has been assigned detention shall promptly inform his/her parents. Except in certain circumstances, a student shall be given at least one day's notice if assigned detention.
Exclusion from Class	A student may be removed from a single class or several classes for a set period of time.
Daily Behavior Progress Sheet	Teacher documents student behaviors daily on pre-determined format which includes both positive and corrective notation
Reflective Activity	Student composes a reflective essay in order to realize why his/her misbehavior was wrong.
Lunch Detention	Loss of social time during lunch in an alternative location or within the cafeteria.
Community Service	Pre-determined community service within or outside of school.
After Class Detention	Student remains in class for a brief time after class dismisses – 1 to 2 minutes in order to be separated from his/her peers.
Buddy Teacher System	Assigned teacher whom the student may seek assistance, with permission from the teacher, during the school day.
Driving Privilege's Revoked	The high school administration may suspend a student's privilege to drive to school as a general disciplinary response to any category.
Restitution	Student completes a task that compensates for the negative action and triggers a desire not to revisit the negative behavior.
Suspension of Extracurricular Privileges	A student's privilege to participate in all or certain extra-curricular activities and/or school-sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. May be combined with other disciplinary responses.
Restorative Conference	Structured meeting between offenders and victims in which they discuss the consequences of the incident and decide how best to repair the harm.



Behavior Contract	Pre-determined long and short range goals with tracking in order to intrinsically or extrinsically reward student if he/she attains the specific goal(s).
Suspension of Privileges	Including suspension of privilege to drive to school and to attend or participate in extracurricular activities.
Saturday Detention	Student assigned to Saturday detention at the homeschool. The student's parents are responsible for transporting student to and from school. Student is responsible for bringing school assignments. A staff member will be available to supervise the students.
Alternative School Placement	Student placed in an alternative setting that may include virtual instruction or small group instruction off campus.
Homebased Online Course	Student placed on an online course to complete for credit based upon the duration of the course.
Short Term Suspension	Any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days
Long Term Suspension	Disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days
Expulsion	Any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.
Refer to School Counselor	Refer to counselor to assist with conflict resolution and other strategies to improve behavior.
Verbal or Written Letter of Apology	Student(s) apologize for their actions verbally or written to parties that have been impacted by the offense.
Discipline Essay	Student writes a description of the incident and includes solutions to prevent the behavior from reoccurring.
Conflict Resolution	Two or more parties to find a peaceful solution to a disagreement among them.
Change of Schedule	Student's daily classroom schedule is changed.

### CATEGORY 1 OFFENSES

Bullying

Disrupting the Pledge of Allegiance or Moment of Silence (Virginia Code §22.1-202 B)

General misconduct such as drawing on desk, horseplay, sleeping in class, etc.

Inappropriate language

Inappropriate use of mobile communication device

Lying/Falsification

Minor disruption

Public display of affection (e.g., kissing)

Shouting

Tardiness to class

### CATEGORY 1 DISCIPLINARY RESPONSES

Referral Number	<u>Response PreK-3</u>	<u>Response 4-12</u>
1	Administrative conference with student; administrator may assign discipline such as detention or loss of privileges	Administrative conference with student and call/letter to parent
2	Loss of recess (1-3 days) and call/letter to parent	Detention of ISS (1-3 days)
3	Loss of recess (2-5 days) and call/letter to parent	ISS (2-5 days) and parent conference
4	Parent conference with principal and teacher; and student has lunch detention or after school detention	OSS (1 day)
5	OSS (1 day)	OSS (2-3 days)
For additional offenses within the same category, principals will administer appropriately escalating consequences.		
Note: Student drivers who are late to school are subject to losing their driving privileges.		

## CATEGORY 2 OFFENSES

Argumentative/disrespectful  
 Bullying  
 Cutting class  
 Defiance to faculty or staff  
 Disruptive behavior  
 Failure to check in over-the-counter medicine at school  
 Failure to complete assigned discipline  
 Forgery  
 Gambling  
 Inappropriate use of mobile communication device  
 Instigating conflict  
 Leaving school grounds  
 Minor physical confrontation/biting/spitting  
 Misuse of school property/equipment  
 Possession of disruptive articles  
 Profanity and vulgar language  
 Reckless behavior that endangers the welfare of others  
 Slander to include derogatory comments, gestures regarding race/religion/gender/national origin  
 Stealing  
 Verbal abuse/confrontation  
 Violation of Acceptable Use Policy

## CATEGORY 2 DISCIPLINARY RESPONSES

Referral Number	<u>Response PreK-3</u>	<u>Response 4-8</u>	<u>Response 9-12</u>
1	Child sent home with parent and/or 1 day ISS/OSS and parent conference with principal	ISS/OSS (up to 3 days) and parent conference	Detention; ISS/OSS (up to 3 days) and parent conference
2	Child sent home with parent; ISS/OSS (1-3 days)	ISS/OSS (up to 4 days) and parent conference	1 day ISS; ISS/OSS (up to 4 days) and parent conference
3	ISS/OSS (3-5 days) plus mandatory parent conference	ISS/OSS (up to 5 days) plus mandatory conference	ISS; ISS/OSS (up to 5 days) plus mandatory conference
Note: Fighting will result in a minimum of three days OSS (in grades 4-12).			

## CATEGORY 3 OFFENSES

Bullying  
 Burglary  
 Defiance to administrator  
 Disruptive behavior  
 Failure to check in student's prescription medication  
 Fighting (Note: Fighting will result in a minimum of three days OSS (in grades 4-12).)  
 Inappropriate use of mobile communication device  
 Lewd behavior  
 Misuse of school property/equipment  
 Physical assault on student  
 Physical, verbal harassment or sexual harassment  
 Possession/use of tobacco including cigarettes, electronic cigarettes, vaporizers, cigars, pipe tobacco, snuff, chewing tobacco, cloves (Note: Possession and/or use of tobacco products will result in three days OSS for first offense, five days OSS for the second offense, and 10 days OSS and a referral to the Sheriff's Department for the third offense.)  
 Possession of disruptive articles  
 Profanity and vulgar language

Slander to include derogatory comments, gestures regarding race/religion/gender/national origin  
 Stalking  
 Vandalism

**CATEGORY 3 DISCIPLINARY RESPONSES**

Referral Number	<u>Response PreK-3</u>	<u>Response 4-8</u>	<u>Response 9-12</u>
1	Child sent home with parent and/or 1 day ISS/OSS and parent conference with principal	ISS/OSS (up to 3 days) and parent conference	Detention; ISS/OSS (up to 3 days) and parent conference
2	Child sent home with parent; parent “shadows” student; ISS/OSS (1-3 days)	ISS/OSS (up to 4 days) and parent conference	1 day ISS; ISS/OSS (up to 4 days) and parent conference
3	ISS/OSS (3-5 days) plus mandatory parent conference	ISS/OSS (up to 5 days) plus mandatory conference	ISS; ISS/OSS (up to 5 days) plus mandatory conference

**CATEGORY 4 OFFENSES**

Bullying  
 Computer tampering (e.g., changing student or school records)  
 Destruction of evidence  
 Fighting/physical confrontation/biting/spitting  
 Inappropriate use of mobile communication device  
 Misuse or destruction of school property/equipment  
 Physical assault on adult  
 Physical assault on student  
 Physical, verbal or sexual harassment  
 Possession, control, or use of alcohol, drugs or look-alike drugs or drug paraphernalia  
 Possession of disruptive articles (e.g. pornographic materials, etc.)  
 Possession of firearms, or ammunition  
 Possession of look-alike firearm or weapon  
 Possession of weapon (see section of this policy entitled "Weapons in School")  
 Reckless behavior that endangers the welfare of others  
 Rendering evidence inaccessible  
 Robbery  
 Sexual assault  
 Sexually explicit behavior  
 Slander to include derogatory comments, gestures regarding race/religion/gender/national origin  
 Stalking  
 Threatening students/staff (including bomb threats or threats with other incendiary devices)  
 Trespassing  
 Vandalism

**CATEGORY 4 DISCIPLINARY RESPONSES**

The minimum disciplinary response is OSS for 10 days and hearing with Superintendent or designee plus appropriate referral to the Sheriff's Department. Disciplinary response for PreK-3 shall be 1-10 days OSS depending on the circumstances of the incident and a hearing with the Superintendent or designee, plus appropriate referral to the Sheriff's Department. The maximum disciplinary response is expulsion from school (Virginia Code §22.1-277.06). The Superintendent or designee may extend student suspensions beyond ten days and place student on social probation. In incidents involving the possession or use of drugs, look-a-like drugs, drug paraphernalia, weapons or look-a-like weapons, the student may be recommended to the School Board for expulsion according to Virginia Code §22.1-277.07 and §22.1-277-08. Section 22.1-277.08 of the Code permits, but does not require school boards to expel students who bring a controlled substance, imitation controlled substance, or marijuana onto school property or to a school-sponsored event. In incidents involving the use or distribution of alcohol, the student may be recommended to the School Board for expulsion.

Note:

1. In addition to the disciplinary consequences noted in this policy, students may be counseled by the principal or members of the staff to identify and resolve issues that could be contributing to the student's misbehavior.
2. "Possession or control of" shall be interpreted to mean on the student's person or belongings, in the student's locker, in the student's vehicle parked on school grounds or at a school-sponsored event. Attendance on school property or at a school-sponsored event under the influence of alcohol or drugs or look-a-like drugs shall be considered possession and/or control of such substances.

The following serious discipline incidents will result in referral to the Sheriff's Department:

- A. 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;
- B. The assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Section 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
- C. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- D. Any threat against school personnel while on a school bus, on school property or at a school-sponsored activity;
- E. The illegal carrying of a firearm, as defined in §22.1-277.07, onto school property;
- F. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices as defined in §18.2-85, or explosive or incendiary devices, as defined in §18.2-433.1, or chemical bombs, as described in §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- G. Any threats or false threats to bomb, as described in §18.2-83, made against school personnel or involving school property or school buses, or,
- H. 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.

#### Academic Offenses

Academic offenses include cheating or plagiarism.

#### Secondary Level Disciplinary Response

First Offense	Grade of zero on the assignment, disqualification from any appropriate academic honor societies, removal and disqualification from holding position of class/club officer for the current academic year, loss of exam exemption, parent contact
Second Offense	Grade of zero on the assignment, disqualification from any appropriate academic honor societies, removal and disqualification from holding position of class/club officer for the current academic year, loss of exam exemption, parent contact, 1-3 days of In-School Suspension

Additional offenses will result in appropriately escalating consequences as determined by the school administration.

