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SECTION J: Students

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SECTION J: Students

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SECTION J: Students

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EQUAL EDUCATIONAL OPPORTUNITIES/ NONDISCRIMINATION

I. Policy Statement

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

II. Complaint Procedure

File Report

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

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

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

Investigation

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

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

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

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

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

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

C . Action by Superintendent

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

D. Appeal

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

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

E. Compliance Officer and Alternate Compliance Officer

The School Board designates a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this Policy. The name and contact information for the Compliance Officer is posted on the Division's website at all times. The Compliance Officer may be contacted at complianceofficer@nkcp.k12.va.us.

The Compliance Officer:

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

III. Retaliation

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

IV. Right to Alternative Complaint Procedure

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

V. Prevention and Notice of Policy

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

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

VI. False Charges

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

Adopted: May 1, 2000
Revised: May 3, 2004
Revised: December 3, 2012
Revised: August 31, 2020
Revised: July 12, 2021

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

34 CFR 106.9.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-212.6:1.

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|-------------|----------|---|
| Cross Refs: | AC | Nondiscrimination |
| | AD | Educational Philosophy |
| | GB | Equal Employment Opportunity/Nondiscrimination |
| | JB-F | Report of Discrimination |
| | JBA | Section 504 Nondiscrimination Policy and Grievance Procedures |
| | JFHA/GBA | Prohibition Against Harassment and Retaliation |

REPORT OF DISCRIMINATION

Name of Complainant: _____

Student's School and Class: _____

Address, Phone Number
And Email Address:

Date(s) of Alleged Discrimination: _____

Name of person(s) you believe discriminated against you or others: _____

Please describe in detail the incident(s) of alleged discrimination, including where and when the incident(s) occurred. Please name any witnesses that may have information regarding the situation. Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

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

Signature of Complainant

Date

Complaint Received By: _____

Compliance Officer

Date

NKSB Review 12-3-12

SECTION 504 NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURES

The New Kent County School Board does not discriminate against individuals on the basis of disability. The New Kent County School Board has established this policy as a way to provide prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. This policy provides an optional resolution procedure for a complainant. This procedure is not a prerequisite before a complainant may directly pursue any other remedy available under state or federal law. However, the policy of the New Kent County School Board is for students, parents/guardians and employees to have the opportunity to make concerns known to the school board and for the school board to have the opportunity to respond to and resolve concerns as rapidly as practicable.

The goal of these procedures is to protect the substantive rights of interested persons, meet appropriate due process standards, assure school board compliance with Section 504 of the Rehabilitation Act of 1973 and provide a prompt, equitable and impartial resolution of complaints alleging a violation of Section 504.

Any student or any parent or guardian of a student may be a complainant and may file a formal or informal grievance as provided below.

A. FORMAL PROCEDURE

1. Filing a Complaint

Any complainant should submit a complaint alleging discrimination as soon as possible to the compliance officer or to any other school or school division staff. The complaint shall be submitted within 45 school days of the alleged discrimination. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the compliance officer, the employee's supervisor, or to any other school or school division staff. Any employee who receives a complaint under this policy shall immediately forward the complaint to the compliance officer.

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

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

2. Investigation

Upon receipt of a report or complaint of discrimination, the compliance officer immediately authorizes or undertakes an investigation. The investigation may be conducted by school staff or a third party designated by the school division. The investigation shall be completed as soon as practicable, but not later than 15 school days after receipt of the complaint of alleged discrimination by the compliance officer unless the extension below is exercised. Within 3 school days of receiving the complaint, the compliance officer sends written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination.

Also upon receiving the complaint, the compliance officer determines whether interim measures should be taken pending the outcome of the investigation. If the compliance officer determines that more than 15 school days will be required to investigate the complaint, the compliance officer will notify the complainant and the person or persons allegedly responsible for the discrimination of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded, which will be no longer than an additional 15 school days. The investigation may consist of personal interviews with the complainant, the person or persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The complainant and the person or persons allegedly responsible for the discrimination have the right to identify witnesses and other relevant information as well as rebut evidence presented by others. The school division takes necessary steps to protect the complainant and others pending the completion of the investigation.

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

The compliance officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the school board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated, and recommendations for corrective action, if any. The compliance officer's written report, and all written notices sent pursuant to this policy are maintained and distributed in accordance with the Family Educational Rights and Privacy Act and Policy JO Student Records. The report shall be issued to the superintendent, the complainant and the accused person or persons allegedly responsible for the discrimination within 20 school days of receipt of the complaint, unless additional time was utilized for the investigation in which case the report shall be issued within 35 school days of receipt of the complaint.

3. Action by the Superintendent

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

4. Appeal

If the superintendent or designee determines that no discrimination occurred, the complainant may appeal this determination to the school board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the superintendent, who shall forward the compliance officer's report and any documentation or information deemed relevant by the compliance officer during the course of the investigation to the school board. The school board shall make a decision within 30 calendar days of receiving the record. The school board may require oral or written argument from the complainant, the person or persons allegedly responsible for the discrimination, the superintendent, and any other individual it deems appropriate. An extension of the 30 calendar day time limit may occur if necessary as determined by the school board chair up to an additional 10 calendar days. The decision of the school board shall be in writing and shall be provided to the complainant and the person or persons allegedly responsible for the discrimination.

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

5. Compliance Officer

The school board designates a compliance officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this policy. The name and contact information for the compliance officer is posted on the division's website at all times. The compliance officer may be contacted at complianceofficer@nkcps.k12.va.us.

The New Kent County School Board's compliance officer receives training and is knowledgeable about the requirements of Section 504 in order to impartially and equitably resolve complaints and ensure compliance with the law. In addition, the compliance officer:

- receives reports and complaints of discrimination,
- conducts or oversees the investigation of any alleged discrimination,
- assesses the training needs of the school division in connection with this policy and
- arranges necessary training to achieve compliance with this policy.

B. INFORMAL PROCEDURE

If the complainant and the person or persons allegedly responsible for the discrimination agree, the school principal, principal's designee, or the compliance officer may arrange for them to resolve the complaint informally with the assistance of a counselor, teacher, or other school or school division staff.

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

If the complaint is resolved informally, the counselor, teacher, or other school or school division staff shall notify the school principal of the resolution. The school principal shall notify the complainant, the person or persons allegedly responsible for the discrimination, and the compliance officer in writing that the complaint has been resolved informally.

C. RETALIATION

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

D. FALSE CHARGES

Students, school staff, or school division staff who make false charges of discrimination are subject to disciplinary action.

Adopted: November 6, 2000
 Revised: October 3, 2011
 Revised: April 8, 2013
 Revised: May 9, 2016
 Revised: July 12, 2021

Legal Ref.: 29 U.S.C. § 794
 34 CFR § 104.7

Cross Ref: GCPD Professional Staff Discipline
 JB Equal Educational Opportunities/Nondiscrimination
 JGD/JGE Student Suspension/Expulsion
 JO Student Records

COMPLAINT OF DISCRIMINATION

| | |
|---|------|
| Name of Complainant: | |
| Student's School and Class: | |
| Address: | |
| Email Address: | |
| Name(s) of Parent/Legal Guardian: | |
| Address(es): | |
| Email address(es): | |
| Dates of Alleged Discrimination: | |
| Names of the persons you believe discriminated against you or others: | |
| Please describe in detail the incidents of alleged discrimination, including where and when the incidents occurred, who was involved, and what witnesses that may have information regarding the alleged discrimination. Attach additional pages if needed. | |
| Please describe any past incidents that may be related to this complaint. | |
| I certify that the information provided in this report is true, correct and complete to the best of my knowledge. | |
| Signature of Complainant | |
| Complaint Received By: | |
| Compliance C | Date |

NKSB Review: 4/8/13

SCHOOL ATTENDANCE AREAS

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

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

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

Changes in attendance areas are determined by the school board, upon recommendation of the superintendent based on the need to provide for the orderly administration of the schools, the competent instruction of the students, and the health, safety, best interests and general welfare of all students.

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

Adopted: July 1, 1998
Revised: May 3, 2004
Revised: June 6, 2005
Revised: July 2, 2012
Revised: May 19, 2014
Revised: August 7, 2018

Legal Refs.: Code of Virginia, 1950 as amended, sections 22.1-78, 22.1-79, 22.1-253.13:7.

Cross Refs: JCA Transfers by Student Victims of Crime
JCB Transfers by Students in Persistently Dangerous Schools

ESTABLISHED ATTENDANCE ZONES
(APPLIES TO ELEMENTARY ONLY)

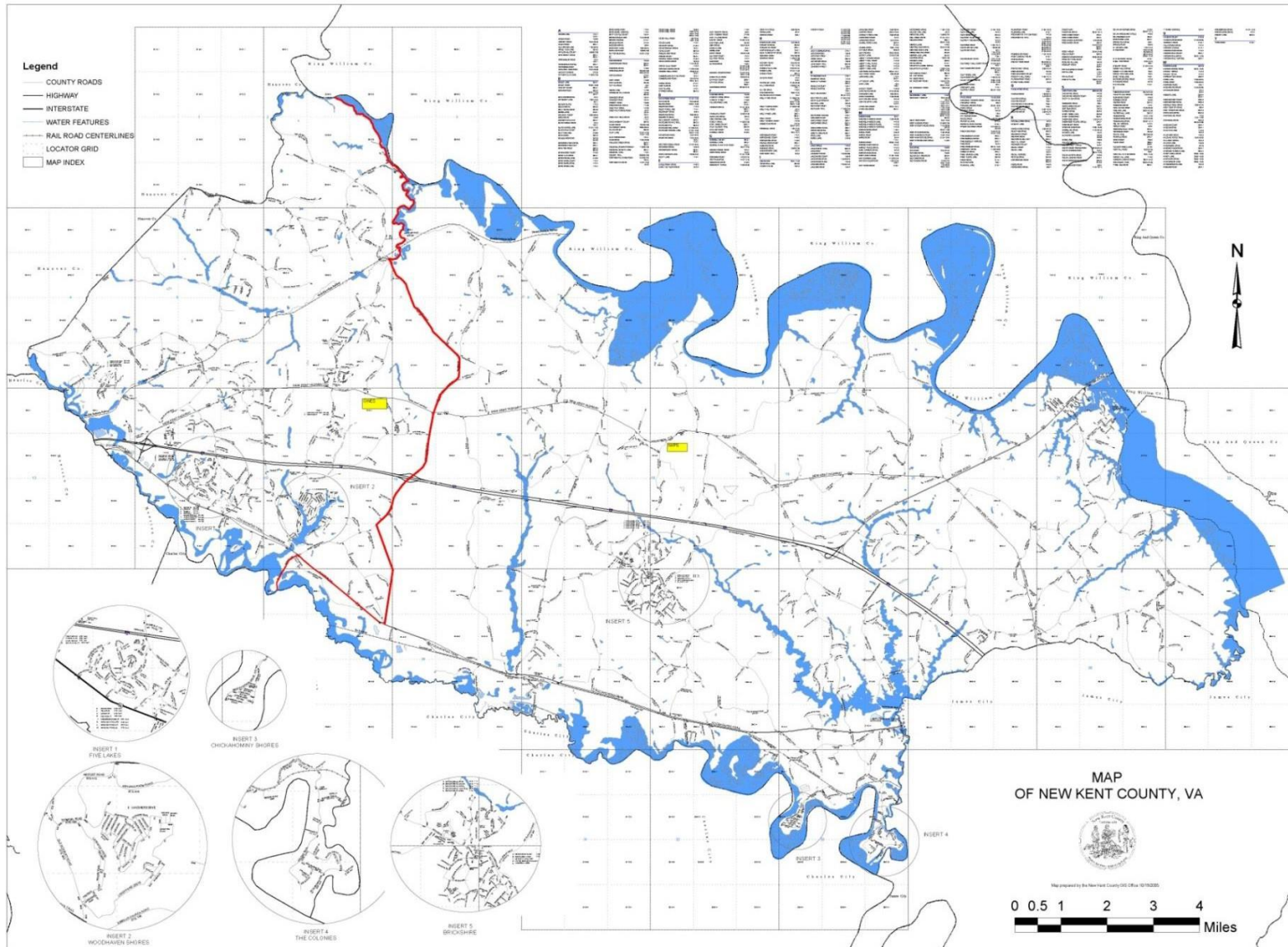
A line has been established by the school board that determines elementary school attendance zones. Zones are delineated as follows:

- Black Creek – from Pamunkey River to Old Church Road
- Old Church Road – from Black Creek to Route 249
- Emmaus Church Road – from Route 249 to 3/10 of a mile south of Parrish Road (between 6211 and 6251)
- The line leaves the roadway and bisects the terrain east of Golden Wheel and Mountcastle Road until it meets Pocahontas Trail (Route 60)
- Pocahontas Trail – from a point 1/10 of a mile east of Mountcastle Road west to Roxbury Road (Route 106)
- Roxbury Road – from Pocahontas Trail to the Charles City line

Students living east of and on the line will attend New Kent Elementary School. Students living west of the line will attend G. W. Watkins Elementary School. Any questions regarding which attendance zone applies to a specific residence should be directed to the transportation office at 804-966-9670.

Reviewed: July 2, 2012

Red Line – East/West Attendance Zones



NEW KENT COUNTY PUBLIC SCHOOLS

**NEW KENT COUNTY PUBLIC SCHOOLS
OUT-OF-ZONE ATTENDANCE GUIDELINES
(GRADES K-5 ONLY)**

Pursuant to New Kent County School Board Policy JEC, only children who are residents of New Kent County or who are otherwise approved for admission are eligible to enroll in New Kent County Public Schools. The provisions of these Out-of-Zone Attendance Guidelines apply only to such resident or otherwise approved students in grades K-5.

Enrolled students in grades K-5 may attend an elementary school outside their assigned attendance zone for a specified school year under the following procedure:

1. Parents or guardians who want their child to attend a school outside the assigned attendance area should complete a *Request for Outside of Assigned School Zone Placement* form and return it to the principal of the school requested.
2. The principal of the requested school will process the application and forward a copy to the principal of the assigned school and to the Executive Director of Curriculum and Instruction.
3. The principal of the requested school will review the application, conduct appropriate research, and notify the parents or guardians in writing of the approval or disapproval of the application by August 1st of each year.
4. Approval of the application will be limited to the scope of the information presented and the **available space** in the requested school.
5. If the application is approved, parents are expected to provide transportation to and from school. The Director of Transportation may allow children who have received attendance waivers to ride the bus to and from a **pre-existing bus stop** if space is available. This will be determined on a case-by-case basis



Revised 2-25-13

JC-G2 – Form 1

NEW KENT COUNTY PUBLIC SCHOOLS

REQUEST FOR WAIVER OF ELEMENTARY ATTENDANCE ZONE SCHOOL PLACEMENT

Student Name _____ Date of Birth ____/____/____

Student Grade Level (Upcoming School Year) _____

Student Address _____

Street (Physical Address Only)

Town/City

Zip

Present Grade Level (Current School Year) _____ School Requested: _____

Parent/Guardian Name _____

Parent/Guardian Telephone: _____

(Home)

(Work or Cell)

Reason for Transfer Request (Check One)

- ____ 1. Day Care or Baby Sitter:
Name of Day Care Center or
Baby Sitter _____
Address _____

Signature of day care provider, verifying above
information _____

- ____ 2. Medical Reasons (Attach letter from
Doctor)
____ 3. Other Reasons (State nature of request
in space below)

RETURN TO: **Principal of School Requested**
New Kent Elementary School
11705 New Kent Highway
New Kent, Virginia 23124

George W. Watkins Elementary School
6501 New Kent Highway
Quinton, Virginia 23141

CONDITIONS FOR TRANSFER

Parents are expected to provide transportation to and from school. The Director of Transportation may allow children who have received attendance waivers to ride the bus to and from a **pre-existing bus stop** if space is available. This will be determined on a case-by-case basis.

The student must arrive at school on time, have good attendance, maintain satisfactory academic progress, and abide by school rules and regulations. If the student fails to adhere to these requirements, out-of-zone special permission to attend may be withdrawn.

Principal's approval of waiver cannot be considered unless there is available space. In cases of unexpectedly larger school and/or class enrollment, principals may withdraw out-of-zone permission prior to the opening of school. Parents will receive written notice five (5) days before withdrawal.

Other Reason for Transfer Request: _____

NOTE: OUT-OF-ZONE PERMISSION IS VALID FOR ONE YEAR ONLY

Parent/Guardian _____ Date _____

Signature

School Signature _____ Date Received _____

For Office Use Only

Request Approved _____ Request Denied _____ Parent/Guardian Notified of Decision on ____/____/____

Zoned School _____ Reassigned School _____

Signature of Principal: _____

At Reassigned School

At Zoned School

cc: Executive Director of Curriculum and Instruction
Revised 2-25-13

EMPLOYEE REQUEST FOR STUDENT ADMISSION / SCHOOL PLACEMENT**(Employee must be Licensed Professional Staff or Administrator)**

Student Name _____

Date of Birth ____/____/____

Student Grade Level (Upcoming School Year) _____

Student Address _____
Street (Physical Address Only) Town/City Zip

Present Grade Level (Current School Year) _____ School Requested: _____

Parent/Guardian Name _____

Parent/Guardian Telephone: _____
(Home) (Work or Cell)

Building Location of Parent Employee: _____ NKES _____ GWES _____ NKMS _____ NKHS _____ Other (specify)

Current Attendance Zone: _____ NKES _____ GWES _____ NKMS _____ NKHS _____

Out of District (employees only) _____ (list district) _____

School Location Requested: _____ NKES _____ GWES _____ NKMS _____ NKHS

Reason for Request _____

Parent/Guardian _____

Date _____

Signature

Return application to:
Principal of School Requested**George W. Watkins Elementary School**
6501 New Kent Highway, Quinton, VA 23141**New Kent Elementary School**
11705 New Kent Highway, New Kent, VA 23124**New Kent Middle School**
7501 Egypt Road, New Kent, VA 23124**New Kent High School**
7365 Egypt Road, New Kent, VA 23124

The student must arrive at school on time, have good attendance, maintain satisfactory academic progress, and abide by school rules and regulations. If the student fails to adhere to these requirements, special permission to attend may be withdrawn.

Principal's approval of waiver cannot be considered unless there is available space. In cases of unexpectedly larger school and/or class enrollment, principals may withdraw out-of-zone permission prior to the opening of school. Parents will receive written notice ten (10) days before withdrawal.

Please Note: Applications are reviewed annually based on factors and conditions stated in New Kent County School Board Policy JEC-R1. Please review these factors and conditions before applying for admission and note that acceptance for admission is for one school year only and must be renewed annually.

NOTE: OUT-OF-ZONE PERMISSION IS VALID FOR ONE YEAR ONLY

Parent/Guardian Signature _____ Date _____

School Official Signature _____ Date Received _____

FOR OFFICE USE ONLY

Request Approved _____ Request Denied _____ Parent/Guardian Notified of Decision on ____/____/____

Zoned School _____ Reassigned School _____

Signature of Principal (At Reassigned School): _____

Signature of Principal (At Zoned School - If Applicable): _____

**** Principal must forward signed/approved copy to Superintendent**

cc: Superintendent

NEW KENT COUNTY PUBLIC SCHOOLS

Revised 11/5/2018

TRANSFERS BY STUDENT VICTIMS OF CRIME

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

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

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

For purposes of this policy, “victim” means any student who has been the victim of a crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia, and who has suffered physical, psychological, or economic harm as a direct result of the commission of such crime.

Adopted: July 1, 1998
Revised: May 3, 2004
NKSB Review: April 8, 2013
Revised: May 8, 2015

Legal Refs.: 20 U.S.C. section 7912.

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

Cross Ref.: JC Student Attendance Areas
JCB Transfers by Students in Persistently Dangerous Schools

TRANSFERS BY STUDENTS IN
PERSISTENTLY DANGEROUS SCHOOLS

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

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

Adopted: May 3, 2004
NKSB Review: April 8, 2013
Revised: May 8, 2015

Legal Refs.: 20 U.S.C. section 7912

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

Cross Ref.: JC Student Attendance Areas
JCA Transfers By Student victims of Crime

SCHOOL CHOICE FOR STUDENTS ENROLLED IN SCHOOLS
IDENTIFIED FOR IMPROVEMENT

This policy deleted by May 2013 VSBA
recommendation and June 17, 2013 NKSBB action.

CLASSROOM ASSIGNMENTS FOR TWINS

A parent of twins or higher order multiples in the same grade level may request that the children be placed in the same classroom or in separate classrooms if they are in the same elementary school. A parent must request the classroom placement no later than 3 days after the first day of each school year or 3 days after the first day of attendance of the children during a school year. Schools may recommend classroom placement to the parent.

Schools must provide the placement requested by the children's parent, unless the division superintendent or his designee makes a classroom placement determination following the school principal's request, at the end of the initial grading period, and in consultation with the children's classroom teacher, based upon a determination that the requested classroom placement is disruptive to the school or is harmful to the children's educational progress.

Adopted: August 3, 2009

Revised: August 6, 2012

Revised: July 13, 2015

Legal Refs.: Code of Virginia, as amended, § 22.1-79.3.

SCHOOL CENSUS

Use of Policy JD was discontinued per 8/2010 recommendation from the VSBA and per 10/4/2010 action of the New Kent School Board.

COMPULSORY ATTENDANCE

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

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

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

The requirements of this policy apply to

- any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and
- any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in Va. Code §§ 22.1-253.13:1.C and 22.1-254.01.

The requirements of this policy do not apply to

- any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan, and
- any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements.

Individual Student Alternative Education Plan

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

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

- Career guidance counseling
 - Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the school board, with attendance reported to the principal or principal's designee;
 - Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment;
 - Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;
 - Counseling on the economic impact of failing to complete high school; and
 - Procedures for re-enrollment
3. A student for whom such an individual student alternative education plan has been granted but who fails to comply with the conditions of the plan shall be in violation of the compulsory attendance law, and the superintendent or attendance officer shall seek immediate compliance with such law.

Alternative Education Programs

The school board may, in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and upon a finding that a school-age child has been

- charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person;
- found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of Va. Code § 16.1-260;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled from school attendance pursuant to Va. Code §§ 22.1-277.06, 22.1-277.07, or subsection C of § 22.1-277,

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

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

Adopted: July 1, 1998
Revised: September 4, 2002
Revised: August 1, 2011
Revised: August 6, 2012
Revised: July 7, 2014
Revised: August 7, 2018

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

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

ENTRANCE AGE/ADMISSION OF PERSONS NOT OF SCHOOL AGE

A child who will reach his or her fifth birthday on or before September 30 of the school year and is otherwise eligible for enrollment in school as specified in Policy JEC School Admission and Regulation JEC-R School Admission may be enrolled in school. The superintendent disseminates information received from the State Superintendent of Public Instruction concerning the ages when children are required or eligible to attend school. This information is disseminated to parents of such children upon or prior to enrollment of such children in the public schools of the division.

An individual who resides within the school division and is beyond school age (who has not reached his or her fifth birthday on or before September 30th of the school year or who has reached his or her 20th birthday on or before August 1st of the school year) may, at the discretion of the school board, be admitted into the division schools. Such individuals may be charged tuition at the discretion of the school board as provided in Policy JEC School Admission and Regulation JEC-R School Admission.

Adopted: July 1, 1998
Revised: August 7, 2006
Revised: April 8, 2013
Revised: June 17, 2013
Revised: August 5, 2019

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

Cross Refs.: JEC School Admission
JEC-R School Admission

SCHOOL ADMISSION

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

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

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

The parent must also provide a power of attorney authorizing the adult relative to make educational decisions regarding the person. A parent or the kinship care provider must also obtain written verification from the department of social services where the parent or parents live, and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. If the kinship care arrangement lasts more than one year, the school division must receive continued verification directly from both departments of social services that the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment.
- when the person is living in the school division not solely for school purposes, as an emancipated minor;
- when all or any portion of the building in which the person resides (i) with another person as set forth in the first through fourth bullets above or (ii) as an emancipated minor as set forth in the fifth bullet above is taxable by the locality in which the school division is located; or

- when the person has been placed in a foster care placement within the school division by a local social services agency. The sending and receiving school divisions will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division. These provisions apply to any student who was in foster care upon reaching 18 years of age and has not reached 22 years of age.

In addition, the school board will allow a “rising senior” to attend New Kent High School if his/her parents or guardian move from New Kent on or after April 1st of the student’s junior year provided:

- 1) The student will take enough classes during their senior year to qualify for graduation;
- 2) The student has attended New Kent High School for their freshman, sophomore and junior years; and
- 3) The superintendent finds that the student is in good standing in the school and county.

Children of Person on Active Military Duty

No child of a person on active military duty attending a school free of charge in accordance with this policy shall be charged tuition by the school division upon such child’s relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child’s parent to relocate to base housing. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school;

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

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

ADDITIONAL ADMISSION REQUIREMENTS

- A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.
- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.
- D. The school board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.
- E. The school board does not allow tuition students.
- F. Prior to admission to the New Kent County school division, the parent, guardian, or other person having control or charge of the child shall provide, upon registration,
- a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of School Board policies relating to weapons, alcohol or drugs or for the willful infliction of injury to another person. This document shall be maintained as a part of the students' scholastic record; and
 - a sworn statement or affirmation indicating whether the student has been found guilty of or adjudication delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District

of Columbia, or the united States or its territories. This document shall be maintained by the superintendent and by any others to whom he disseminates it, separately from all other records concerning the student.