If the academic offense also involves the use of school technology and involves a violation of the NKCP's Acceptable Use Policy, additional disciplinary consequences may apply.

#### Dress Code

The purpose of the dress code is to promote and maintain an orderly and safe learning environment while creating a professional and academic atmosphere in our schools to increase focus on teaching and learning and promote responsibility for all students. The manner in which students dress directly influences the school climate and thus, student achievement. The New Kent County schools rely on families to exercise judgement to promote modesty and a sense of decorum to protect the learning environment. The school is a workplace, and therefore, appropriate dress is the expectation.

Elementary (PK – 5)

Students are expected to dress in clean and appropriate clothes to school. Students are expected to wear appropriate shoes to ensure safety. Wearing clothing that is obscene, distracting, or disruptive is not permitted. Hats and sunglasses are not to be worn inside the building. Midriff shirts and tight clothing are not acceptable at school. Shorts and dresses must be fingertip length (no shorter than the longest finger when the arms are fully extended to the side). School personnel will refer any questions about appropriate student dress to the principal (or their designee).

Secondary (6-12)

Students are expected to dress in clean and appropriate clothes to school. Students are expected to wear appropriate shoes to ensure safety. Wearing clothing that is obscene, distracting, or disruptive is not permitted.

The following specifically applies to all students in grades 6-12:

- Shorts, skirts, and dresses must be no shorter than 4" above the knee. No bare skin 4 inches above the knee (such as slits in skirts or holes in pants).
- All shirts and blouses must extend to the edge of the shoulder.
- Items and clothing not permitted include:
  - Hats and sunglasses are not to be worn inside the building.
  - Clothing which exposes the student's midriff, back, front or side.
  - See-through clothing
  - Tight or form-fitting clothing
  - Clothing or tattoos that display messages or illustrations of drugs, alcohol, tobacco products, electronic cigarettes, illegal substances, violence, sexually-related topics or death)
  - Sagging pants (underwear should not be seen)
  - Pajamas

Students not complying with this policy will be asked to take appropriate action including, but not limited to, covering the noncomplying clothing, changing clothes to comply with the policy, reporting to an alternative setting, or being sent home. Repeated infractions will result in disciplinary action.

This policy is intended to constitute the minimum expectation for student attire.

Disciplinary Responses to Dress Code  
(GRADES 6-12)

First Offense	Student will be kept in the office or in-school suspension and parent notified to bring appropriate clothing
Second Offense	Student will be suspended from school for the day and parent notified to pick the child up as soon as possible
Third Offense	Student will be suspended from school for three days and parent notified to pick the child up as soon as possible

Portable Communication Devices

While New Kent County Public Schools acknowledges the benefits of technology and portable communication devices to access instructional information, it also recognizes that inappropriate use can result in disruptions to the school day. Therefore, New Kent County Public Schools will utilize the following regulations regarding the possession and usage of such devices by students during the school day.

Students in all grades will be allowed to possess portable electronic communication devices on school grounds. In grades 9-12, personal use of portable communication devices by students will be allowed prior to the beginning of 1<sup>st</sup> block, during the student’s designated lunch time in designated locations within the building, and after school. In grades 6-12, students will be allowed to use their devices in class for instructional purposes when approved by the

teacher. Students in grades pre-K through 5, who are in possession of portable electronic communication devices, must keep the devices turned off and stored out of sight upon entering the school building and until school dismissal. Any student use of personal mobile communication devices for instructional purposes is strictly voluntary. All responsibility for the security and maintenance of the device rests with the student and parent. NKCPSS shall not be responsible for data accessed or obtained by students through their portable electronic communication devices through their own communications provider's network and users of the division's wireless network must understand that they remain bound by the Acceptable Computer System Use Policy.

The use or possession of portable communication devices by students in violation of these regulations may constitute a disciplinary infraction under the NKCPSS Code of Student Conduct. Such use or possession may include, but is not limited to: personal use of portable communication devices during undesignated times or in undesignated areas; cyberbullying; unauthorized or inappropriate video capture or communication; and accessing or sharing inappropriate online content.

Note: Students cannot video or photograph school activities without permission from a teacher or administrator.

#### General Instructions for School Bus Riders

These instructions are designed to assist in providing safe transportation, good citizenship training, and economical bus operation for the pupils of the New Kent County Public Schools. The School Board is requesting the cooperation of students, parents, and teachers in carrying out these instructions and rules.

1. To maintain the bus schedule, students must be at the stop at least 5 minutes before the bus is due to arrive. The driver is not permitted to wait for late students. Students are to stand at the edge of the roadway away from traffic lanes.
2. When approaching the stopping place for the bus, walk toward the traffic.
3. It is essential we respect people and their property while waiting at the bus stop. Also, do not play on the street, sidewalk, or highway.
4. When the bus arrives, students must be ready to board the bus in an orderly manner. Avoid crowding and disturbing others.
5. Students may not ride a bus other than their own, unless they have a note from parent and signed by a school administrator or the transportation director.
6. The rear door is designed to be used for exit in emergency only. It must remain closed at all other times.
7. Pupils are required to pay for any willful damage and vandalism to the school bus and its equipment. Payment must be made immediately in accordance with rates set by the School Board.
8. Live animals of any type, glass containers, inflated balloons, weapons of any type and water guns are not allowed on the bus or at the bus stop.
9. Musical instruments and school projects too large to be carried on a student's lap or placed under the seat may not be transported on a school bus.
10. Our established traffic control program at each school involves signs directing that there be "no through traffic when buses are loading or unloading" in front of schools. The driveway directly in front of each school building is considered a state maintained roadway and traffic patterns and violations of same will be enforced by the local authorities. Students driving vehicles will be released in between periods of movement of buses. In response to safety regulations from the State Board of Education, a request is being made that parents (or their designee) accompany their young children to and from bus stop.

11. The Transportation Director or designee will notify the New Kent Sheriff's Department if they know of any reason students will be late getting to their stops on the activity buses. The Sheriff's Department will have the mobile and home phone numbers of these individuals.

If parents have left the pick-up area due to the bus being late, the school bus driver will be responsible for keeping the student on the bus and not allowing him/her off in an unsupervised area. Drivers will then contact the Transportation Director or Service Manager by radio.

12. New Kent County Public Schools makes every effort to provide safe and efficient transportation for students to and from school. Due to student rider population, most buses are nearly filled to capacity. Because of this, bus passes to ride alternate buses must be seriously restricted. We are asking that requests to ride another bus in order to attend parties, "sleep-overs", competitions, scout meetings, piano or dance lessons, etc. not be made.
13. A parent or an authorized person must be present at the bus stop for drop-off of students in Pre-K through 1st grade. If a parent/authorized person is not present, the child will be returned to his/her school for parent pickup. If the student is returned to school 3 or more times the student will be removed from the bus and the parent will be required to meet with the principal and the Transportation Director before the student is allowed to ride the bus again.
14. Requests for students to ride a bus other than their regularly assigned bus must be made in writing and turned into the front office before homeroom. Request forms are available at each school and on the school division's website. Approval is dependent upon bus capacity. If such request should be denied, school personnel will immediately notify the student and the parent/guardian.
15. The Transportation Department will not accept phone calls to change a student's stop location. If for any reason a parent cannot be at the bus stop or at home, the student will be brought back to school for parent pick-up.
16. Loading – anytime students need to cross in front of the bus to load, they must wait until the bus has come to a complete stop, ensure that all traffic has stopped, and receive a hand signal from the driver alerting them that it is safe to cross. Students should remain visible to the driver at all times and should **never** cross behind the bus.

In addition to the rules on the bus, students must also comply with the following:

- Show respect at all times and follow all directions from the driver and/or bus assistant
- No eating or drinking
- No profanity or abusive language
- No smoking or lighting anything on the bus
- No spitting or chewing tobacco
- Do not litter or throw objects
- Students must stay seated until the bus comes to a complete stop
- Keep hands and arms inside the vehicle at all times

As a general reminder, students must follow all rules as outlined in the Student Code of Conduct as a bus stop is considered to be property of New Kent County Public Schools. In addition, all rules must be enforced from door-to-door which means, the moment that the student leaves home until the student returns to the home location.

\*NOTICE: Please be advised that it is unlawful for unauthorized persons to board a school bus. Violations of this policy are considered trespassing and will be dealt with as such.

Bus Discipline (Policy JFCC-R)

In view of the safety factors involved in student transportation, the driver is in full authority to implement the schools’ policy over the bus and its passengers. Students are required to follow bus rules and respond to the requests of the driver or face possible loss of bus riding privileges and/or other appropriate discipline code dispositions as designated for the various offenses.

It takes total cooperation of the driver, students, and parents to make a safe transportation program. All offenses listed in the uniform discipline code are applicable to behavior on the school buses. In addition, the instructions and rules on the following pages are incorporated and applied within this discipline code.

Audio-video cameras will be used on buses to assist in monitoring behavior.

There are no state laws that require school divisions to provide bus transportation. Thus riding a bus is not a right, but a privilege extended to the families of our county by the New Kent School Board.

Bus Discipline Offenses

- |  |   |
|--|---|
| Argumentative and disrespectful toward bus drivers | Putting head or arms outside bus window |
| Eating or chewing gum on bus                       | Threatening bus driver                  |
| Failure to obey bus driver                         | Throwing items from bus                 |
| Out of seat on bus                                 | Throwing items on bus                   |
| Pushing on bus                                     | Vandalism of bus                        |

Disciplinary Responses to Bus Misconduct

Referral Number	<u>Response PreK-3</u>	<u>Response 4-12</u>
1	Verbal correction or warning by bus driver. Report files report with the Director of Transportation. Parent(s)/guardian(s) are notified. Report filed with school.	Verbal correction or warning by bus driver. Report files report with the Director of Transportation. Parent(s)/guardian(s) are notified. Report filed with school.
2	School administrator or designee conferences with student and notifies parent(s)/guardian(s). Recess privileges may be withheld	School administrator or designee conferences with student and notifies parent(s)/guardian(s). Bus suspension may be issued for one day.
3	Recess privileges are withheld and warning letter send to parent(s)/guardian(s).	Student suspended from bus for 1-3 days.
4	Student suspended from bus for 1-3 days.	Student suspended from bus for 3-5 days.
5	Student suspended from bus for 3-5 days and notified that the next offense will result in another bus suspension and conference with Division Hearing Officer.	Student is suspended from bus and conference is held with Division Hearing Officer.