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

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

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

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

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

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

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

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

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|----------|-------------------|----------|-----------------|
| Adopted: | July 1, 1998 | Revised: | August 7, 2006 |
| Revised: | February 1, 1999 | Revised: | August 6, 2007 |
| Revised: | August 26, 1999 | Revised: | August 1, 2011 |
| Revised: | July 3, 2001 | Revised: | August 20, 2012 |
| Revised: | June 2, 2003 | Revised: | June 17, 2013 |
| Revised: | September 3, 2003 | Revised: | July 13, 2015 |
| Revised: | August 2, 2004 | Revised: | August 7, 2018 |
| Revised: | August 1, 2005 | Revised: | August 5, 2019 |
| | | Revised: | August 31, 2020 |

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-260, 22.1-255, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 22.1-288.2, 32.1-46, 63.2-100, 63.2-900, and 63.2-1200.

2007 Va. Opin. AG 07-015.

1987-88 Va. Opin. AG 374.

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

SCHOOL ADMISSION

No person is charged tuition for admission or enrollment in the New Kent County Public Schools, whether on a full-time or part-time basis, who is eligible for admission under Policies JEC School Admission or JECA Admission of Homeless Children. School officials do not inquire into the student's citizenship or B, C or D visa status in determining eligibility for tuition-free enrollment in the New Kent County Public Schools.

However the school division may admit and charge tuition to a student who:

- A. Is a resident of the school division but not of school age;
- B. Is of school age and not a resident of Virginia but is temporarily living with a non-parent who resides within the school division;
- C. Is of school age and resides beyond the boundaries of Virginia but near thereto in a state or the District of Columbia which grants equal attendance privileges to residents of the Commonwealth;
- D. Is of school age and resides on a military or naval reservation located wholly or partly within the geographical boundaries of the school division, is not a domiciled resident of the Commonwealth of Virginia, and is a student for whom federal funds provided under Public Law 874 of 1950, commonly known as Impact Aid, fund less than 50 percent of the total per capita cost of education in New Kent County Public Schools exclusive of capital outlay and debt service; such students shall be eligible for interscholastic programs immediately upon enrollment, provided that such persons (i) satisfy all other requirements for eligibility and (ii) are dependents of a military service member required by the military to live on the military installation as evidenced by a statement on command letterhead signed by, or by direction of, the service member's commanding officer;
- E. Is of school age and attending a school in the division pursuant to a foreign student exchange program approved by the school board;
- F. Is a resident of the Commonwealth but not of the school division, except as provided in Policy JEC School Admission;
- G. Is of school age and was enrolled in a public school within the division as a domiciled resident of the Commonwealth, and has been required as a result of military or federal orders issued to their parents to relocate and reside on federal property in another state or the District of Columbia, where such state or the District of Columbia is contiguous to the school division; or
- H. Is of school age and residing within the school division, and is enrolled in summer programs other than remediation required under § 22.1-253:13.1, or is enrolled in local initiatives or programs not required by the Standards of Quality or the Standards of Accreditation.

The following category(ies) of students are eligible for consideration for admission: The school board has not designated any student for admission through payment of tuition. The school board does allow the students of parents who are employed as licensed professional staff or as an administrator by the school division, but who reside outside of the county, to attend school free of tuition. Eligibility for consideration does not signify acceptance of the admission application of a student. Each application for admission will be considered on an individual basis. The residency of persons in the above categories who reside in housing or temporary shelter, or on property located in multiple jurisdictions, shall be determined in the manner set forth in Policy JEC School Admission.

Factors that the superintendent or superintendent's designee may consider in reviewing admission applications from parents employed by New Kent County Public Schools as a licensed, professional employee or administrator, but who reside outside of the county include, but not limited to, the following:

- Space and program availability;
- Whether the enrollment will result in additional costs to the school division or create any other significant disruption to school operations;
- The need for hiring additional staff;
- The disciplinary or behavioral record of the student;
- Any civil and criminal charges or convictions against the student;
- Whether the student requires educational services that can be provided by teachers and staff of the New Kent County School Board in its existing facilities and with existing programs, services, resources; and
- The academic record of the student.

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

Procedure for Admission of Students Not Eligible for Tuition-Free Enrollment

The following procedure is followed for application and review of applications for admission of students who are not eligible for tuition-free enrollment.

A parent or guardian of a student shall apply for admission on behalf of the student by completing the division application. The application form contains information and agreements including, but not limited to:

- the current legal residence of the child and the school division in which the child is currently enrolled, if any;
- the child's unique student identification number, if any;
- the basis for requesting admission;
- the specific building and grade level (elementary) or course offerings (secondary) in which the student desires to be enrolled if accepted by the division; and,
- the agreement that the student is subject to all policies and regulations of the school division, including Policy JFC Student Conduct and the Standards of Student Conduct.

Within 15 calendar days of receipt of the application, the New Kent County Office of the school division shall provide the applicant with written notification of the approval or denial of the application. If the student is to be admitted, the superintendent or superintendent's designee shall notify the division which the student previously attended, if any, and make necessary arrangements for the transfer of student records. The notification of admission shall state the period for which the student is accepted and the subsequent conditions which could cause the acceptance to be terminated.

If the application is denied, the New Kent County Office shall notify the parent or guardian of the right to have the decision reviewed by sending a written request to the superintendent or superintendent's designee within seven calendar days. Applications denied based upon the student's suspension, expulsion, or withdrawal of admission shall be reviewed in as provided in Policy JEC School Admission. For all other denials of admission, the superintendent or superintendent's designee shall respond in writing to the request for review within 10 calendar days.

Transportation

Transportation is not furnished to nonresident students except in those cases where:

- agreements between divisions specify transportation services; or
- federal or state legislation mandates the provision of transportation services; or
- transportation services can be provided at no cost to the division.

Adopted: September 8, 1999
Revised: November 6, 2000
Revised: June 2, 2003
Revised: August 6, 2007
Revised: August 20, 2012
Recoded from JEC-R to JEC-R1 – November 19, 2012
Revised: June 17, 2013
Revised: July 13, 2015
Revised: November 5, 2018
Revised: August 31, 2020

Legal Ref: 8 CFR 214.2.

Code of Virginia, 1950, as amended, sections 22.1-3, 22.1-5 and 22.1-287.02.

1999 Va. Op. Atty. Gen. 105

Cross Refs.: JEC School Admission
JECA Admission of Homeless Children
JFC Student Conduct
JO Student Records

TRANSFER OF STUDENTS FROM NONPUBLIC SCHOOLS

Students transferring in grades K-8 from Virginia public schools, or nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education shall be given credit for all grade-level work completed. The academic record of students transferring from all other schools shall be evaluated by the principal to determine appropriate credit and grade placement. The principal may review grades, standardized test scores, and any other information in the academic record to make the determination. If the principal determines that information in the academic record is not sufficient, additional student assessments may be required.

Students transferring from any Virginia or out-of-state public school shall be awarded course grade and standard credit as indicated on the student's official transcript. Students transferring in grades 9-12 shall be awarded credit for courses passed from Virginia nonpublic schools accredited by one of the approved accrediting constituent members of the Virginia Council for Private Education (VCPE). Students transferring from all other schools shall have their academic record reviewed by the principal to determine appropriate course credit, if any, to be awarded. The principal should consider if the courses taken by the transferring student generally match the description of, or can be substituted for, courses for which the receiving school gives standard credit. The school from which the student transfers must certify that the courses for which credit is given meets the requirements of a minimum of 140 clock hours of instruction and the course content objectives were met by the transferring student. If this information is not available, as in the case of a home-schooled student, the principal may use the result of any existing nationally-normed standardized content-specific test(s). Additionally, the principal may review course descriptions, lesson plans, tests, or other relevant documentation to make a course-credit determination. If no or limited information is available to the principal related to the coursework in question, the transferring student may be required to take, and pass, any other test as determined appropriate by the principal to determine course credit.

The principal of the receiving school is not required to award a letter or numeric grade when accepting courses of transferring students from non-accredited schools; a grade of pass or fail will be awarded.

All students will be required to pass the Standards of Learning test for those subjects where verified credit is sought. No standard credit will be awarded for any course not on the State approved list of courses.

Graduation and credit requirements for transferring students under this policy will be the same as for all other enrolled students as specified in section 8 VAC 20-131-60.

Adopted: September 24, 2009

Reviewed: November 19, 2012

ADMISSION OF HOMELESS CHILDREN

The New Kent County School Board is committed to educating homeless children and youth. Homeless children and youth are not stigmatized or segregated on the basis of their status as homeless. The school division coordinates the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students and with other school divisions as may be necessary to resolve inter-divisional issues.

The New Kent County School Division serves each homeless student according to the student's best interest and will

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

In determining the best interest of a homeless student, the New Kent County School Board

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

Enrollment

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

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

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

If the student needs to obtain immunizations or other required health records, the enrolling school immediately refers the parent or guardian of the student or, (in the case of an unaccompanied youth) the youth, to the division's homeless liaison, who assists in obtaining necessary immunizations or screenings, or immunization or other required health records.

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

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

Enrollment Disputes:

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

- the homeless student is immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;
- the parent or guardian of the student or (in the case of an unaccompanied youth) the youth is provided with a written explanation of any decisions related to school selection or enrollment made by the school division or the Virginia Department of Education, including the rights of the parent, guardian, or student to appeal the decision;
- the student, parent, or guardian is referred to the division's homeless liaison who carries out the appeal process as expeditiously as possible after receiving notice of the dispute; and
- in the case of an unaccompanied youth, the homeless liaison ensures that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of the dispute.

Appeal Process

Oral Complaint

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

Written Complaint

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

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

Appeal to Superintendent

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

Comparable Services

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

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

Transportation

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

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

Definitions:

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

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

The term "migratory child" means a child who moved from one residence to another and from one school division to another in the preceding 36 months as a migratory agricultural worker or migratory fisher or with, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher.

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

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

Adopted: June 2, 2003
Revised: August 2, 2004
Revised: June 17, 2013
Revised: August 7, 2017
Revised: August 7, 2018

Legal Refs: 20 U.S.C. § 6399
42 U.S.C. §§ 11302, 11431, 11432, 11433, 11434a.

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

Cross Refs.: JEC School Admission
 JHCA Physical Examination of Students

ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

The New Kent County School Division does not accept students for part-time enrollment with the exception of homeschooled students who are members in division Junior Reserve Officers' Training Corp (JROTC) units. Membership into JROTC units is open to homeschooled students as provided in Policy LBD Home Instruction.

Adopted: July 1, 1998
Revised: August 7, 2006
NKSB Review: April 8, 2013
Revised: April 15, 2019
Revised: July 13, 2020

Legal Refs.: 10 U.S.C. § 2031.

Code of Virginia, as amended, sections 22.1-78.

1973-74 Ops. Va. Att'y Gen. 305.

Cross Refs.: JEC School Admission
LBD Home Instruction

TRANSFER OF STUDENTS FORM NONPUBLIC SCHOOLS

By 11/19/12 action of the NKSB, this policy was recoded as JEC-R2.

STUDENT ABSENCES/EXCUSES/DISMISSALS

I. Student Attendance Policy

Student attendance is a cooperative effort and the School Board involves parents and students in accepting the responsibility for good attendance.

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

Parents of students who are absent must inform the school of the reason for the absence no later than upon the student's return to school. Student absences will be determined to be either excused or unexcused according to regulations issued by the superintendent (JED-R). For middle and high school students, one school day per school year is excused to engage in a civic event.

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

Students shall attend school for a full day unless excused by the principal or principal's designee. High school students shall be scheduled for a full school day unless they are otherwise approved for a special schedule by the principal. The principal may approve, on a case-by-case basis, special schedules for students who have demonstrated economic, personal, or academic needs. All other exceptions to a full day schedule must be approved on an individual basis by the Superintendent or designee.