For additional offenses within the same category, principals will administer appropriately escalating consequences.

**SEARCH AND SEIZURE (Policy JFG)**

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

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



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

### PERSONAL SEARCHES

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

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

1. Justified at its inception and
2. Reasonably related in scope to the circumstances justifying the search.

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

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

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

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

### LOCKER AND DESK SEARCHES

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

### AUTOMOBILE SEARCHES

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

## COMPUTER SEARCHES

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 and in accordance with Policy IIBEA Acceptable Computer System Use. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

## CONSENT SEARCHES

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

### **STUDENT DISCIPLINE: DUE PROCESS SAFEGUARDS (Policy JGD, JGE-R)**

#### **Suspensions and Expulsion Defined**

For the purposes of this regulation, unless the context clearly indicates otherwise:

“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.

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

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

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

#### **A. Short-Term Suspensions**

The principal or assistant principal may suspend a student out of school for ten days or fewer using the following procedures:

##### **1. Informal Hearing**

Except in an emergency situation requiring the student's immediate removal, no student shall be suspended from school prior to having an informal hearing before the assistant principal or principal. **At such an informal hearing, the student shall be informed as to the alleged violations against School Board Policy and given an opportunity to respond, as described further herein.**

If the student denies the charges, the assistant principal or principal shall give the student an explanation of the evidence supporting the allegations and an opportunity to explain his/her version of the facts. If appropriate, the assistant principal or principal may conduct a further investigation into the matter before taking action.

In emergency situations where a student's presence may pose a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, a student may be suspended from school immediately without the informal hearing set forth above. In such cases, the student shall be afforded the informal hearing as soon as practicable, but not later than 3 school days after the immediate suspension.

## 2. Notice of Suspension

Once a decision to suspend is made, the assistant principal or principal shall observe the procedures listed below:

- (a) The assistant principal or principal will attempt to notify the parent/guardian as soon as possible by telephone, and shall notify the parent/guardian and student in writing, of the suspension and the reasons thereof. The written notice shall also state any conditions of the suspension, e.g., required parental conference, prohibition on coming onto school property, and the date that the student may return to school. Except in an emergency, a student is not to be dismissed during the school day without prior oral notice and oral permission from the parent/guardian.
- (b) The assistant principal or principal shall also inform the parent/guardian in writing that the suspension may be subject to review or appeal as provided in Section 3, Appeal of Short-Term Suspension, below.
- (c) A copy of the written notice of a suspension requiring a hearing shall be transmitted by the assistant principal or principal to the superintendent or designee within two school days and shall indicate any recommendation for additional disciplinary actions.

## 3. Appeal of Short-Term Suspension

If a student is short term suspended, as defined, "whereby a student is not permitted to attend school for a period not to exceed ten school days", by the assistant principal, the student and/or parent/guardian have the right of appeal in writing to the principal within 5 administrative days of the suspension. If the principal imposed the suspension or upholds the suspension, the principal's decision may be appealed in writing within 5 administrative days to the superintendent or designee for a decision, which appeal shall be decided solely upon the record. The decision of the superintendent or designee is final on short-term suspensions. The failure to appeal the suspension in writing within the prescribed times will constitute a waiver of the right to appeal the short-term suspension.

# **B. Long-Term Suspensions**

## 1. Procedures Governing Long-Term Suspensions

If a student is recommended for long-term suspension, the following procedures shall be observed:

- (a) The principal shall notify the student's parent/guardian and the student in writing of the recommendation for long-term suspension and the reasons therefore.
- (b) A copy of the written notice of the recommendation for long-term suspension shall be transmitted to the Superintendent's designee within two school days.
- (c) The superintendent's designee will conduct a hearing within ten days of the recommendation, unless the student and his/her parent/guardian requests an extension in writing and the extension is granted by the superintendent's designee.
- (d) The superintendent's designee may uphold the recommendation or recommend various forms of other disciplinary action, including, but not limited to disciplinary probation and placement in alternative education programs. Agencies that provide services to the student may submit reports of participation to appropriate school personnel. Violation of a disciplinary probation contract may be cause for long-term suspension.

- (e) The Parent/Guardian will be provided a copy of the Appeal Process at the conclusion of the hearing.
- (f) The superintendent's designee will notify the Parent/Guardian in writing of the outcome of the hearing and will include any conditions, such as drug testing or satisfactory progress in an alternative educational program, placed on the student as a result of the hearing.

## 2. Appeal of Long-Term Suspension

If the superintendent's designee decides to long-term suspend the student, the principal, the student, and the student's parent/guardian shall be advised in writing of the decision and of the student's right to appeal the decision to the School Board. The appeal must be made in writing to the superintendent within 5 administrative days from the date of the decision or the right to appeal to the School Board will be waived. Upon a timely appeal, the School Board will decide the appeal on the record within 30 days of the appeal.

## **C. Expulsion**

### 1. Procedures Governing Expulsion

If a student is recommended for expulsion, the following procedures shall be observed:

- (a) The principal shall notify the student's parent/guardian and the student in writing of the recommendation for expulsion and the reasons therefore.
- (b) A copy of the written notice of the recommendation for expulsion shall be transmitted to the superintendent or designee within two school days.
- (c) Once the superintendent or designee receives notification of a recommendation for expulsion, the superintendent or designee shall conduct a preliminary hearing to determine whether to recommend expulsion to the Board. If the superintendent or designee determines to recommend expulsion, the superintendent or designee shall notify the parent/guardian in writing and by certified mail as to the date, time and location for the School Board meeting in which their case will be reviewed.

If the superintendent or designee decides to recommend a lesser disciplinary action for an offense which carries a mandatory recommendation of expulsion and the student and parent/guardian agree to such action, the student and parent/guardian shall indicate, in writing, their agreement to the imposition of such action without further hearing or appeal. In the event the School Board refuses to accept the recommendation of lesser action, the superintendent shall notify the student and parent/guardian of such refusal and of the right of the student and parent/guardian to a hearing before the School Board upon the original recommendation of expulsion. The superintendent shall present recommendations of expulsion or of a lesser disciplinary action to the School Board for its consideration. The student shall remain suspended until the matter is decided by the School Board.

- (d) Recommendations of expulsion shall be heard by the full School Board or a committee thereof. A student will only be expelled upon vote of the School Board, or a committee thereof. Any such committee shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parents may appeal the decision to the full School Board. The School Board shall decide such appeal within thirty days.
- (e) The procedure for the hearing before the School Board, or the committee thereof, shall be as follows:
  - (i) The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be closed unless otherwise specified by the School Board.

- (ii) The School Board may ask for opening statements from the principal or his representative and the student or his parent or their representatives and, at the discretion of the School Board, may allow closing arguments.
- (iii) The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. When available, witness statements regarding the incident will be provided to the School Board and the student/parents/representative. Any student names in the witness statement, with the exception of the student who is before the School Board will be redacted. At its discretion, the School Board may alter this part of the process if such action is necessary to protect student witnesses.
- (iv) The parties shall produce such other evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.
- (v) Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made a part of the record.
- (vi) The School Board may, by majority vote, uphold, reject or alter the recommendation.
- (vii) The School Board shall transmit its decision to the student, his parent, the principal and the superintendent.
- (viii) A student who has been expelled from school by the School Board may file for readmission with the superintendent no fewer than 300 and no more than 320 days after the effective date of the expulsion. The School Board will consider and act upon such petition prior to the expiration of 365 days from the effective date of the expulsion. If the petition is denied, subsequent petitions for readmission may be filed a year later unless a different time period is set by the School Board when ruling on the initial petition for readmission.

**D. Admission of Expelled, Long-Term Suspended or Withdrawn Students**

A student who has been expelled or suspended for more than thirty days from attendance at school by a school board or a private school in 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 New Kent County Public Schools, regardless of whether such student has been admitted to another school division or private school in the Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission, upon a finding that the student presents a danger to the other students or staff of the school division after written notice to the student and his parent that the student may be subject to exclusion, the reasons therefore, and of an opportunity for the student or his parent to participate in a hearing before the Superintendent or designee regarding such exclusion. The decision of the superintendent or designee shall be final unless altered by the School Board upon written appeal filed with the superintendent within five administrative days after the superintendent's decision. Failure to file a written appeal within the prescribed time will constitute a waiver of the right to appeal the decision to the School Board. In the event of a timely appeal, the School Board will decide the appeal upon the record within thirty days of the appeal.

**E. Disciplinary Authority of the School Board under Certain Circumstances**

The New Kent County School Board may, in accordance with the procedures set forth in this regulation, require any student who has been (a) 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; (b) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the superintendent of the school division pursuant to Va. Code § 16.1- 260.G; (c) found to have committed a serious offense or repeated offenses in violation of School Board policies; or (d) suspended or expelled pursuant to School Board policies, to attend an alternative education program. The New Kent County School Board may require such student to attend an alternative education program regardless of where the crime occurred. The

New Kent County School Board may also require any student who has been found, in accordance with the procedures set forth in this regulation, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

As used in this section, the terms "charged" means that a petition or warrant has been filed or is pending against a pupil, and "alternative education program" shall include, but shall not be limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

### **Assignment of a Student to an Alternative Education Program**

The division superintendent or his designee may require a student to attend an alternative education program consistent with the provisions of section E (above), after (a) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the division superintendent or his designee regarding the alternative education placement, and (b) written notice to the student and his parent that the student will be required to attend an alternative education program. The decision of the superintendent or his designee regarding such an alternative education placement shall be final unless altered by the School Board upon a timely appeal. The appeal must be made in writing to the superintendent within 5 administrative days from the date of the superintendent's (or designee's) decision or the right to appeal to the School Board will be waived. Upon a timely appeal, the School Board will decide the appeal on the record within 30 days of the appeal.

Applicable procedures for students with disabilities will be followed. See Policy JGDA.

### **TEACHER REMOVAL OF STUDENTS FROM CLASS (Policy JFCA)**

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

#### Criteria for Removal

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

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

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

#### Requirements for Incident Reports

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

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

## Procedures for Written Notification of Student and Parents

The teacher shall provide copies of any incident report and Student Removal Form to the student and his or her parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior 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 any student removed from class by a teacher. The Principal may:

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

## Procedure for the Student's Return to Class

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

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

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

## Other Provisions

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

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

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

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

## **DRUGS IN SCHOOLS (Policy JFCF)**

### **I. Generally**

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

#### **A. 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 School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.

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

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

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

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

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

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

A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation 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 section 202© of the Controlled Substances Act at 21 U.S.C. section 812©.
  - b. Illegal drug means a controlled substance, but does not include a 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.

### **POSSESSION OF MEDICATION AND PRESCRIPTION DRUGS**

No student may have in his/her possession any unauthorized medication or prescription drug, even if recommended or prescribed for the student's use. "Medication" shall mean any drug or other substance used in treating diseases, healing or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like. Please see School Board Policy JHCD for information on authorized medications and self-administration.

The possession, use, or distribution of medication and prescription drugs may be treated as a Category 2 or a Category 3 offense depending on the circumstances.

### **TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS (Policy JFCH)**

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:

"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.

"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.

"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 and employee 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.

#### **Electronic Cigarettes**

Students are prohibited from possessing electronic cigarettes on school buses, on school premises and at school-sponsored activities.

All other persons are prohibited from using electronic cigarettes on school premises and school vehicles.

## WEAPONS IN SCHOOL (Policy JFCD)

### I. Generally

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school or the school division is prohibited, and grounds for disciplinary action. The disciplinary action for bringing a firearm to school or to a school sponsored activity will be recommendation for expulsion to the School Board 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, laser, revolver, or other firearm listed in Va. Code § 22.1-277.07, designed or intended to propel a projectile of any kind, including a rifle,
- unloaded firearms in closed containers,
- any air rifle or BB gun
- toy guns and look-alike guns,
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor,
- slingshots,
- spring sticks,
- brass or metal knuckles, blackjacks,
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nunchakka, nunchuck, nunchaku, shuriken, or fighting chain,
- any disc of whatever configuration, having at least two points or pointed blade, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives, and
- destructive devices as defined in Va. Code § 22.1-277.07, or other dangerous articles.

#### Students with Disabilities

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

“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”.

### III. Exception for Weapons Use in Curriculum:

An exception to this policy may be made for students participating in an authorized part of the curriculum, extracurricular activity or team involving the use of firearms, or in any organization permitted by the school to use the premises. Such exceptions will be approved by the Superintendent.

## **DISCIPLINING STUDENTS WITH DISABILITIES (Policy JGDA)**

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 are Long Term Removals and Considered a Disciplinary Change in Placement

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

- (1) the removal is for more than 10 consecutive school days at a time; or
- (2) Pattern analysis: there is a series of removals during the school year, 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 to each other,
  - (c) the total time the student is removed,
  - (d) the child's behavior is substantially similar to the child's behavior in the series of removals for previous incidents in the school year, and
  - (e) the pattern analysis determination is made and documented by the administration.

If the disciplinary action will result in a long term removal, the student's parents must be sent notice of the recommendation of discipline the same day as the decision is made for the disciplinary change in placement and must be provided with a copy of the procedural safeguards. The procedures outlines in Section IV must also be followed.

A parent may request a due process hearing to challenge the pattern analysis determination. For any disciplinary change in placement, a Manifestation Determination Review ("MDR") must be held and the Individualized Education Program (IEP) team must meet to determine the educational services to be provided during the long-term removal.

### II. Short-Term Suspensions

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

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

No MDR or IEP meeting is required for a short term removal, although an IEP meeting may be held if needed. Educational services are provided for each day of removal after the first ten days of removal in a school year. Educational services should also be provided during the first ten days of removal if services are provided to a student without disabilities in the same circumstances.

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

If the MDR 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 an FBA and a BIP in place, review and modify the BIP, as necessary to address the behavior.

If a manifestation is found, the school division and the parent may still agree to a change in placement made through the IEP process. Without this agreement, the student must return to the placement from which the student was removed. Nothing in this section limits the authority of the school division for the first ten days of removal in a school year or for applicable forty-five school day removals.

If the MDR team members determine that there is no manifestation, then the IEP team should decide whether there is a need to conduct or review an FBA and BIP.

#### IV. Educational Services While Disciplined

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

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

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

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

#### V. Manifestation Determination Review

When a disciplinary action is proposed that will result in a disciplinary change of placement, an MDR 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(s) 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 did not have 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.

#### VI. Disciplinary Action Following an MDR Determination that there is No Manifestation

If the behavior is not a manifestation of the student's ability, the disciplinary procedures will be applied in the same manner as applied to students without disabilities. 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 imposition of discipline.

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. During any appeal, the student will remain in the interim alternative education setting unless reversed by decision of the hearing officer; provided, however, the student may still serve the balance of any applicable forty-five school day removal. The placement may also be changed through the IEP process with the consent of the parent.

#### VII. Disciplinary Action Following MDR Determination that there is 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 through the IEP process. The IEP team must conduct or review an FBA and/or BIP as provided in Section III.

#### VIII. Interim Alternative Educational Settings for Weapons, 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 – Weapons in School, JFCF – Drugs in School or JGDB – Discipline Students with Disabilities for Infliction of Serious Bodily Injury and may be placed in an interim alternative educational setting for up to forty-five school days. These options are available even if a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

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

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

#### X. Placement During Appeals

During the course of any appeals, the student's placement shall be in accordance with the provisions of state and federal law unless the parent and the school division agree otherwise. Students with disabilities are also entitled to the due process rights available to a non-disabled student who is subject to discipline. 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.

## XII. Students Not Yet Identified as Disabled

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

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

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

If a request for an initial evaluation is made during the period a student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities which placement can include suspension or expulsion without services.

## XIII. 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.

## XIV. Reporting of Crimes

Nothing in these procedures prevents the reporting of a crime to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities.

### **DISCIPLINE OF STUDENTS WITH DISABILITIES FOR INFLICTION OF SERIOUS BODILY INJURY (Policy JGDB)**

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.

## **RESTRAINT AND SECLUSION OF STUDENTS (Policy JM)**

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

As used in this policy,

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

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

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

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

- as needed to protect an individual from his or her own actions;
- as needed to protect others from injury by the restrained person;
- as needed to gain possession of weapons or other dangerous objects on the person or within the control of a student;
- as needed for self-defense;
- as needed to escort a student safely from one area to another;
- when using seat belts or other safety restraints to secure a student during transportation;
- as authorized by the Code of Virginia, or
- as authorized by a student’s IEP, Section 504 plan or behavior intervention plan.

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

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

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

## **Documentation and Notice to Parents**

A parent or guardian will be verbally notified within 24 hours of an incident occurring. Written notification will be provided within a reasonable period of time, not to exceed 5 school days, after any use of

- physical restraint; or
- seclusion.

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

## **COMPLIANCE OFFICER/NOTICE OF NON-DISCRIMINATION**

New Kent County Public Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: Dr. Dianne Pollard, P.O. Box 110, New Kent, VA 23124, Telephone No. – (804) 966-9650.

## **COMPLIANCE OFFICER AGAINST SEXUAL HARASSMENT**

Please be advised that the New Kent Public School Compliance Officer against sexual harassment is Mrs. Cynthia Pitts. Students and employees who believe that they have been sexually harassed should immediately report the incident to Mrs. Pitts by calling her at (804) 966-9650, or by writing to her at New Kent School Board, P.O. Box 110, New Kent, VA 23124.

## **SCHOOL CRISIS, EMERGENCY MANAGEMENT, AND MEDICAL EMERGENCY RESPONSE PLAN (Policy EB)**

Each school will develop a written school, emergency management and medical emergency response plan as defined below. The School Board will annually review each school's plan and will provide copies of such plans to the chief law-enforcement officer, the fire chief, the chief emergency medical services official, and the emergency management official of the locality. The Department of Education and the Virginia Center for School and Campus Safety will provide technical assistance to the school division in the development of the plans. In developing these plans, schools may consult the model school crisis, emergency management and medical emergency response plan developed by the Board of Education and the Virginia Center for School and Campus Safety.

The School Board designates the Superintendent as emergency manager.

Each school will annually conduct school safety audits as defined below. The results of such school safety audits will be made public within 90 days of completion. The School Board may withhold or limit the release of any security plans, walk-through checklists and specific vulnerability assessment components as provided in the Virginia Freedom of Information Act, Va. Code § 2.-3705.2. The completed walk-through checklist will be made available upon request to the chief law-enforcement officer of the locality or his designee. Each school will maintain a copy of the school's safety audit, which may exclude such security plans, walk-through checklists and vulnerability assessment components, within the office of the school principal and will make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the Superintendent. The Superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.



The Superintendent will establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee will review the completed school safety audits and submit any plans, as needed, for improving school safety to the Superintendent for submission to the School Board.

“School crisis, emergency management and medical emergency response plan” means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life threatening medical emergencies; student or staff member deaths; explosions, bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism and other incidents posing a serious threat of harm to students, personnel, or facilities. This plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § Va. Code § 19.2-11.01, as well as current contact information for both.

“School safety audit” means a written assessment of the safety conditions in each public school to (1) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (2) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses will include recommendations for structural adjustments, changes in school safety procedures, and revisions to the School Board’s standards for student conduct.

Each school will maintain records of regular safety, health and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections will be determined by the local School Board in consultation with the local health and fire departments. In addition, the school administration will:

1. equip all exit doors with panic hardware as required by the Uniform Statewide Building Code; and
2. conduct fire drills at least once a week during the first month of school and at least once each month for the remainder of the school term. No fire drills will be conducted during periods of mandatory testing required by the Board of Education. Evacuation routes for students shall be posted in each room. At least one simulated lockdown and crisis emergency evacuation activity should be conducted early in the school year.

Each school will have contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first aid.

In addition, the school administration will ensure that the school has:

1. written procedures to follow in emergencies such as fire, injury, illness, and violent or threatening behavior. The plan shall be outlined in the student handbook and discussed with staff and students during the first week of each school year.
2. space for the proper care of students who become ill;
3. a written procedure for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity; and
4. written procedures to follow for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a facility.