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

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

II. Compulsory Attendance Procedures

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

A. Upon Fifth Absence Without Parental Awareness and Support

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

B. Upon Additional Absences Without Parental Awareness and Support

If the pupil is absent for more than one additional day after direct contact with the pupil's parent and school personnel have received no indicator that the pupil's parent is aware of and supports the pupil's absence, the school principal or principal's designee shall schedule a conference with the pupil, the pupil's parent and school personnel. Such conference may include the attendance officer and other community service providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than 10 school days after the tenth absence of the pupil, regardless of whether the student's parent approves of the conference. The conference team shall monitor the pupil's nonattendance and may meet again as necessary to address concerns and plan additional interventions if attendance does not improve. In circumstances in which the parent is intentionally noncompliant with compulsory attendance requirements or the pupil is resisting parental efforts to comply with compulsory attendance requirements, the principal or principal's designee shall make a referral to the attendance officer. The attendance officer shall schedule a conference with the pupil and pupil's parent within 10 school days and may (i) file a complaint with the juvenile and domestic relations district court alleging the pupil is a child in need of supervision as defined in Va. Code § 16.1-228 or (ii) institute proceedings against the parent pursuant to Va. Code § 18.2-371 or § 22.1-262. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this policy. In the event that both parents have been awarded joint physical custody pursuant to Va. Code § 20-124.2 and the school has received notice of such order, both parents shall be notified at the last known addresses of the parents.

III. Report for Suspension of Driver's License

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

IV. Attendance Reporting

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

V. Dismissal Precautions

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

(Attendance Policy can be located in the New Kent County Public Schools' Student and Parent Handbook.)

| | | | |
|----------|-------------------|--------------|-----------------|
| Adopted: | July 1, 1998 | Revised: | July 12, 2010 |
| Revised: | September 8, 1999 | Revised: | June 6, 2011 |
| Revised: | August 2, 2004 | NKSB Review: | April 8, 2013 |
| Revised: | June 6, 2005 | Revised: | August 7, 2017 |
| Revised: | August 3, 2009 | Revised: | August 7, 2018 |
| | | Revised: | August 31, 2020 |
| | | Revised: | July 12, 2021 |

Legal Ref.: Code of Virginia, 1950, as amended, sections §§ 22.1-227.1, 22.1-254; and 22.1-258, 22.1-260, 22.1-279.3, 46.2-323, 46.2-334.001, 54.1-3900.

8 VAC 20-730-10.

8 VAC 20-730-20.

Cross Ref.: IGAJ Driver Education
JFC Student Conduct

General Regulations

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.

Tracking Student Attendance in Various Instructional Delivery Models

Attendance checks are conducted on a daily basis regardless of instructional modality to account for each student on each school day. While the frequency of checks are consistent for each student, different measures of attendance may apply. For example, meaningful interaction with a student may double as an attendance check. The options provided in the Tracking Student Attendance in Various Instructional Delivery Models chart below are not exhaustive, but may be used to determine attendance as it informs a student's status on the school roll, as provided in the Standards of Accreditation at 8 VAC 20-110-130.

| | In-Person | Virtual Online | Remote Other |
|-----------------------|--|---|--|
| Time-Based | Physical Presence during the scheduled, traditional school day | Presence for a synchronous online learning | Submission of a time log |
| | | Login time to a learning management system | Phone call or Face-to-Face meeting |
| | | Activity log on a learning management system | Student returns to school to pick up work |
| | | Phone call or real time online chat | |
| | | Time-stamp for posts or submissions | |
| Task or Product-Based | Participation in classes/ submission of coursework | Participation in a synchronous online lesson | Submission of task, product, or assignment |
| | | Demonstrates evidence of engagement with peers for collaborative work | |
| | | Engagement on a discussion board | |
| | | Email exchange | |
| | | Phone call | |

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

School attendance is important. Students who attend school regularly are more likely to feel connected to the school community, develop stronger relationships with teachers and other students, are more likely to graduate. Attending school regularly sets a student up for a strong future.

New Kent County Public Schools is committed to the success of every student. We also realize the important habit of coming to school regularly. We have high expectations for our students and can help our students achieve their goals when they are in school.

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

- 5th Unexcused Absence – Letter sent to parents by principal advising parent of the number of absences.
- Prior to the 10th Unexcused Absence – A parent conference will be required and be scheduled by the school social worker or designee. 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 court services unit 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 will be addressed during the school year as follows:

- 5th Unexcused absence – Letter sent to parents by principal advising parent of the number of absences.
- Prior to 10th 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.
- 7th, 8th, 9th and 10th 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 court services unit 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.

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.

Adopted: July 12, 2010
Revised: June 6, 2011
Revised: April 8, 2013
Revised: August 7, 2018
Revised: August 31, 2020

**NEW KENT COUNTY PUBLIC SCHOOLS
REQUEST FOR SPECIAL SCHEDULE**

File: JED-R-Form

Special student schedules (schedules with less than the equivalent of a full course load) will be granted on a case-by-case basis for demonstrated economic, personal, or academic needs

Student Name: _____ Date: _____

Student Address: _____ DOB: _____

_____ Phone#: _____

Parent/Guardian Name: _____

Parent/Guardian Address (if different): _____

Parent/Guardian Phone # (if different): _____

Student's current grade level: _____ Grade level for which a special schedule is requested: _____

Reason for special schedule (check one): _____ demonstrated economic or personal need
_____ demonstrated academic need
_____ academic acceleration

Please provide a brief description of the reason checked above (attach additional pages if necessary):

School Counselor: Please attach a copy of the student's Secondary School Transcript and Test History, along with any other relevant information. If a special schedule is recommended, please also attach a proposed course schedule for the student.

Student Signature Date

Parent Signature Date

I do/do not recommend a special schedule.

School Counselor Signature Date

Special schedule is/is not approved.

Principal Signature Date

NKSB Review: 4/8/13

If the student does not demonstrate satisfactory academic progress, or if the student's behavior and/or attendance are not satisfactory, this special schedule approval may be voided and the student's schedule may be altered, as appropriate. This form for use with students entering 9th grade in the 2010-2011 school year and beyond

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The school board shall excuse from attendance at school:

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

The school board may excuse from attendance at school:

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

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

The compulsory education requirements do not apply to

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

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

Adopted: July 1, 1998
Revised: September 8, 1999
Revised: November 6, 2000
Revised: June 2, 2003
Revised: August 1, 2005
Revised: August 7, 2006
Revised: August 1, 2011
Reviewed: April 8, 2013
Revised: August 31, 2020

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

| | | |
|--------------|------|--------------------------|
| Cross Refs.: | JEA | Compulsory Attendance |
| | JHCB | Immunization of Students |
| | JHCC | Communicable Diseases |
| | LBD | Home Instruction |

STUDENT INVOLVEMENT IN DECISION MAKING

The school board recognizes the student body as a significant part of the community and in the decision making process.

Student input is important in the data collection process, and on issues deemed relevant by the superintendent and the school board, students' views will be sought and considered.

Adopted: July 1, 1998
Revised: June 17, 2013

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

Cross Refs.: AE School Division Goals and Objectives
BBBB Student Liaison to the School Board (New Kent does not have
a Student Liaison)

STUDENT CONDUCT

Generally

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

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

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

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

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

Parental Involvement and Responsibility

Each parent of a student enrolled in New Kent County Public Schools has a duty to assist in enforcing this policy, the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. This policy, the Standards of Student Conduct, a notice of the requirements of Va. Code § 22.1-279.3, and a copy of the compulsory school attendance law is also sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt

of this policy, the Standards of Student Conduct, the requirements of Va. Code § 22.1-279.3, and the compulsory school attendance law is also sent. Parents are notified that by signing the statement of receipt, they are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school maintains records of the signed statements.

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

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

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

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

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

Prevention, Intervention, and Treatment Activities and Programs

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

Prohibited Conduct

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

Bullying and Use of Electronic Means for Bullying

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

Gang Activity

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

Harassment

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

Hazing

Hazing is prohibited.

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

Intentional Injury of Others

Students are prohibited from intentionally injuring others.

Self-defense

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

Threats: Intimidation

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

Trespassing

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

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

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

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

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

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

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

Use of Profane or Obscene Language and Conduct

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

Vandalism

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

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

Discipline Procedures are in the New Kent County Public Schools' Student and Parent Handbook distributed to students/parents at the start of each school year.

| | | | |
|----------|------------------|----------|----------------|
| Adopted: | July 1, 1998 | Revised: | August 1, 2011 |
| Revised: | May 1, 2000 | Revised: | April 8, 2013 |
| Revised: | November 6, 2000 | Revised: | June 17, 2013 |
| Revised: | June 2, 2003 | Revised: | July 7, 2014 |
| Revised: | August 2, 2004 | Revised: | May 8, 2015 |
| Revised: | June 6, 2005 | Revised: | July 13, 2020 |
| Revised: | May 1, 2006 | Revised: | July 12, 2021 |

Legal Refs.: Code of Virginia, 1950, as amended, §§ 16.1-260, 18.2-56, 18.2-308.1, 18.2-308.7, 22.1-23.3, 22.1-78, 22.1-200.1, 22.1-253.13:7.C.3, 22.1-254, 22.1-276.3, 22.1-277, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.3, 22.1-279.3:1, 22.1-279.6, 22.1-288.2.

Model Guidance for Positive and Preventative Code of Student Conduct Policy and Alternatives to Suspension, Virginia Board of Education January 2019.

| | | |
|-------------|-----------|--|
| Cross Ref.: | CLA | Reporting Acts of Violence and Substance Abuse |
| | EBB | Threat Assessment Teams |
| | ECAB | Vandalism |
| | IIBEA/GAB | Acceptable Computer System Use |
| | JFCE | Gang Activity or Association |
| | JFCF | Drugs in School |
| | JFG | Search and Seizure |
| | JFHA/GBA | Prohibition Against Harassment and Retaliation |
| | JGA | Corporal Punishment |
| | JGD/JGE | Student Suspension/Expulsion |
| | JGDA | Suspension of Disabled Students |
| | JGDB | Discipline of Students With Disabilities for Infliction of Serious Bodily Injury |
| | JN | Student Fees, Fines and Charges |

TEACHER REMOVAL OF STUDENTS FROM CLASS

Teachers have the initial authority to remove students from class for disruptive behavior. “Disruptive behavior” means a violation of School Board policies or regulations issued by the superintendent 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, 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 the student’s 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, 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.

Adopted: July 1, 1998
Corrections: January 13, 2010
Corrections: August 16, 2010
Revised: November 5, 2012
Revised: May 6, 2013
Revised: July 13, 2020
Revised: August 31, 2020
Revised: July 12, 2021

Legal Ref: Code of Virginia, 1950, as amended, §§ 22.1-276.01, 22.1-276.2

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

| | |
|---|--|
| <u>STUDENT REMOVAL FORM</u> | |
| School Name: | |
| Student: | |
| Teacher: | |
| Class: | |
| Date: | |
| Description of Behavior: | |
| Administrative and/or Teacher Interventions Attempted Prior to Removal and Results | |
| Date of Prior Incident Reports: (Note: Prior incident reports must be attached.) | |
| Signature of Teacher: | |

NKSB Review 05/06/2013
Revised: July 13, 2020

STUDENT DRESS AND GROOMING

By 11/19/12 action of the NKSB, this policy was moved to the end of JFC-R – Code of Student Conduct.

SPORTSMANSHIP, ETHICS AND INTEGRITY

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

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

Adopted: July 1, 1998
Revised: February 1, 1999
Revised: September 4, 2002
Corrections: January 13, 2010
Revised: November 19, 2012
Revised: May 6, 2013

Legal Refs.: Code of Virginia, 1950 as amended, sections 22.1-78, 22.1-208.

| | | |
|-------------|-------|--|
| Cross Ref.: | JFC | Student Conduct |
| | JFC-R | Standards of Student Conduct |
| | JFCC | Student Conduct on School Buses |
| | KQ | Commercial, Promotional, and Corporate Sponsorships and Partnerships |

STUDENT CONDUCT ON SCHOOL BUSES

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

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

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

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

Adopted: July 1, 1998
Revised: September 4, 2002
Revised: August 3, 2009
Reviewed: April 8, 2013
Revised: April 28, 2017
Revised: July 13, 2020

Legal Refs.: Code of Virginia, 1950 as amended, sections 22.1-78, 22.1-176, 22.1-293.

| | | |
|-------------|-------------------|--|
| Cross Ref.: | CLA | Reporting Acts of Violence and Substance Abuse |
| | EEA | Student Transportation Services |
| | JFC | Student Conduct |
| | JFCD | Weapons in School |
| | JGD/JGE | Student Suspension/Expulsion |
| | JGDA | Disciplining Students with Disabilities |
| | GBEC/JFCH/ KGC | Tobacco Products and Nicotine Vapor Products |

BUS DISCIPLINE

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
Eating or chewing gum on bus
Failure to obey bus driver
Out of seat on bus
Pushing on bus
Putting head or arms outside bus window
Threatening bus driver
Throwing items from bus
Throwing items on bus
Vandalism of bus

DISCIPLINARY RESPONSE 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. | | |

Adopted: June 7, 2010
Reviewed: April 8, 2013

WEAPONS IN SCHOOL

I. Generally

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

II. Expulsion for Possession of Firearms

A student who has possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code § 22.1-277.07, or a firearm muffler or firearm silencer, or a pneumatic gun as defined by Va. Code § 15.2-915.4 on school property or at a school-sponsored activity may be expelled for at least one year in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of the particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate.