**NEW KENT PUBLIC SCHOOLS  
VIDEO SURVEILLANCE POLICY (Policy EB-1)**

The board authorizes the use of video cameras on school property to ensure the health, welfare, and safety of all staff, students, and visitors to school property, and to safeguard school facilities and equipment. The School Board will approve the site location of each individual camera.

The school shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on school property.

Students or staff in violation of board policies, administrative regulations, and building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law-enforcement agencies.

Video recordings may become a part of a student's educational record or a staff member's personnel record. The division shall comply with all applicable state and federal laws related to record maintenance and retention.

**COMPULSORY SCHOOL ATTENDANCE**

The following information regarding school attendance is excerpted from the Code of Virginia.

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

A. Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth 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, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section 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.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall 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 subsection C of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan pursuant to subsection E, and (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training

or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and

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

C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be 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, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

D. A school board may excuse from attendance at school:

1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or

2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

E. Local school boards may allow the requirements of subsection A to be met under the following conditions:

For a student who is at least 16 years of age, 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 in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

a. Career guidance counseling;

b. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;

c. Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment;

d. Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;

e. Counseling on the economic impact of failing to complete high school; and

f. Procedures for reenrollment to comply with the requirements of subsection A.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

F. A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 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 § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection B of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

G. Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered 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.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

#### **ATTENDANCE REGULATIONS (Policy JED-R)**

Regular and prompt school attendance is necessary for success in school. New Kent County Public Schools attendance regulations have been created in response to Virginia State Law for compulsory school attendance.

In accordance with State Law 22.1-258, parents or guardians must advise school officials of the reason(s) for a child's absence. In addition, school officials are charged with the responsibility for enforcing the state's compulsory school attendance law.

The NKCPS administration requests that all parents call their child's school by **10:00 a.m.** whenever their child is absent. If the school has not been notified by **10:00 a.m.**, the school will make a reasonable attempt to contact the parent/guardian by telephone to obtain an explanation for their student's absence if we have not received notification. Therefore, it is important that all contact numbers *and* mailing addresses be updated as needed.

A student must be present for at least one hour to be counted as present for the day. The principal may waive this requirement under extenuating circumstances such as a shortened school day or for other reasons presented on a case-by-case basis.

**All absences and tardies will be determined either excused or unexcused.**

Excused absences *will be* considered for:

1. Personal illness
2. Death in the family
3. Religious observance
4. Medical, professional or legal appointments
5. Court appearance
6. Other educational experiences (prior administrative approval is required with appropriate attendance form completed and returned three [3] school days prior to absence).
7. Physical emergency conditions (i.e. fire, flood, storm)

The school administrator, social worker or attendance committee may require any student (grades K-12) who receives a total of five (5) absences per semester at the high school level or ten (10) absences at the elementary or middle school level to either provide documentation other than parental notes in order for additional absences to be excused and/or meet with the attendance committee. Such documentation may include notes from a doctor or dentist, or a note from the judge for a court appearance.

## **DIVISION WIDE: PROCEDURES FOR SCHOOL ABSENCES**

### **A. EXCUSED ABSENCES**

If students are absent for the reasons cited above, they will be marked with an excused absence. On a daily basis school officials will make a reasonable effort to contact parents of each student not in attendance. Parents are asked to provide the school with a reason for the absence. Parents have two (2) *school days after the student returns to school* to provide such notice. If after two (2) *school days* no reason is provided, the absence will be considered unexcused.

Students will be allowed to make up all assignments missed as a result of excused absences. Teachers will determine when assignments are due, not to be more than three (3) school days following their return to the teacher's class. The administration may extend this makeup period for extenuating circumstances.

### **B. UNEXCUSED ABSENCES**

Students will be marked with an unexcused absence if the parent fails to provide the school with a written or verbal reason for the absence, or if the student's absence is for a reason other than those listed above. Parents have **two (2) school days after student returns to school** to provide such notice.

## **REGULATIONS FOR ELEMENTARY SCHOOLS**

**Unexcused absences** will be addressed during the school year as follows:

- 3<sup>rd</sup> Unexcused Absence – Letter sent to parents by principal advising parent of the number of absences.
- 6<sup>th</sup> Unexcused Absence – A parent conference will be required and be scheduled by the school social worker. An Attendance Intervention Plan (AIP) will be developed by the school's attendance committee. This plan will identify the steps parents, the student, and the school will take to avoid any future unexcused absences or attendance concerns by the student. (Virginia Code §22.1-258) If a parent fails to participate in the Attendance Intervention Plan conference, a court referral by the school social worker may result.
- If the student accumulates additional unexcused absences after this conference, the school social worker may refer the matter to the courts according to Virginia Code §22.1-258

### **Procedures for Submitting Assignments Due to Absences**

If a student is absent from school, make up assignments should be submitted to the student's teacher(s) within three to five (3-5) school days of the student returning to school. The administrator may extend this makeup period for extenuating circumstances.

## **REGULATIONS FOR MIDDLE/HIGH SCHOOL**

**Unexcused absences** including suspensions from school will result in the student receiving a maximum of 59% (F) credit for assignments made up. Teachers will determine when assignments are due, not to be more than three (3) school days following the student's return to the teacher's class. The administration may extend this makeup period for extenuating circumstances.

A student must be present for at least one hour to be counted as present for the day. The principal may waive this requirement under extenuating circumstances such as a shortened school day or for other reasons presented on a case-by-case basis.

**Unexcused absences** will be addressed during the school year as follows:

- 3<sup>rd</sup> Unexcused absence – Letter sent to parents by principal advising parent of the number of absences.
- 6<sup>th</sup> Unexcused Absence – A parent conference will be required and an Attendance Intervention Plan (AIP) will be developed. This plan will identify the steps parents, *the student* and the school will take to avoid any future unexcused absences by the student. (Virginia Code §22.1-258) If a parent fails to participate in the Attendance Intervention Plan conference, a court referral by the school social worker may result.
- 7<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> Unexcused Absence- For each absence student receives 1-day Saturday School or comparable detentions and parent will be notified.
- If the student accumulates additional unexcused absences after this conference, the school social worker may refer the matter to the courts according to Virginia Code §22.1-258.

### **C. ABSENCE FOR EXTENDED PERIOD OF TIME**

If a student is going to be out for any extended period of time, parents should contact their child’s school administrator and/or teacher(s) so work can be sent home to help them keep up with the class work. Students who are going to be out for ten (10) or more days due to illness may be eligible for homebound instruction. Parents may contact the guidance department at their student’s school to determine if their child is eligible for homebound instruction.

### **LATE ARRIVAL TO SCHOOL**

Good attendance and arriving to school on time are absolutely necessary for a child’s success in school. A tardy is considered arriving late.

Students arriving late to school will be dealt with on an as need basis by the building administrator at each school. Students who are late to school will not be permitted to enter class without a note from the main office staff. Unexcused tardiness to school will result in disciplinary consequences that are the same as those set forth for “Tardiness to Class” in the NKCPs Code of Student Conduct.

**NOTE:** This policy applies to all students, including students 18 years of age or who may be legally emancipated. All tardy notes must accompany the student.

### **DISCIPLINARY RESPONSE**

All students on school grounds are expected to be in their assigned classes. Unauthorized absences from a class or study hall could result in suspension. In the event a student is suspended from school for any reason, the number of suspension days will be included in a student’s cumulative absence total.

### **EARLY DISMISSAL**

No student who has entered the school for the day shall be permitted to leave the premises except for sickness, attendance of a class at another location or for other reasonable causes and only with the permission of the parent and a school administrator. Parent permission can be secured with a signed and dated parent note or parent phone call to a school official.

### **PARENTAL RESPONSIBILITY**

The following information regarding parental responsibilities is excerpted from the Code of Virginia § 22.1-279.3. Parental Responsibility and Involvement Requirements

A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

B. A school board shall provide opportunities for parental and community involvement in every school in the school division.

C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section and (ii) a copy of the school board's standards of student conduct. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct and the notice of the requirements of this section. Each school shall maintain records of such signed statements.

D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress.

E. In accordance with the due process procedures set forth in this article and the guidelines required by § [22.1-279.6](#), the school principal may notify the parents of any student who violates a school board policy when such violation could result in the student's suspension, whether or not the school administration has imposed such disciplinary action. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior; and (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials.

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

G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior, as follows:

1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or

2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order (i) the student or his parent, or both, to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior, including participation in parenting counseling or a mentoring program, as appropriate or (ii) the student or his parent, or both, to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

I. All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

## **NOTIFICATION REGARDING PROSECUTION OF JUVENILES AS ADULTS (Policy JFCL)**

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

## **SEX OFFENDER REGISTRY NOTIFICATION (Policy KN)**

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

### **Annual Notification**

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

### **Dissemination of Sex Offender Registry Information**

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

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

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

The New Kent County School Division recognizes that it is the responsibility of local law enforcement to notify the community of potential public danger. Therefore, the division will not disseminate registry information to parents.

### **Use of Sex Offender Registry Information**

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

1. Registered Sex Offender Sighted. If a notified employee sees a registered sex offender on or near school property, around any school division student, or attending any school division activity, the Superintendent or his design shall be notified immediately. The Superintendent or his designee may, at his or her discretion, notify local law-enforcement.
2. School Volunteers and Student Teachers. Each staff member shall submit to the Principal the name and address of each volunteer the staff member proposes to use as soon as the person is identified. The Principal shall screen each student teacher and volunteer's name and address against the registry information. If a match is found, the Principal shall notify the Superintendent, who shall confirm the match. If the match is confirmed, the Superintendent shall inform the individual, in writing, that he or she may not serve as a volunteer or student teacher. The notice shall provide the reason with reference to this policy. The Superintendent shall provide a copy of the notice to the Principal and staff member.



3. **Contractors' Employees.** In addition to ensuring that the certification requirements of Policy DJF Purchasing Procedures are met, the Superintendent shall include the following language in all Division contracts that may involve an employee of the contractor having any contact with a student:

The contractor shall not send any employee or agent who is a registered sex offender to any school building or school property. Monthly, the contractor shall check the registry to determine if any employee is registered.