The School Board may promulgate guidelines for determining what constitutes special circumstances. The School Board authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. If it is determined by the superintendent or superintendent's designee that a disciplinary action other than expulsion is appropriate, such disciplinary action is taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

III. Students with Disabilities

- A. Students with disabilities are subject to 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”.

| | | | |
|----------|-------------------|----------|-------------------|
| Adopted: | July 1, 1998 | Revised: | November 3, 2008 |
| Revised: | September 8, 1999 | Revised: | June 7, 2010 |
| Revised: | November 6, 2000 | Revised: | August 1, 2011 |
| Revised: | June 2, 2003 | Revised: | November 19, 2012 |
| Revised: | September 3, 2003 | Revised: | July 13, 2015 |
| Revised: | May 3, 2004 | Revised: | July 13, 2020 |
| Revised: | August 2, 2004 | Revised: | August 31, 2020 |
| Revised: | May 1, 2006 | | |

Legal Refs.: 18 U.S.C. § 930.

20 U.S.C. § 1415.

Code of Virginia, §§ 15.2-915.4, 18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 277.07:1, 22.1-280.2:4.

8 VAC 20-81-10.

| | | |
|--------------|---------|--|
| Cross Refs.: | GBEB | Staff Weapons in School |
| | JGD/JGE | Student Suspension/Expulsion |
| | JFC | Student Conduct |
| | JGDA | Suspension of Disabled Students |
| | JGDB | Discipline of Students with Disabilities for Infliction of Serious Bodily Injury |

GANG ACTIVITY OR ASSOCIATION

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

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

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

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

The superintendent or superintendent's designee, in cooperation with local law enforcement and/or juvenile agencies, develops and regularly updates a regulation listing known gang clothing, jewelry, emblems, badges, signs, gestures, handshakes and symbols. The list shall be updated at appropriate intervals.

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

Adopted: July 1, 1998
Revised: August 2, 2004
Revised: July 2, 2012
Revised: June 17, 2013
Revised: August 5, 2019
Revised: April 12, 2021

Legal Refs.: Code of Virginia, as amended, §§ 18.2-46.1, 22.1-70, 22.1-78, 22.1-79(2), 22.1-276.01, 22.1-279.6.

Cross Refs.: IIBEA/GAB Acceptable Computer System Use
JFC Student Conduct

REGULATION ON GANG ACTIVITY OR ASSOCIATION

In accordance with policy JFCE, New Kent County Public Schools and the New Kent Sheriff's Department School Resource Officers have assembled the following information to aid in the identification of known gangs, gang members and gang related activities in Virginia. There are no gangs currently known to be in existence in New Kent County. This information will be updated on a regular basis.

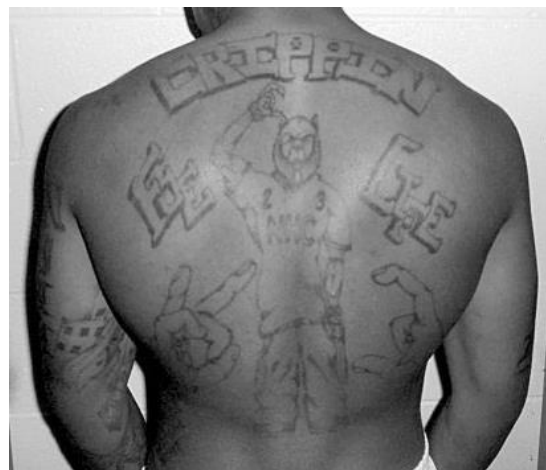
I. Major National Gangs With a Presence in Virginia

- | | |
|----------------------------|-----------------------------|
| A. 18 th Street | J. La Primera |
| B. Aryan Brotherhood | K. La Raza |
| C. Asian Gangs | L. Latin Kings |
| D. Bloods | M. MS-13 |
| E. Crips | N. Outlaws |
| F. Five Percenter | O. Pagans |
| G. Folk Nation | P. Skinheads |
| H. Gangster Disciples | Q. South Side Locos |
| I. Hell's Angels | R. United Blood Nation(UBN) |

II. Identifying Signs of Gangs, Gang Membership and Gang Activity

Signs of gangs, gang membership and gang activity vary greatly and may include gang tattoos, the use of hand signs, the wearing of gang colors or clothing with gang names or symbols and the use of graffiti.

- A. Gang tattoos are a major part of gang culture. Not everyone who has a tattoo is a member of a gang but many gang members have tattoos which represent various aspects of gang culture and gang symbolism.



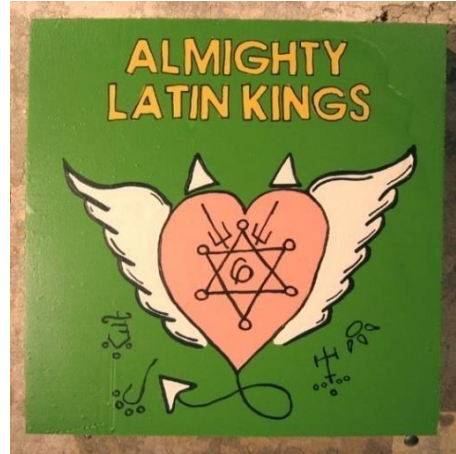
- B. Hand signs and handshakes play an important role in nonverbal gang communication.



- C. Use of “colors” is very characteristic of gang lifestyle. Gangs may have one or more “colors” associated with membership. The most common colors used by gangs include red, blue, white, black, brown and pink.



- D. Specific items of clothing such as bandanas and belt buckles as well as garments imprinted with gang names or symbols may also be signs of gang affiliation.



- E. Graffiti is often used by gang members as a means to send messages to the community and other gang members as well as to mark boundaries of gang territory.



III. Reporting of Suspected Gang Activity

Students participating in gang activity as defined in policy JFCE – Gang Activity or Association will be subject to disciplinary action in accordance with policy JFC – Student Conduct. Any suspected gang activity should be reported to the school principal immediately.

Reviewed: July 2, 2012

DRUGS IN SCHOOLS

I. Generally

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

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

A. Expulsion

A student who is determined to have brought a controlled substance or imitation controlled substance onto school property or to a school-sponsored activity 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 authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Any disciplinary action imposed pursuant to such a review must be taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

B. Prevention and Intervention

Any student who violates this policy shall participate in the prevention and intervention activities identified in 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.

Adopted: July 1, 1998
Revised: September 8, 1999
Revised: November 6, 2000
Revised: May 3, 2004
Revised: May 1, 2006

Revised: August 1, 2011
Reviewed: April 8, 2013
Revised: May 8, 2015
Revised: July 13, 2015
Revised: July 12, 2021

Legal Refs: 20 U.S.C. § 1415.

21 U.S.C. § 812.

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

8 VAC 20-81-10.

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

TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

Generally

Students are prohibited from possessing any tobacco product or nicotine vapor product on a school bus, on school property, or at an on-site or off-site school sponsored activity.

In addition, the use or distribution of any tobacco product or nicotine vapor product, on a school bus, on school property, or at an on-site or off-site school sponsored activity is prohibited.

The superintendent is responsible for developing a regulation which contains

- provisions for the enforcement of this policy among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary actions, and
- referrals to resources to help staff and students overcome tobacco addiction.

Definition

“Nicotine vapor product” means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. “Nicotine vapor product” includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. “Nicotine vapor product” does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et. seq.) of the Federal Food, Drug, and Cosmetic Act.

“Tobacco product” means any product made of tobacco and includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings. “Tobacco product” does not include any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et. seq.) of the Federal Food, Drug, and Cosmetic Act.

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|----------|--------------------|
| Adopted: | July 1, 1998 |
| Revised: | September 8, 1999 |
| Revised: | May 7, 2001 |
| Revised: | September 4, 2002 |
| Revised: | June 2, 2003 |
| Revised: | June 2, 2008 |
| Revised: | August 3, 2009 |
| Revised: | September 10, 2012 |
| Revised: | July 1, 2015 |
| Revised: | August 19, 2020 |

Legal Refs.: 20 U.S.C. section 6083, 7183

Code of Virginia, 1950, as amended, §§ 22.1-79.5, 22.1-279.6.

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|-------------|----------|--|
| Cross Ref.: | CLA | Reporting Acts of Violence and Substance Abuse |
| | GBEC/KGC | Tobacco Products and Nicotine Vapor Products |
| | JFC-R | Standards of Student Conduct |
| | KG | Community Use of School Facilities |
| | KGB | Public Conduct on School Property |

SUBSTANCE ABUSE – STUDENT ASSISTANCE PROGRAM

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

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

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

Students are prohibited from possessing, using, or distributing restricted substances in accordance with Policy JFC Student Conduct.

Adopted: July 1, 1998
Revised: September 10, 2012
Revised: May 6, 2013
Revised: July 13, 2020

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

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|--------------|---------|--|
| Cross Refs.: | CLA | Reporting Acts of Violence and Substance Abuse |
| | IGAG | Teaching about Drugs, Alcohol and Tobacco |
| | JFC | Student Conduct |
| | JFCF | Drugs in School |
| | JGD/JGE | Student Suspension/Expulsion |
| | GAE | Child Abuse and Neglect Reporting |
| | JO | Student Records |

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

The School Board requires written notification of an offense to the parent, guardian, or other person having charge or control of a pupil in an alternative education program as described in Va. Code § 22.1-209.1:2 when:

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

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

Adopted: July 1, 1998
Revised: May 7, 2007
Reviewed: April 8, 2013
Revised: May 19, 2014

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

NOTIFICATION REGARDING PROSECUTION OF JUVENILES AS ADULTS

The New Kent School Board annually provides 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.

Adopted: August 6, 2012

Revised: April 12, 2021

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-279.4.

SEARCH AND SEIZURE

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

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

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

PERSONAL SEARCHES

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

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

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

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

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

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

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

LOCKER AND DESK SEARCHES

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

AUTOMOBILE SEARCHES

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

COMPUTER SEARCHES

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

CONSENT SEARCHES

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

SEIZURE OF ILLEGAL MATERIALS

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

Adopted: July 1, 1998
Revised: November 6, 2000
Revised: May 3, 2004
Revised: June 6, 2005
Reviewed: April 8, 2013
Revised: January 7, 2015
Revised: August 5, 2019

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

Constitution of the United States, Amendment IV.

Constitution of Virginia, Article I, section 10.

Code of Virginia, 1950, as amended, section 22.1-279.7, 22.1-280.2:3.

Virginia School Search Resource Guide (Virginia Department of Education Oct. 2000)

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|-------------|-----------|--|
| Cross Refs: | CLA | Reporting Acts of Violence and Substance Abuse |
| | EGAA | Reproduction and Use of Copyrighted Materials |
| | GAB/IIBEA | Acceptable Computer System Use |
| | JFC | Student Conduct |
| | JFC-R | Standards of Student Conduct |
| | JFCD | Weapons in School |
| | JFCF | Drugs in School |
| | KNAJ | Relations with Law Enforcement Authorities |

PROHIBITION AGAINST HARASSMENT AND RETALIATION

I. Policy Statement

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

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

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

The school division

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

I. Definitions

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

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

Prohibited Conduct

Harassment Based on Sex

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; submission to or

rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or that conduct or communication substantially or un-reasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment.)

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

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

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

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

Harassment Based on Race, National Origin, Disability or Religion

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

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

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

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

Additional Prohibited Behavior

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

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

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

The Title IX Coordinator may be contacted at titleixcoordinator@nkcp.s.k12.va.us.

Complaint Procedures

1. Report

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

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

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

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

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

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

2. Investigation by Compliance Officer

1. Generally

The Compliance Officer

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

2. Compliance Officer Formal Procedure

Upon receiving a referral of a complaint of alleged prohibited harassment from the Title IX Coordinator, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division.

The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after referral of the complaint to the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the compliance officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after referral of the complaint to the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the compliance officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

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

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

The Compliance Officer shall issue a written report to the superintendent upon completion of the investigation. If the complaint involves the superintendent, then the report shall be sent to the school board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any. All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency.

3. Action by Superintendent

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

4. Appeal

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

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

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

B. Compliance Officer Informal Procedure

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

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

C. Sexual Harassment Prohibited by Title IX

Definitions

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

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

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

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

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

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

Title IX Grievance Process

Generally

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

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

The Title IX Coordinator promptly contacts the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

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

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

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

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

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

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

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

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

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

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

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

The standard of evidence used to determine responsibility is preponderance of the evidence.

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

Notice of allegations

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

- notice of the grievance process, including any informal resolution process, and

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

The written notice

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

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

Dismissal of formal complaints

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

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

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

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

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

Investigation of formal complaint

When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School Board and not on the parties provided that a party's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that

capacity, and which are made and maintained in connection with the provision of treatment to the party are not accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party's parent, or the party if the party is an eligible student, to do so for this grievance procedure.

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

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

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

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

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

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

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

Determination regarding responsibility

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

The written determination must include

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

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

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

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

Appeals

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

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

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

As to all appeals, the Title IX Coordinator

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

The appeal decision-maker

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

Timelines

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

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

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

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

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

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

Informal Resolution Process

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

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

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

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

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

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

Recordkeeping

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

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

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

Retaliation

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

Right to Alternative Complaint Procedure

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

Prevention and Notice of Policy

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

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

False Charges

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

Adopted: May 1, 2000
Revised: September 4, 2002
Revised: October 3, 2011
Revised: December 3, 2012
Revised: July 13, 2015
Revised: August 31, 2020
Revised: October 5, 2020
Revised: July 12, 2021

Legal Refs: 20 U.S.C. §§ 1681-1688.
29 U.S.C. § 794.
42 U.S.C. §§ 2000d-2000d-7.
42 U.S.C. §§ 2000e-2000e-17.
42 U.S.C. § 2000ff-1.

34 C.F.R. 106.2, 106.8, 106.9, 106.30, 106.44, 106.45, 106.71.

Code of Virginia, 1950 as amended, §§ 2.2-3900, 2.2-3901, 2.2-3902, 22.1-23.3, 22.1-295.2.

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|-------------|--------------|---|
| Cross Refs: | AC | Nondiscrimination |
| | AD | Educational Philosophy |
| | GAB/IIBEA | Acceptable Computer System Use |
| | GB | Equal Employment Opportunity/Nondiscrimination |
| | GBA-F/JFHA-F | Report of Harassment |
| | GBM | Professional Staff Grievances |
| | GBMA | Support Staff Grievances |
| | JB | Equal Educational Opportunities/Nondiscrimination |
| | JFC | Student Conduct |
| | GCPD | Professional Staff Discipline |
| | GAE | Child Abuse and Neglect Reporting |
| | KKK | Service Animals in Public Schools |

Report of Harassment

Name of Complainant: _____

For Students, School Attending: _____

For Employees, Position and Location: _____

Address, Phone Number
And Email Address:

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

Name of person(s) you believe harassed you or others: _____

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

Please describe in detail the incident(s) of alleged harassment, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Please include a description of any past incidents that may be related to this complaint. Attach additional pages if necessary.

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

Signature of Complainant Date

Complaint Received By: _____
(Principal or Compliance Officer) Date

NKSB Review 12-3-12

CORPORAL PUNISHMENT

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

- to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- to prevent a student from inflicting physical harm on himself;
- for self-defense or the defense of others; or
- to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

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

Adopted: July 1, 1998

Revised: April 2, 2012

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-279.1.

Cross Ref.: JM Restraint and Seclusion of Students

STUDENT SUSPENSION/EXPULSION

DEFINITIONS

As used in this Policy,

“Alternative education program” includes night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“Destructive device” means (1) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. “Destructive device” does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

“Disruptive behavior” means a violation of School Board policies or the Standards of Student Conduct issued by the superintendent pursuant to Policy JFC Student Conduct that interrupts or obstructs the learning environment.

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

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

“Firearm” means (1) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. “Firearm” does not include any pneumatic gun as defined in this Policy.

“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for 11 – 45 school days.

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

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or a pellet by action of pneumatic pressure. “Pneumatic gun” includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“School property” means any real property owned or leased by the School Board or any vehicle owned or leased by the School Board or operated by or on behalf of the School Board.

“Short-term suspension” means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

In Sections III, IV, VI, and VIII of this Policy, “superintendent’s designee” means a (1) trained hearing officer or (2) professional employee in the administrative offices of the school division who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

Pupils may be suspended or expelled from attendance at school for sufficient cause.

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

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

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

The superintendent is responsible for creating procedures to ensure that suspended students are able to access and complete graded work during and after the suspension.

III. SHORT-TERM SUSPENSIONS

A pupil may be suspended for not more than ten school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil

presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. The superintendent or superintendent's designee reviews forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest, in accordance with School Board regulations, and confirms or disapproves such action based on an examination of the record of the pupil's behavior.

The decision of the superintendent or superintendent's designee is final and may not be appealed.

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

IV. LONG-TERM SUSPENSION

A pupil may be suspended from attendance at school for 11 to 45 school days after written notice is provided to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before the superintendent or superintendent's designee. The decision of the superintendent or superintendent's designee may be appealed to the full School Board. Such appeal shall be decided by the School Board within thirty days.

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

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

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

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board. The School Board confirms or disapproves of the proposed expulsion regardless of whether the pupil has exercised the right to a hearing.

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

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

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

Such students may apply and reapply for readmission to school by the first day of each quarter.

B. Conduct Giving Rise to Expulsion

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

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

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

Firearms, Destructive Devices and Pneumatic Guns

The School Board shall expel from school attendance for a period of not less than one year any student whom the School Board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer, or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator or the School Board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this section do not apply to students who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted to use school premises.

Drug Offenses

The School Board shall expel from school attendance any student whom the School Board has determined to have brought a controlled substance or imitation controlled substance as those terms are defined in Va. Code § 18.2-247 onto school property or to a school- sponsored activity. The School Board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate. In addition, the School Board authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Hearing

Please refer to the accompanying regulations for procedures for School Board Hearings.

VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been

- charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol, or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G;
- found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G;
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection C of Va. Code § 22.1-277, to attend an alternative education program.

The School Board may require such student to attend such programs regardless of where the conduct occurred.

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

The School Board authorizes the superintendent or superintendent's designee to require students to attend an alternative education program consistent with the provisions of the previous paragraph after (i) written notice to the student and the student's parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or superintendent's designee regarding such placement. If the student or parent wants to participate in a hearing regarding the placement, the student or parent must notify the superintendent or superintendent's designee within 5 days of receiving the written notice of the student's assignment to the alternative education program. The decision of the superintendent or superintendent's designee regarding such alternative education placement is final unless altered by the Board upon written petition by the student or student's parent for a review of the record by the School Board. Such petition must be received by the superintendent or superintendent's designee within 5 days after receiving written notice of the decision after the hearing.

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

As used in this section "charged" means that a petition or warrant has been filed or is pending against a pupil.

VII. REPORTING

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

- (1) the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- (2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
- (3) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- (4) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
- (5) the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;

- (6) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- (7) any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;
- (8) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefore; and
- (9) any illegal possession of weapons, alcohol, drugs, or tobacco products.

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

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

- D. The principal or principal's designee also notifies the parent of any student involved in an incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice relates to only the relevant student's involvement and does not include information concerning other students.
- E. Whenever any student commits any reportable incident as set forth in this subsection, such student is required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee.

- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this policy that may constitute a felony offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports whether the incident has been reported to local law enforcement pursuant to this subsection and if the incident is so reported, that the parents may contact local law enforcement for further information, if they so desire.

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

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

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

Any student who has been expelled or suspended for more than thirty days from attendance at school by a School Board or a private school in this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the New Kent County Schools, in accordance with Policy JEC School Admission. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

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

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

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

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

The School Board may permit students excluded pursuant to this section to attend an alternative education program provided by the School Board for the term of such exclusion.

IX. DISCIPLINING STUDENTS WITH DISABILITIES

Students with disabilities are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

| | | | |
|----------|-------------------|----------|-------------------|
| Adopted: | November 5, 2001 | Revised: | April 8, 2013 |
| Revised: | July 1, 2002 | Revised: | June 17, 2013 |
| Revised: | September 3, 2003 | Revised: | May 8, 2015 |
| Revised: | August 2, 2004 | Revised: | May 9, 2016 |
| Revised: | August 1, 2005 | Revised: | August 7, 2018 |
| Revised: | August 7, 2006 | Revised: | September 7, 2018 |
| Revised: | March 5, 2007 | Revised: | July 13, 2020 |
| Revised: | July 6, 2009 | Revised: | August 31, 2020 |
| | | Revised: | July 12, 2021 |
| Revised: | August 1, 2011 | | |

Legal Ref.: 20 U.S.C. § 7961.

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

8 VAC 20-560-10.

| | | |
|--------------|------|--|
| Cross Refs.: | IGBH | Alternative School Programs |
| | JEC | School Admission |
| | JFCD | Weapons in School |
| | JFC | Student Conduct |
| | JGDA | Suspension of Disabled Students |
| | JGDB | Discipline of Students With Disabilities for Infliction of Serious Bodily Injury |
| | KG | Community Use of School Facilities |

STUDENT DISCIPLINE:
DUE PROCESS SAFEGUARDS - REGULATIONS

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 11 – 45 school days. Long-term suspension is permitted if the school board, superintendent, or the designee finds that aggravating circumstances exist including consideration of the student’s disciplinary history.

“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 suspended 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.

Adopted: June 15, 2009
Revised: July 6, 2009
Revised: June 7, 2010
Reviewed: June 17, 2013 – no changes
Revised: May 9, 2016
Revised: August 7, 2018

LEGAL REFERENCES: Individuals with Disabilities Act (IDEA, 2004) Regulations Governing Special Education Programs for Children with Disabilities in Virginia effective March 27, 2002

CROSS REFERENCES:

JEC School Admission
JFCD Weapons in School
JFC-R Standards of Student Conduct
JGDA Suspension of Disabled Students
IGBH Alternative School Programs
JGDB Discipline of Students With Disabilities for Infliction of Serious Bodily Injury

TO BE COMPLETED BY PARENT OR GUARDIAN

NEW KENT COUNTY ADMISSION STATEMENT
(VIRGINIA CODE SECTION 22.1-3.2, 22.1-277.2.1)

Student's Name: _____ Date: _____

School: _____

Grade: _____

Parent's/Guardian's Name: _____

Address: _____

Telephone Number: _____

I _____ affirm that the following signed statement
pertaining to my child's disciplinary record is true. I understand that school officials will verify the
statement and that to complete this form falsely subjects me to criminal prosecution.

Suspension/Expulsion Statement

My child has _____/has not _____ been either expelled or suspended from school attendance for
thirty (30) days or more from a private school or in a public school in Virginia or another state for an
offense in violation of School Board policies relating to weapons, alcohol or drugs, assault, theft, or
destruction of property or privately owned property while located on school property.

| | | |
|--------------------------------|-------------------------|-------|
| If so, the violation involved: | weapons | _____ |
| | alcohol | _____ |
| | drugs | _____ |
| | assault | _____ |
| | theft | _____ |
| | destruction of property | _____ |

Parent's Signature _____

Student's Signature _____

School Official's Signature _____

TO BE COMPLETED BY PARENT OR GUARDIAN
FORM NEEDS TO BE RETURNED BEFORE STUDENT ENTERS SCHOOL

Reviewed: 4/8/13

NEW KENT COUNTY PUBLIC SCHOOLS

NEW KENT COUNTY ADMISSION STATEMENT
(VIRGINIA CODE SECTION 22.1-3.2, 22.1-277.2.1)

Student's Name: _____ Date: _____
School: _____
Grade: _____
Parent's/Guardian's Name: _____
Address: _____
Telephone Number: _____

I _____ affirm that the following signed statement
pertaining to my child's disciplinary record is true. I understand that school officials will verify the
statement and that to complete this form falsely subjects me to criminal prosecution.

Conviction/Delinquency Statement

My child has _____/has not _____ been either found guilty of or adjudication of delinquency for
any of the following offenses under Virginia law, or any substantially similar offenses under the
laws of another state, the District of Columbia or of the United States or its territories:

| | | |
|--|--|-------|
| If so, the violation involved: (check all that apply) | Firearms | _____ |
| | Homicide | _____ |
| | Assault and/or bodily wounding | _____ |
| | Sexual assault | _____ |
| | Manufacture, sale, gift, distribution or possession of a controlled substance or marijuana | _____ |
| | Arson and related crimes | _____ |
| | Burglary and related offenses | _____ |
| | Robbery | _____ |
| | Street gang participation, recruitment or activity | _____ |

Parent's Signature _____

Student's Signature _____

School Official's Signature _____

Maintained Separately from Scholastic Record

TO BE COMPLETED BY PARENT OR GUARDIAN
FORM NEEDS TO BE RETURNED BEFORE STUDENT ENTERS SCHOOL

Reviewed: 4/8/13

NEW KENT COUNTY PUBLIC SCHOOLS

DISCIPLINING STUDENTS WITH DISABILITIES

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

I. Long-Term Suspensions, Expulsions or Short-Term Suspensions Which Constitute a Pattern 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, and
 - (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.
- (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 the student's 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 the student's 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.