4. **School Division Employees.** Each time sex offender registry information is received, the principal shall review it to determine if a school division employee is registered. If a match is found, the Superintendent shall confirm or disprove the match with local law enforcement. If the match is confirmed, the Superintendent shall notify the School Board. The School Board will take the appropriate action to comply with state law which may include termination of employment.
5. **Applicants for Employment.** Before hiring any person, the Superintendent shall determine whether the prospective employee is a registered sex offender. If the prospective employee is a registered sex offender, he or she shall not be hired by the division.
6. **Parents of Students and other Visitors.** Persons who have been convicted of a sexually violent offense, as defined in Va. Code §9.1-902, may be present at school during school hours or during school related or school sponsored activities only as provided in Policy KNA Violent Sex Offenders on School Property

When the school division learns that a parent of an enrolled student is a registered sex offender, other than a violent sex offender, the parent will be notified in writing that he or she is barred from being present at school or at school functions without the express written approval of the student's principal. Such approval must be obtained in advance of the proposed visit and will state the conditions under which the parent may be present. When a parent who is a registered sex offender is permitted at school or at school functions he or she will be monitored to ensure that he or she does not come into contact with any children other than his or her own children. Principals will consider requests from registered sex offenders in accordance with procedures prescribed by the superintendent.

When the school division learns that any person other than the parent of an enrolled student who is a registered sex offender, other than a violent sex offender, seeks to be present at school or at school functions, he or she will be notified in writing that he or she is barred from being present at school or school functions without the express written approval of the principal of the school the person seeks to visit or which sponsors the event the person seeks to attend. Such approval must be obtained in advance of the proposed visit and, if obtained, will state the conditions under which the person may be present. One of the conditions will be that the person will be monitored to ensure the safety of students, staff, and others. Principals will consider requests from registered sex offenders in accordance with procedures prescribed by the superintendent.

7. **Precautions to Protect Students.** When the Superintendent determines it is necessary, because of the presence of a registered sex offender, alternative arrangements may be made for bus and walking routes to and from school, recess and physical education periods, or any other activity in order to protect division students.

#### **Request for Registry Information**

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

### **SCHOOL HEALTH CLINIC PROCEDURES**

School nurses divide their time between two schools. A clinic aide provides daily coverage in the clinics. The clinic staff reviews health physicals and immunization records, screens students (height, weight, vision, hearing, and scoliosis), provides first aid, administers medications, and provides health education for students and families.

Periodic inspections of students for communicable diseases or conditions (i.e. head lice) are conducted. Students who appear to have a communicable disease, that may spread, will be excluded from school until the condition is remedied.

The clinic also maintains emergency contact information. Please notify the clinic staff of any changes in such information. Sick children heal better at home. Please keep your children home if they are experiencing any of the following symptoms: Temperature 100 degrees or greater- keep at home until fever free for 24 hours, vomiting/diarrhea- keep at home for 24hrs after symptoms have ended. A physician must treat eyes that are red, bloodshot, itchy, oozy, running or lashes that are stuck together upon awakening before returning to school. The student could have a condition called Pink Eye. Parents should treat cuts, burns, bruises and sprains that occur outside of school prior to sending the student to school. We are glad to follow doctor's written instruction for minor care but we do not provide any emergency room services, physician care, or continued care for sick children.

Law governs administration of medication at school. The medication policy is in the school board policy manual. Please refer to the manual for questions. **Please do not send medication to school with your child.** If possible, parents are advised to give medications at home and on a schedule other than during school hours. However, if a medication must be given during school hours, the following must be adhered to:

- Medications must be ordered by a physician or dentist and permission must be written and given to the school nurse
- Medication must be brought to school by the parent or guardian
- Medication must be brought in the original container with the appropriate label intact (to make this easier ask your pharmacist to provide an additional properly labeled container at the time of refill to be left at school).

In order to have medication here at school, a parent or guardian is required to have a form signed by the physician or dentist giving the school nurse permission to administer the medicine. Over-the-counter medication, also require a written physician/dentist order. Parents can obtain the form by contacting the school nurse.

Under the Occupational Safety and Health Administration (OSHA) exposure to blood borne pathogen plan, we are required to request that an individual's blood be tested if infectivity status is unknown when a situation indicates that the potential exposure to blood borne pathogens has occurred. Under 32.1-45.1 Code of Virginia, the person(s) whose body fluids were involved shall be deemed to have consented to testing for infection with human immunodeficiency virus.

### **NEW KENT COUNTY PUBLIC SCHOOLS Administration of Medication at School Information (Policy JHCD-R)**

Whenever possible, the parent or guardian should make arrangements so that medication can be administered at home, before, and/or after school. However, there may be circumstances when it is necessary for a student to take medication during school hours. If this is necessary, the following information may be helpful.

1. Medications are administered by or under the supervision of the Registered Professional School Nurse. The Registered Professional School Nurse is licensed by the State of Virginia and practices under the Nurse Practice Act of Virginia. The Nurse Practice Act specifically states medications (prescription or non-prescription) may be administered only if they have been prescribed by a legal licensed practitioner (i.e., physician, dentist, nurse practitioner). For this reason, a medication permission form signed by the licensed practitioner is required for all medications administered at school along with written permission from the parent/guardian.
2. If your child has a chronic condition (i.e., headaches, menstrual cramps, orthodontic appliances, seasonal allergies) for which he/she usually takes OTC (over-the-counter) medications (i.e., Tylenol, Advil, Benadryl, etc.), the medication permission form can be obtained from the licensed practitioner prior to the start of school. The form can be mailed to the practitioner's office along with a self-addressed, stamped envelope. The completed form should then be brought to school along with the medication in its original container with the proper label. (No medication in baggies, envelopes, tissues or plastic wrap.)
3. Another option for providing the school with a completed medication permission form would be to have the licensed practitioner's office fax it to the school nurse at the appropriate school. The fax numbers for the

schools are as follows: New Kent Elementary School - 966-2506; George W. Watkins Elementary School - 932-8459; New Kent Middle School - 966-2703; and New Kent High School - 966-2773.

4. For prescription medicines ask the licensed practitioner to request two (2) bottles on the prescription, one for school and one for home. This will provide both the parent/guardian and the school the labeled containers needed to safely dispense medications.
5. Students who have asthma and are prescribed inhalers, should request the licensed practitioner order two (2) inhalers on the prescription, one to remain at home and one to remain at school at all times. This will prevent the inhaler not being readily available at school when needed.

If your child has a diagnosis of asthma and must carry his/her inhaler at all times, a physician's order and parental permission is required. The physician's order must state that the student has permission to carry the inhaler with him/her while at school (this includes the school bus, field trips, and other school-sponsored activities and events).

Please be advised that it will be the student's responsibility to make sure that the inhaler is in his/her possession at all times and that it is in proper working order (not expired or empty). Please see School Board Policy JHCD for additional information.

6. If your child has a diagnosis of anaphylactic reaction and it is advised by the physician that he/she must carry and be allowed to self-administer auto-injectable epinephrine, it is required that written notice from the student's physician states:
  - student's name
  - that the student has approval to self-administer prescribed auto-injectable epinephrine
  - the name and dosage of the medication and the frequency in which it is to be administered and the circumstances which may warrant the use of auto-injectable epinephrine
  - that the student has demonstrated the ability to administer auto-injectable epinephrine safely and effectively.

Please be advised that it will be the student's responsibility to make sure that the medication is in his/her possession at all times during the school day (this includes field trips, the school bus and all other school-sponsored activities and events).

Before permission to possess and self-administer auto-injectable epinephrine and metered-dose inhalers is granted, a consultation must occur with the parent and school nurse. Please see School Board Policy JHCD for additional information.

7. Each enrolled student who is diagnosed with diabetes, with parental consent and written approval from the prescriber, is permitted to carry with him and use supplies, including a reasonable and appropriate short-term supply of carbohydrates, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and self-check his own blood glucose levels on school buses, on school property, and at school-sponsored activities.
8. Students may be permitted to carry and self-administer other medications when the following conditions are met:
  - Written parental permission for self-administration of specified non-prescription medication is on file with the school.
  - The non-prescription medication is in the original container and appropriately labeled with the manufacturer's directions.
  - The student's name is affixed to the container.
  - The student possesses only the amount of non-prescription medicine needed for one school day/activity.

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

9. Students are prohibited from possessing any unauthorized medication or prescription drugs, even if recommended or prescribed for the student's use. "Medication" shall mean any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like.

Student possession of unauthorized over-the-counter drugs and prescribed medication may result in the same interventions and consequences as controlled substances. For elementary students needing to take medication during school hours, the medication is to be brought to the school nurse by the parent/guardian in its original container with the prescribed dosage and method of administration clearly indicated. Secondary students (grades 6-12) may bring medication to school provided the medication is delivered to the school nurse at the beginning of the school day in its original container with the prescribed dosage and method of administration clearly indicated.

If you have any questions regarding New Kent County Public Schools' Medication Administration Policy, please feel free to contact your child's school nurse. Medication permission forms can be obtained in all the school clinics.

### **FOOD ALLERGY MANAGEMENT (Policy JHCF-R2)**

New Kent County Schools recognizes that food allergies, in some instances, may be severe and even occasionally life-threatening. The foods most likely to cause allergic reactions are peanuts, tree nuts, dairy products, eggs, soy, wheat, fish, and shellfish. Although most food allergies produce symptoms that are uncomfortable, persons with allergies to the above listed foods can suffer more serious consequences. Our goal is to help students learn how to manage their food allergies while providing an environment where the risk of exposure is reduced. The school cannot achieve this goal alone and student and family involvement are critical. Ultimately the primary responsibility for reducing the risks associated with food allergies rests with the student and his parents.

New Kent County Schools cannot guarantee that a student will never experience an allergy-related event while at school. New Kent County Schools is committed to student safety, and therefore has created this policy to reduce the risk that children with allergies will have an allergy-related event.

#### **A. Parent/Family Responsibilities**

1. Notify the school of the child's allergies.
2. Provide written medical documentation, instructions, and medications as directed by a physician, using the Food Allergy Action Plan.
3. Provide clearly labeled medications per doctor's orders and in accordance with New Kent County School's medication policy. Replace medications after use or upon expiration.
4. Provide emergency contact information and update as needed.
5. Review the lunch menu and contact the food service director for ingredient listings as needed.
6. Provide meals or treats for their student if uncertain about possible exposure to allergy-causing foods.
7. Plan with teacher for unexpected food (treats).
8. May request information about student's allergy be provided to and sent home with classmates.
9. Request a child study meeting if the student's needs rise to the level of 504 consideration.
10. Educate the child in the self-management of their food allergy including:
  - a. Safe and unsafe foods
  - b. Symptoms for allergic reactions
  - c. How and when to tell an adult they may be having an allergy-related problem
  - d. How to read food labels (age appropriate)

#### **B. School Responsibilities**

1. Review health records submitted by parents and physicians and identify students with allergies.
2. Share information pertaining to a student's allergies with the appropriate faculty and staff that have contact with the student, but otherwise will be kept as confidential as possible.
3. Provide emergency training to staff annually and as needed, including, but not limited to administrator, teacher and bus driver.
4. Designate school personnel who are properly trained to administer medications in accordance with the State Nursing and Good Samaritan Laws governing the administration of emergency medications.
5. Ensure a trained person attends all functions where the student is present, i.e. field trips.
6. Foods that specifically list nut or peanut products on the ingredient label will not be offered on the main serving line in our cafeterias. This does not apply to items sold on the a la carte or snack

lines. (Parents and students may obtain lists of ingredients for any food served by contacting the Food Service Director.)

7. Food Services will provide food that all students may enjoy. In the case of a student with multiple or unusual allergies, New Kent Schools may require the student/family to provide lunch and snacks to ensure the student's safety.
8. Enforce a "no-eating" policy on school buses with exceptions made only to accommodate special needs.
9. Provide instruction to faculty and staff on how to recognize symptoms of an allergic reaction and to respond appropriately.
10. Provide seating accommodations at meal times as needed, i.e. designate a table in the cafeteria "peanut free" and/or "allergy aware", allow student to eat meals in office.
11. Ensure that cafeteria tables are cleaned appropriately between meals.
12. Code students appropriately in our food service "point of service" system, so that students with food allergies can be easily identified as they move through the cafeteria line.
13. New Kent Schools will attempt to avoid serving food with nuts, but cannot guarantee that products with nuts will never be present on campus or at school events. Likewise, New Kent Schools cannot monitor products sold at athletic events or special student sales, products brought for celebrations, or served on off campus trips. Therefore, persons with severe food allergies must carefully monitor their food in these situations.

C. Student Responsibilities

1. Should not trade or share food with others.
2. Should not eat anything with unknown ingredients or known to contain any allergen.
3. Should be proactive in the care and management of their food allergies based on their developmental level.
4. Should notify an adult immediately if they eat something they believe may contain the food to which they are allergic or if allergy symptoms appear.
5. Know what you are allergic to and avoid allergens.
6. Understand the symptoms of an allergic reaction.
7. Wash hands before and after eating.
8. Report teasing or harassment.
9. May carry and self-administer epinephrine if appropriate in accordance with New Kent County School's medication policy

**NEW KENT COUNTY PUBLIC SCHOOLS  
K-12 PROMOTION POLICIES**

**Elementary Schools**

Kindergarten to First Grade: Students must pass 80% of the Reading / Language Arts and Math curriculum objectives, 80% of upper and lower case letters, and 80% of letter sounds to be promoted to first grade.

First to Second Grade: Students must pass 80% of the Reading / Language Arts and Math curriculum objectives to be promoted to the second grade.

Second to Third Grade: Students must pass Reading and Math to be promoted to the third grade.

Third to Fifth Grade: In grades 3 to 5 students must pass Reading and Math along with at least one other subject (Language Arts, Science, or Social Studies) to be promoted to the next grade.

(Note: Students may be administratively placed in the next grade if they have previously been retained at the elementary level. This placement would be subject to the principal's recommendation and the Superintendent's approval. Students being administratively placed in the next grade may be recommended to attend remedial summer school.)

**Middle School**

Students in grade 6, 7, and 8 must pass all four academic subjects (English, Math, Science, and Social Studies) in order to be promoted to the next grade. Students who fail one academic class during the regular school year must pass that class in summer school in order to be promoted. If a student fails two academic classes, other factors, such as SOL assessment results, will be considered.

(Note: Students may be administratively placed in the next grade if they have previously been retained at the elementary level. This placement would be subject to the principal's recommendation and the Superintendent's approval.)

**High School**

Students at New Kent High School will follow the credit and course requirements as set forth in the most current *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

**Requirements for Promotion**

Grade 9 to 10	6 credits
Grade 10 to 11	12 credits
Grade 11 to 12	17 credits or be able to have all required subjects completed by the end of senior year and be taking or have taken English 12.

**Special Education Students at all schools:**

Promotion for a Special Education student shall be based upon his / her IEP, as well as the promotion policies outlined above.

(Note: Information on exam exemptions is available in the most current program of studies.)

**10- Point Grade Scales**

Elementary Grades 2-5	
Letter Grade	Percentage
A	90 and above
B	80-89
C	70-79
D	60-69
F	Below 60

Middle & High School Grades 6-12		
Letter Grade	Percentage	Grade Points
A+	97 and above	4.3
A	93-96	4.0
A-	90-92	3.7
B+	87-89	3.3
B	83-86	3.0
B-	80-82	2.7
C+	77-79	2.3
C	73-76	2.0
C-	70-72	1.7
D+	67-69	1.3
D	63-66	1.0
D-	60-62	0.7
F	Below 60	0

The new grade scales took effect beginning with the 2014-2015 school year for all students in grades 2-12. Grades earned through the 2013-2014 school year will remain on the current scale and will not be recalculated.

**Weighting of high school credit Honors, Advanced Placement, and Dual Enrollment Courses**

High school credit honors-level courses, as identified in the New Kent High School Program of Studies, will receive a 0.5 weight. Advanced Placement and Dual Enrollment (academic, transferrable courses only) will receive a 1.0 weight. These weights are effective beginning in the 2014-2015 school year and will not be retroactively applied.

Example 1: A student earns a final grade of 86 B in World History II Honors. With the 0.5 weight, this grade will be calculated in the student's GPA as a 3.5.

Example 2: A student earns a final grade of 91 A- in Advanced Placement Biology. With the 1.0 weight, this grade will be calculated in the student's GPA as a 4.7.

## **SCHOOL COUNSELING PROGRAM**

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

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

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

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

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

### **Employment Counseling and Placement Services**

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

## **STUDENT RECORDS (Policy JO)**

### **Generally**

The New Kent County School Board shall maintain accurate and complete records for every student enrolled in the public schools in accordance with all federal and state laws.

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

### **Definitions**

For the purposes of this policy, the New Kent County Public Schools has used the following definitions.

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

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

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

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

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

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

Eligible student - a student who has reached age 18.

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

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



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

### **Adjudications**

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

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

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

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

### **Petitions and Reports**

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

if the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the Superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department which sent the report and may forward the notice of petition or report to the Superintendent of the division in which the juvenile is enrolled if known;

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

### **Annual Notification**

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

- the right to inspect and review the student's 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 procedures for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- the type of information designated as directory information and the right to opt out of release of directory information;
- that the school division releases records to other institutions that have requested the records and in which the 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 the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

### **Procedure to Inspect Education Records**

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

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

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

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

### **Copies of Education Records**

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

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

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

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

The New Kent County Public School 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 New Kent County Public Schools maintain, their locations, and their custodians.

<u>Types</u>	<u>Location</u>	<u>Custodian</u>	<u>Information</u>
Scholastic Records	School Offices	School Counselors	all records, as required
Student Information System	Computer Network	Student Information System Manager	attendance, grades, discipline, contact and demographic

### **Disclosure of Education Records**

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

1. To school officials who have a legitimate educational interest in the records.
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. If records or information are released under this provision, the student's parents will be notified of the release, receive a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff or such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.
6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
  - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
  - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
  - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and

- requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
7. To accrediting organizations to carry out their functions.
  8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
  9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
  10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
    - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
    - the parties to whom the division disclosed the information.
  11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
  12. Directory information so designated by the school division.
  13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071 and applicable federal guidelines.

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

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

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

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation federal or state law applicable to such information, the school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127. 1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

#### **Disclosure to Federal Agencies**

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

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

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

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

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

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

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

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

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

The school division notifies parents of the option to make a request and complies with any request.

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

### **Record of Disclosure**

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

The requirements related to records of disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 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 New Kent School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

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

student's name

parent's names

participation in officially recognized activities and sports

address

telephone listing

weight and height of members of athletic teams

email address

photograph

degrees, honors, and awards received

date and place of birth

major field of study

dates of attendance

grade level

most recent educational agency or institution attended

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

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

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

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

### **ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES (Policy KFB)**

#### **I. Instruction Materials and Surveys**

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

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

##### **B. Participation in Surveys and Evaluations**

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

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

##### **C. Surveys Requesting Sexual Information**

In any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to Va. Code § 32.1-73.8, other information on controlled substance use, or any other information that the School Board deems to be sensitive in nature is to be administered, the School Board shall notify the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice will inform the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how information collected by

the questionnaire or survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the School Board with all information required to be included in the notice to parents.

The parent has the right to review the questionnaire or survey in a manner mutually agreed upon by the school and exempt the child from participating in the questionnaire or survey. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall disclose personally identifiable information.

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

#### D. Additional Protections

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

In addition, in the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection I.B. above, the privacy of students to whom the survey is administered will be protected by the usual and ordinary privacy measures.

### II. Physical Examinations and Screenings

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

- those required by Virginia law, and
- surveys administered to a student in accordance with the Individuals with Disabilities Education Act,

policies regarding those examinations or screenings will be developed and adopted in consultation with parents.

### III. Commercial Use of Information

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

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

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

### IV. Notification

Notification of Policies



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

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

#### Notification of Specific Events

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

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

#### V. Definitions

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

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

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

**Personal information:** the term “personal information” means individually identifiable information including

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

**Survey:** the term “survey” includes an evaluation.

#### **ACCEPTABLE COMPUTER SYSTEM USE (Policy IIBEA/GAB)**

The School Board provides a computer system, including the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, printers, CD-ROM devices, tape or flash drives, servers, mainframe and personal computers, tablets, cellular phones, smart telephones, the internet and other internal or external networks.

All use of the Division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Any communication or material generated using the computer system, including electronic mail, instant or text messages, tweets, or other files deleted from a user's account may be monitored, read and/or archived by school officials.

The Division Superintendent shall establish administrative procedures, for the School Board's approval, containing the appropriate uses, ethics and protocol for the computer system. The procedures shall include:

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

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

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

Each teacher, administrator, student and parent/guardian of each student shall sign the Acceptable Computer System Use Agreement, IIBEA-E, before using the Division's computer system. The failure of any student, teacher or administrator to follow the terms of the Agreement, this policy or accompanying regulation may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

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

The School Board will review, amend if necessary, and approve this policy every two years.