XI. 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.

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

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

XIII. 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.

Adopted: July 1, 1998
Revised: May 1, 2000
Revised: November 6, 2000
Revised: May 3, 2004
Revised: May 1, 2006
Revised: November 3, 2008
Revised: August 1, 2011
Reviewed: April 8, 2013
Revised: August 7, 2017
Revised: July 12, 2021

Legal Refs: 20 U.S.C. § 1415.
29 U.S.C. § 705.

34 C.F.R. 300.530-300.536.

Code of Virginia, 1950, as amended, § 22.1-279.6.

8 VAC 20-81-160.

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

DISCIPLINE OF STUDENTS WITH DISABILITIES
FOR INFLICTION OF SERIOUS BODILY INJURY

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

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

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

Adopted: May 1, 2006
Reviewed: April 8, 2013

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

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

STUDENT HEALTH SERVICES

The New Kent School Board may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists who meet such standards as may be determined by the Board of Education. Subject to the approval of the local appropriating body, a local health department may provide personnel for health services for the school division.

Adopted: July 1, 1998
Revised: October 3, 2011
Revised: August 6, 2012
Revised: April 28, 2017

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

| | | |
|--------------|-------|--|
| Cross Refs.: | EBBA | Emergency First Aid, CPR and AED Certified Personnel |
| | GCPD | Professional Staff Discipline |
| | GCPF | Suspension of Staff Members |
| | JHCA | Physical Examinations of Students |
| | JHCB | Student Immunizations |
| | JHCC | Communicable Diseases |
| | JHCCA | Blood Borne Contagious or Infectious Diseases |
| | JHCD | Administering Medicines to Students |

PHYSICAL EXAMINATIONS OF STUDENTS

No pupil is admitted for the first time to any public kindergarten or elementary school in the New Kent County School Division unless such pupil furnishes, prior to admission,

- (1) a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school; or
- (2) records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

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

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

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

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

The health departments of the counties and cities of the Commonwealth conduct such required physical examinations for medically indigent children, upon request, and may provide such examinations to others on such uniform basis as the departments establish.

Parents/guardians of students entering schools shall complete a health information form as required by state law. Such forms shall be returned within 15 days of receipt unless reasonable extensions have been granted by the superintendent or superintendent designee. Upon failure of the parent to complete such form within the extended time, the superintendent may send the parent written notice of the date he intends to exclude the child from school; however, no child who is a homeless child or youth as defined in subdivision 6 of Va. Code § 22.1-3 shall be excluded from school for such failure to complete such forms.

Adopted: July 1, 1998
Revised: November 6, 2000
Revised: August 6, 2007
Reviewed: April 8, 2013
Revised: April 15, 2019

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

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

STUDENT IMMUNIZATIONS

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

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

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

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

Conditional Enrollment

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

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

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

Exemptions

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

- the student or his parent submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; or

- the school has written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization.

Homeless Pupils

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

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

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

Immunization Record

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

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

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

Adopted: July 1, 1998
Revised: June 2, 2003
Revised: August 2, 2004
Revised: August 1, 2005
Revised: October 3, 2011
Revised: August 20, 2012
Revised: May 6, 2013

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

12 VAC 5-110-10.

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

COMMUNICABLE DISEASES

The New Kent County School Board recognizes the importance of protecting its students and employees from the transmission of communicable diseases which present a threat to their health and safety, while also protecting the legitimate interests and rights of students and employees with communicable diseases. The Board directs the Superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person who has a communicable disease. Both the decision to remove the student or employee and the decision to readmit the student or to permit the employee to return to work are made by the Superintendent based upon consultation with the local health department, the student's or employee's physician, physician assistant, nurse practitioner, and/or other medical authorities. (See policy JHCCA Blood Borne Contagious or Infectious Diseases).

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

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

Adopted: July 1, 1998
Revised: September 3, 2003
Revised: August 1, 2005
Revised: October 3, 2011
Reviewed: April 8, 2013
Revised: July 13, 2015

Legal Ref.: Code of Virginia, 1950, as amended, sections §§ 22.1-254, 22.1-271.3, 22.1-272, 32.1-36.1, 54.1-2952.2, 54.1-2957.02.

8 VAC 20-131-180.

Cross Ref.: EBAB Possible Exposure to Viral Infections
EBBB Personnel Training—Viral Infections
IGBG Homebound, Correspondence and Alternative Means of Instruction
JHCCA Blood Borne Contagious or Infectious Diseases

BLOOD BORNE PATHOGENS CONTAGIOUS OR INFECTIOUS DISEASES

The attendance at school of students who suffer from blood borne diseases which are infectious or contagious, such as AIDS and Hepatitis B, and which may be transmitted by the exchange of body secretions, is determined by the superintendent on a case-by-case basis. The superintendent obtains the advice of the local department of health to assist with the determination. The student may be excluded from school and school-related functions pending the superintendent's decision. The superintendent issues regulations setting forth the procedures to be followed to effectuate this policy.

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

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

Training in the use of universal precautions for handling blood and other body fluids is conducted annually in accordance with state and federal law. Universal precautions for handling blood and other body fluids are implemented within the school setting and on buses in accordance with state and federal law. Procedures have been developed and are in the New Kent OSHA Plan, which is found in each building.

The school board adopts guidelines for school attendance for children with human immunodeficiency virus. Such guidelines are consistent with the model guidelines for such school attendance developed by the Board of Education.

Adopted: July 1, 1998
Revised: September 3, 2003
Revised: June 6, 2005
Reviewed: April 8, 2013
Revised: April 15, 2019

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

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

| | | |
|-------------|---------|---|
| Cross Ref.: | EBAB | Possible Exposure to Viral Infections |
| | EBBB | Personnel Training—Viral Infections |
| | IGBG | Off-Site Instruction and Virtual Courses |
| | JHCCA-E | Guidelines for School Attendance for Students with Human Immunodeficiency Virus |

GUIDELINES FOR SCHOOL ATTENDANCE FOR STUDENTS WITH HUMAN IMMUNODEFICIENCY VIRUS

The New Kent County School Board recognizes its dual obligations to protect the rights of individual students infected with human immunodeficiency virus (HIV) and to provide a safe environment for students, staff, and the public. Because HIV is not transmitted through casual contact, any student who is HIV-infected continues in a regular classroom assignment unless the student's health significantly interferes with the student's ability to benefit from the educational program.

New Kent County Public Schools works cooperatively with the local health department with regard to the school attendance of students infected with HIV. To enhance the school attendance of students who are HIV-infected, the school division collaborates with public and private organizations in the provision of support services to HIV-infected students.

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

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

Any school board employee or volunteer who has any information regarding a student's HIV-infected status treats that information as confidential.

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

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

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

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

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

Adopted: June 6, 2005
Revised: April 8, 2013
Revised: April 15, 2019

ADMINISTERING MEDICINES TO STUDENTS

Self-Care and Self-Administration of Medication

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

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

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

Self-Administration of Asthma Medications and Auto-Injectable Epinephrine

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

- Written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, must be on file with the school.
- Written notice from the student's health care provider is on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication.
- An individualized health care plan is prepared, including emergency procedures for any life-threatening conditions.
- There is a consultation with the student's parent before any limitations or restrictions are imposed on a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked.

- Self-administration of inhaled asthma medications and auto-injectable epinephrine is consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manual, which are jointly issued by the Virginia Department of Education and the Virginia Department of Health.
- Information regarding the health condition of the student may be disclosed to School Board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

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

Epinephrine

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

Albuterol Inhalers

Albuterol inhalers and valve holding chambers are stocked in each school in the division to be administered by any school nurse, employee of the School Board, employee of a local appropriating body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valve holding chambers for any student believed in good faith to be in need of such medication.

Regulation

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

Guidelines

For guidelines for administration of medicines to students and for the secure storage of such medicines see the New Kent County Public Schools Student and Parent Handbook distributed at the beginning of each year.

| | | | |
|--------------|-----------------|----------|-----------------|
| Adopted: | July 1, 1998 | Revised: | August 20, 2012 |
| Revised: | June 2, 2003 | Revised: | June 17, 2013 |
| Revised: | August 1, 2005 | Revised: | July 7, 2014 |
| Corrections: | August 16, 2010 | Revised: | August 7, 2017 |
| Revised: | October 3, 2011 | Revised: | July 12, 2021 |

Legal Ref.: Code of Virginia, as amended, §§ 22.1-78, 22.1-274, 22.1-274.01:1, 22.1-274.2, 54.1-2952.2, 54.1-2957.02, 54.1-3408.

| | | |
|-------------|------|--|
| Cross Ref.: | EBBA | Emergency First Aid, CPR and AED Certified Personnel |
| | JHCE | Recommendation of Medication by School Personnel |
| | JO | Student Records |

ADMINISTRATION OF MEDICATION AT SCHOOL - REGULATION

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).

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.

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.

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.

Revised: August 1, 2010

Revised: April 8, 2013

Revised: August 18, 2014

Reference: Most recent New Kent County Public Schools Student and Parent Handbook

RECOMMENDATION OF MEDICATION BY SCHOOL PERSONNEL

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

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

Adopted: June 2, 2003
Reviewed: April 8, 2013

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

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

Cross Ref.: JHCD Administering Medicine to Students

STUDENT WELLNESS

Goals

Based on review and consideration of evidence-based strategies and techniques, the New Kent County School Board establishes the following goals to promote student wellness.

Nutrition Promotion and Education

The Division's health education curriculum standards and guidelines address both nutrition and physical education.

Physical Activity

Students are given the opportunity for physical activity through physical education (PE) classes, daily recess periods for elementary school students and the integration of physical activity into the academic curriculum where appropriate.

Other School-based Activities

The availability of subsidized food programs is adequately publicized in ways designed to reach families eligible to participate in the programs. All children who participate in subsidized food program are able to obtain food in a non-stigmatizing manner.

Nutrition Standards and Guidelines

The School Board incorporates and adopts the nutrition standards in 8 VAC 20-740-10 through 8 VAC 20-740-40.

The superintendent is responsible for creating

- A. Regulations to develop and implement standards for all foods and beverages provided, but not sold, to students on the school campus during the school day; and
- B. Standards and nutrition guidelines for all foods and beverages sold to students on the school campus during the school day that promote student health and reduce childhood obesity and are consistent with the applicable standards and requirements in 7 C.F.R. §§ 210.10, 210.11 AND 220.8.

Marketing on the school campus during the school day is permitted only for those foods and beverages that meet the nutrition standards under 7 C.F.R. § 210.11, serve to promote student health, reduce and prevent childhood obesity, and combat problems associated with poor nutrition and physical inactivity.

III. Implementation

The School Board encourages parents, students, representatives of the school food authority, teachers of physical education, school health professionals, school administrators, and the general public to participate in the development, implementation, and periodic review and update of this policy.

The Executive Director of Finance and Budget and the School's Health Committee is responsible for enforcing this policy and overseeing the implementation of this policy.

The School Board retains the following records to document compliance with 7 C.F.R. § 210.31:

- C. The policy
- D. Documents demonstrating compliance with community involvement requirements, including requirements to make the policy and triennial assessments available to the public; and
- E. Documentation of the triennial assessment of the policy.

Implementation procedures include measuring and making available to the public, at least once every three years, an assessment of the implementation of the policy, including the extent to which schools are in compliance with the policy, the extent to which this policy compares to model school wellness policies and a description of the progress made in attaining the goals of the policy. The results of the triennial assessment are considered in updating the policy.

| | | | |
|----------|------------------|----------|----------------|
| Adopted: | 2006 | Revised: | April 28, 2017 |
| Revised: | November 3, 2008 | Revised: | August 7, 2018 |
| Revised: | June 17, 2013 | Revised: | August 5, 2019 |
| | | Revised: | July 12, 2021 |

Legal Refs: 42 U.S.C. § 1758b.

7 C.F.R. 210.3.

Code of Virginia, 1950, as amended, § 22.1-207.4.