#### **ACCEPTABLE COMPUTER SYSTEM USE (Regulations) (Policy IIBEA-R/GAB-R)**

All use of the New Kent County School Division's computer system shall be consistent with the School Board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, printers, CD-ROM devices, tape or flash drives, servers, mainframe and personal computers, tablets, cellular phones, smart phones, the internet and any other internal or external network.

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

1. **Acceptable Use.** Access to the Division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the Division or (2) for legitimate school business.
2. **Privilege.** The use of the Division's computer system is a privilege, not a right.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:
  - using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
  - sending, receiving, viewing or downloading illegal material via the computer system.
  - unauthorized downloading of software.
  - using the computer system for private financial or commercial purposes.
  - wastefully using resources, such as file space.
  - gaining unauthorized access to resources or entities.
  - posting material created by another without his or her consent.
  - submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
  - using the computer system while access privileges are suspended or revoked.
  - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
  - intimidating, harassing, bullying, or coercing others.
  - threatening illegal or immoral acts.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
  - be polite.
  - users shall not forge, intercept or interfere with electronic mail messages.
  - use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
  - users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
  - users shall respect the computer system's resource limits.
  - users shall not post chain letters or download large files.
  - users shall not use the computer system to disrupt others.
  - users shall not modify or delete data owned by others.
5. **Liability.** The School Board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Division denies any responsibility for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the School Board for any losses, costs, or damages incurred by the School Board relating to or arising out of any violation of these procedures.
6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.
8. **Charges.** The School Division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, **data**, or long-distance charges.

9. **Electronic Mail.** The School Division's electronic mail system is owned and controlled by the School Division. The School Division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the School Division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.
  
10. **Enforcement.** Software will be installed on the division's computers having Internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by School Board policy, or legal action.**

# ACCEPTABLE COMPUTER SYSTEM USE AGREEMENT

**Each employee must sign this Agreement as a condition for using the School Division's computer system. Each student and his or her parent/guardian must sign this Agreement before being permitted to use the School Division's computer system. Read this Agreement carefully before signing.**

Prior to signing this Agreement, read Policy IIBEA/GAB and Regulation IIBEA-R/GAB-R, Acceptable Computer System Use. If you have any questions about this policy or regulation, contact your supervisor or your student's principal.

I understand and agree to abide by the School Division's Acceptable Computer System Use Policy and Regulation. I understand that the School Division may access, monitor and archive my use of the computer system, including my use of the Internet, e-mail and downloaded material, without prior notice to me. I further understand that should I violate the Acceptable Use Policy or Regulation, my computer system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

Student Signature \_\_\_\_\_ Date \_\_\_\_\_

I have read this Agreement and Policy GAB/IIBEA and Regulation GAB-R/IIBEA-R. I understand that access to the computer system is intended for educational purposes and the New Kent County School Division has taken precautions to eliminate inappropriate material. I also recognize, however, that it is impossible for the School Division to restrict access to all inappropriate material and I will not hold the School Division responsible for information acquired on the computer system. I have discussed the terms of this agreement, policy and regulation with my student.

I grant permission for my student to use the computer system in accordance with New Kent School Division's policies and regulations and for the school division to issue an account for my student.

Parent/Guardian Signature \_\_\_\_\_ Date \_\_\_\_\_

Parent/Guardian Name \_\_\_\_\_  
(Please Print)



## Chromebook Device Usage Agreement

Providing and issuing Chromebooks for instructional use by high school and middle school students is an important part of our school's instructional program. The student will use the device every day to support and guide his or her learning. Certain guidelines are necessary to protect the Chromebook and the school network. These guidelines are also in place to ensure that this technology serves as an effective instructional tool.

Students and their parents/guardians must agree to the following:

- The student and parent understand and have signed the Acceptable Computer System Use policy.
- The student agrees to follow all NKCPs regulations and policies governing the use of the Chromebook as well as all applicable State and Federal laws including copyright and intellectual property law pertaining to software and information.
- The student is responsible at all times for the care and appropriate use of the issued Chromebook and must adhere to these terms each time the device is used, including when it is not on school grounds.
- The student shall not remove or alter any NKCPs identification labels attached to or displayed on the Chromebook. Students will not deface the device or adhere stickers to the device.
- The student agrees to ensure the device is secure and safe. The student agrees to handle the device carefully and protect it from potential sources of damage.
- The student must report theft (or suspected theft), loss, damage, or malfunctioning of the Chromebook to school personnel immediately.
- Upon request, the student agrees to deliver the issued Chromebook to NKCPs staff for technical inspection or to verify inventory or other information. Students will make available for inspection by any school administrator or teacher any messages, communication, or files sent or received on any NKCPs-issued device including, but not limited to, the issued Chromebook.
- Student will bring their issued Chromebook fully charged to school every day.
- The Chromebook is the property of NKCPs. All such issued Chromebooks shall be returned to NKCPs prior to the conclusion of each school year and prior to the student's withdrawal from the division if earlier than the conclusion of the school year.

The family and student will assume the risk of loss by theft, destruction, or damage. Devices reported as stolen outside of school require that parents notify police and provide a copy of an official police report to the school administration.

Accidental Damage:

- First Incident: No fee for accidental damage to the Chromebook – Letter to parents
- Second or Subsequent Incidents: \$25 fee for accidental damage

Intentional Damage or Lost/Stolen Chromebook:

- Full price of repair or replacement for an intentionally damaged device
- Replacement cost up to \$250 for lost/stolen device

Lost, Stolen, or Damaged AC Adapter:

- Fee of \$25 for all incidents

I have read and agree to comply with these guidelines. I have read and agree to abide by all NKCPs policies and regulations for the use of equipment including the Acceptable Computer System Use Policy, as well as the Code of Student Conduct. The annual Chromebook use fee is nonrefundable.

**Student:** I have read, understand, and agree to honor all terms of the agreement. I may be denied access to the internet and all other electronic media if I do not abide by these terms. I may be subject to disciplinary action, and the confiscation of the NKCPs Chromebook device.

_____	_____	_____
Student Name (print)	Student Signature	Date

**Parent/Guardian:** I have read and understand this agreement and give permission for the school to allow my child to use the NKCPs-issued Chromebook under the terms and condition set forth above.

_____	_____	_____
Parent/Guardian Name (print)	Parent/Guardian Signature	Date





**Opt-out Form for Scoliosis Screening**

I do not give New Kent County Public Schools permission to screen my child for scoliosis. I have been provided information about scoliosis and how I can access other resources regarding this medical condition. I am opting out of this service.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Parent

\_\_\_\_\_  
Name of Student (please print)

\_\_\_\_\_  
Grade and School



**REFUSAL TO ALLOW  
RELEASE OF DIRECTORY INFORMATION  
TO MILITARY RECRUITERS**

I understand that the high school may release directory information (i.e. my child's name, address and telephone number) to military recruiters and to institutions of higher education according to federal law. I hereby notify New Kent County Public Schools that my child's directory information should not be released without my written permission.

Student's Name: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**NEW KENT PUBLIC SCHOOLS  
PUBLICATION RELEASE FORM**

I give permission for New Kent Public Schools to use my child's likeness, works of art and/or name on the New Kent Public Schools' web site and/or submissions to newspapers or magazines. I understand that no identifying information other than name will be used. This permission is valid for the 2017-18 school year. I also understand that I may withdraw my permission by written request at any time

Child's Name: \_\_\_\_\_

Signature of Parent/Guardian: \_\_\_\_\_ Date: \_\_\_\_\_

A complete copy of the New Kent County Public Schools Acceptable Use Policy may be found on file in the school board office, in the library at each school and in the Division Discipline Policy Handbook.

Adopted: October 1, 2001



**PARENTAL STATEMENT OF  
RECEIPT OF NOTICE OF REQUIREMENTS  
OF VA CODE 22.1-279.3 AND  
SCHOOL BOARD'S STANDARDS OF STUDENT CONDUCT**

I am the parent or guardian of the below-named child and by my signature; I acknowledge that I have received a copy of Section 22.1-279.3 of the Code of Virginia entitled "Parental Responsibility and Involvement Requirements," and a copy of the New Kent School Board's Standard of Student Conduct.

By signing this Statement of Receipts, I do not waive or abdicate, but do expressly reserve, any rights protected by the constitutions or laws of the United States and the Commonwealth of Virginia. I further understand that I have the right to express disagreement with the school's or school division's policies or decisions.

_____ Date	_____ Signature of Parent/Guardian
_____ Name of Student (please print)	_____ Signature of Student

By signing the above statement of receipt, you shall not be deemed to waiver, and you expressly reserve, your rights protected by the constitutions or laws of the United States or the Commonwealth, and you have the right to express disagreement with the school's or school division's policies or decisions

PLEASE SIGN AND RETURN THIS SIGNATURE PAGE TO YOUR CHILD'S PRINCIPAL





**FAMILY HANDBOOK  
NOTIFICATION SIGNATURE PAGE  
FOR 2017-18**

In the past, parents or guardians have been asked to sign several forms that are contained in this Handbook. In order to make this process easier, you may choose to sign this summary sheet instead of the respective individual forms contained in the booklet.

<u><b>Name of Form</b></u>	<u><b>Page</b></u>
1. Acceptable Computer System Use Agreement Form	59
2. Permission to use students' pictures or likeness, work of art or name on New Kent Public School's website and/or submissions to newspapers or magazines.	67
3. Parental Statement of Receipt of Notice of Requirements of VA Code 22.1-279.3 and School Board's Standards of Student Conduct	69

Child's Name: \_\_\_\_\_ School: \_\_\_\_\_

Child's Signature: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ADDITIONAL SIGNATURES REQUIRED FOR GRADES 6 – 12**

<u><b>Name of Form</b></u>	<u><b>Page</b></u>
1. Chromebook Device Usage Agreement Form	61

Child's Name: \_\_\_\_\_ School: \_\_\_\_\_

Child's Signature: \_\_\_\_\_ Grade: \_\_\_\_\_

Parent/Guardian Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please note the Opt-out Form for Scoliosis (page 63) and the form for Refusal to Allow Release of Directory Information to Military Recruiters (Page 65) would need to be signed and submitted separately as needed.