8 VAC 20-740-30.

8 VAC 20-740-40.

| | | |
|-------------|-----------|--|
| Cross Refs: | EFB | Food Service |
| | IGAE/IGAF | Health Education/Physical Education |
| | JL | Fund Raising and Solicitation |
| | KQ | Commercial, Promotional, and Corporate Sponsorships and Partnerships |

New Kent County School District's Wellness Policies on Physical Activity and Nutrition

The New Kent County School District is committed to providing school environments that promote and protect children's health, well-being, and ability to learn by supporting healthy eating and physical activity. Therefore, it is the policy of the New Kent County School District that:

- The school district will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in developing, implementing, monitoring, and reviewing district-wide nutrition and physical activity policies.
- All students in grades K-12 will have opportunities, support, and encouragement to be physically active on a regular basis.
- Foods and beverages sold or served at school will meet the nutrition requirements of the *Healthy Hunger-Free Kids Act of 2010*.
 - The School Nutrition Services department will provide students with access to a variety of affordable, nutritious, and appealing foods that meet the health and nutrition needs of students; will offer a variety of choices to accommodate the religious, ethnic, and cultural diversity of the student body in meal planning; and will provide clean, safe, and pleasant settings and adequate time for students to eat.
 - To the maximum extent practicable, all schools in our district will participate in available federal school meal programs (including the School Breakfast Program, National School Lunch Program).
 - Schools will provide nutrition education and physical education to foster lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services.

TO ACHIEVE THESE POLICY GOALS:

I. School Health Advisory Board

The school district's existing school health advisory board will develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The School Health Advisory Board and/or its members will serve as resources to school sites for implementing those policies. The school health advisory board consists of a group of individuals representing the school and community, and should include parents, students, representatives of the school food authority, members of the School Board, school administrators, teachers, health professionals, and members of the public.

II. Nutritional Quality of Foods and Beverages Sold and Served on Campus

School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of fruits and vegetables;
- serve only low-fat (1%) plain milk and fat-free plain or flavored milk and nutritionally-equivalent non-dairy alternatives (to be defined by USDA); and
- encourage that the majority of the served grains are whole grain.

The School Nutrition Department should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. Information about the nutritional content of meals is available on the NKCPs website.

Breakfast

To ensure that all children are encouraged to have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will operate the School Breakfast Program.
- Schools will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to promote healthy eating. Eating a healthy breakfast will be encouraged by the school through newsletter articles, take-home materials, or other means.

Free and Reduced-priced Meals

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals. Toward this end, schools utilize electronic identification and payment systems; promote the availability of school meals to all students; and/or use nontraditional methods for serving school meals, such as “grab-and-go” or classroom breakfast.

Meal Times and Scheduling

Schools:

- will provide students with at least 10 minutes to eat after sitting down for breakfast in the cafeteria or the classroom and 20 minutes after sitting down for lunch;

- should schedule meal periods at appropriate times, *e.g.*, lunch should be scheduled between 10:15 a.m. and 1:30 p.m.;
- should not schedule tutoring, club, or organizational meetings or activities during mealtimes, unless students may eat during such activities;
- will provide students access to hand washing or hand sanitizing before they eat meals or snacks; and
- should take reasonable steps to accommodate the tooth-brushing regimens of students with special oral health needs (*e.g.*, orthodontia or high tooth decay risk).

Qualifications of School Food Service Staff

Qualified nutrition professionals will administer the school meal programs. As part of the school district's responsibility to operate a food service program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.

Sharing of Foods and Beverages

Schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets.

The school food service program will approve and provide all food and beverage sales to students in all schools during the school day. All food and beverages served during the school day will meet or exceed the Healthy Hunger-Free Kids Act.

Fundraising Activities

To support children's health and school nutrition-education efforts, it is encouraged that school fundraising activities will not involve food or will sell food items and deliver items outside of the school day. All fundraising activities involving food will be sold and delivered outside of the school day. Schools will encourage fundraising activities that promote physical activity.

Snacks

Snacks served during the school day or in after-school programs will make a positive contribution to children's diets and health incorporating the nutrition requirements of the Healthy Hunger-Free Kids Act. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations.

Rewards

Schools should not use food or beverages that do not meet the nutrition standards for foods and beverages as rewards for academic performance or good behavior.

Celebrations

It is encouraged that schools should limit celebrations that involve food during the school day. Food and beverages offered at school celebrations should meet the nutrition requirements of the Healthy Hunger-Free Kids Act therefore faculty should consult the School Nutrition Services department to provide healthy options.

School-sponsored Events (such as, but not limited to, athletic events, dances, or performances)

It is encouraged that foods and beverages offered or sold at school-sponsored events outside the school day will meet the nutrition standards of the Healthy Hunger-Free Kids Act.

III. Nutrition and Physical Activity Promotion and Food Marketing

Nutrition Education and Promotion

The New Kent County School District aims to teach, encourage, and support healthy eating by students. Schools should provide nutrition education and engage in nutrition promotion that:

- is offered at most grade levels as part of a sequential, comprehensive, standards-based program designed to provide students with the knowledge and skills necessary to promote and protect their health;
- is part of not only health education classes, but also classroom instruction in subjects such as math, science, language arts, social sciences, and elective subjects;
- includes enjoyable, developmentally-appropriate, culturally-relevant, participatory activities, such as contests, promotions, taste testing, and farm visits,
- promotes fruits, vegetables, whole grain products, low-fat and fat-free dairy products, healthy food preparation methods, and health-enhancing nutrition practices;
- emphasizes caloric balance between food intake and energy expenditure (physical activity/exercise);
- links with school meal programs, other school foods, and nutrition-related community services;
- teaches media literacy with an emphasis on food marketing; and
- includes some training for teachers and other staff.

Integrating Physical Activity into the Classroom Setting

For students to receive the nationally-recommended amount of daily physical activity (*i.e.*, at least 60 minutes per day) and for students to fully embrace regular physical activity as a personal behavior, students need opportunities for physical activity beyond physical education class. Toward that end:

- classroom health education will complement physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities, such as watching television;
- opportunities for physical activity will be incorporated into other subject lessons; and
- classroom teachers will provide short physical activity breaks between lessons or classes, as appropriate.

Communications with Parents

The district/school will support parents' efforts to provide a healthy diet and daily physical activity for their children. The district/school may send home nutrition information, post nutrition tips on school websites, or provide nutrient analyses of school menus. Schools should encourage parents to purchase a healthy school lunch for their child or to pack healthy lunches and snacks. Parents are encouraged to advocate and support their children to refrain from consuming beverages and foods that do not meet the above nutrition standards set by the USDA. The district/school may provide parents a list of foods that meet the district's snack standards and ideas for healthy celebrations/parties, rewards, and fundraising activities. In addition, the district/school will provide opportunities for parents to share their healthy food practices with others in the school community.

The district/school will provide information about physical education and other school-based physical activity opportunities before, during, and after the school day; and support parents' efforts to provide their children with opportunities to be physically active outside of school. Such supports will include sharing information about physical activity and physical education through a website, newsletter, or other take-home materials, special events, or physical education homework.

Food Marketing in Schools

School-based marketing will be consistent with nutrition education and health promotion. As such, schools will limit food and beverage marketing to the promotion of foods and beverages that meet the nutrition standards for meals or for foods and beverages sold individually. School-based marketing of brands promoting predominantly low-nutrition foods and beverages is prohibited. The promotion of healthy foods, including fruits, vegetables, whole grains, and low-fat dairy products is encouraged.

Examples of marketing techniques include the following: logos and brand names on/in vending machines, books or curricula, textbook covers, school supplies, scoreboards, school structures, and sports equipment.

Staff Wellness

New Kent School District highly values the health and well-being of every staff member and will plan and implement activities and policies that support personal efforts by staff to maintain a healthy lifestyle. New Kent County Public Schools should establish and maintain a staff wellness committee composed of at least one staff member, and school health committee member. The committee should develop, promote, and oversee a multifaceted plan to promote staff health and wellness. The plan should be based on input solicited from school staff and should outline ways to encourage healthy eating, physical activity, and other elements of a healthy lifestyle among school staff. The staff wellness committee should distribute its plan to the school health council.

IV. Physical Activity Opportunities and Physical Education

Daily Physical Education (P.E.) K-12

All students, including students with disabilities and special healthcare needs will have the opportunity for weekly physical education classes. All students in grades K-8 will receive at or above the required average 150 minutes of physical activity per week during the regular school year. All high school students will be required to take two credits of physical education. All physical education classes will be taught by a certified physical education teacher. Student involvement in other activities outside of physical education class, such as interscholastic sports will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

Daily Recess

All elementary school students will have at least 20 minutes a day of supervised recess, preferably outdoors, during which schools should encourage moderate to vigorous physical activity verbally and through the provision of space and equipment.

Schools should discourage extended periods (*i.e.*, periods of two or more hours) of inactivity. When activities, such as mandatory school-wide testing, make it necessary for students to remain indoors for long periods of time, schools should give students periodic breaks during which they are encouraged to stand and be moderately active.

Physical Activity Opportunities Before and After School

All elementary, middle, and high schools will offer extracurricular physical activity programs. All high schools and middle schools will offer interscholastic sports programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

After-school programs are encouraged to provide periods of physical activity for all participants.

Physical Activity and Punishment

School personnel will not use physical activity (*e.g.*, running laps, pushups) or withhold opportunities for physical activity (*e.g.*, recess, physical education) as punishment. Due to the benefits of physical activity teachers are asked not to pull students from PE class to finish or make up class work or tests.

Use of School Facilities Outside of School Hours

School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations as permitted in accordance with the Facility Request form. These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

VI. Monitoring and Policy Review

Monitoring

The Superintendent or designee will ensure compliance with established district-wide nutrition and physical activity wellness policies. In each school, the principal or designee will ensure compliance with those policies in his/her school and will report on the school's compliance to the school district Superintendent or designee.

The School nutrition supervisor will ensure compliance on nutrition policies within school food service areas and will report on this matter to the Superintendent or designee. . In addition, the school nutrition supervisor will report on the most recent USDA School Meals Initiative (SMI) review findings and any resulting changes. If the district has not received a SMI review from the state agency within the past five years, the district will request from the state agency that a SMI review be scheduled as soon as possible.

The Superintendent or designee will develop a summary report every three years on district-wide compliance with the district's established nutrition and physical activity wellness policies, based on input from schools within the district. That report will be provided to the School Board and also distributed to all school health councils, parent/teacher organizations, school principals, and school health services personnel in the district.

Policy Review

The policy will be reviewed every three years to help review policy compliance, assess progress, and determine areas in need of improvement. As part of that review, the school district will review our nutrition and physical activity policies; provision of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The district, and individual schools within the district, will, as necessary, revise the wellness policies and develop work plans to facilitate their implementation.

Adopted: 2006
 Revised: November 3, 2008
 Revised: January 5, 2011 (Regulation Numeration Change Only)
 Reviewed: April 8, 2013
 Revised: September 21, 2015
 Revised: April 28, 2017

Legal Refs.: 42 U.S.C. § 1751 Note

Code of Virginia, 1950, as amended, § 22.1-253.13:1.D.13.

| | | |
|--------------|-----------|--|
| Cross Refs.: | EFB | Free and Reduced Price Food Services |
| | IGAE/IGAF | Health Education/Physical Education |
| | JL | Fund Raising and Solicitation |
| | KQ | Commercial, Promotional, and Corporate Sponsorships and Partnerships |

FOOD ALLERGY MANAGEMENT

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. (Attached).
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 school nutrition supervisor 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. Parents and students may obtain lists of ingredients for any food served by contacting the school nutrition supervisor.
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.

References:

Food Allergy and Anaphylaxis Network. www.foodallergy.org

Henrico County Public Schools. Managing Allergies 2010

Hampton Roads Regional Schools. Life Threatening Allergy Management Policy

American Academy of Allergy, Asthma and Immunology. www.aaaai.org

Oregon Episcopal School. Food Allergy Policy. www.oes.edu

Gilman School. Policy Regarding Students with Life-Threatening Food Allergies.
www.gilman.edu

Committee members for adopting policy:

Aida Zayas, RN, School Nurse, NKCP
Jane Walsh, RN, School Nurse, NKCP
Patricia Kern, Assistant Principal, GWES
Joan Cannon, Teacher, GWES
Susan Vick, Parent, NKCP
Christina Wills, D.O., Physician Consultant

Adopted: January 5, 2011

Revised: April 8, 2013

Revised: September 21, 2015

Food Allergy Action Plan
New Kent County Public Schools



JHCF-R2 (Form 1)

Student's Photo

Name: _____ DOB: _____

Allergy to: _____

Weight: _____ lbs. Asthma: ☐ No ☐ Yes (higher risk for a severe reaction)

Extremely reactive to the following foods: _____

Therefore: ☐ If checked, give epinephrine immediately for ANY symptoms if the allergen was likely eaten.

☐ If checked, give epinephrine immediately if the allergen was definitely eaten, even if no symptoms are noted.

Any SEVERE SYMPTOMS after suspected or known ingestion:

One or more of the following:

LUNG: Short of breathe, wheeze, repetitive cough

HEART: Pale, blue faint, weak pulse, dizzy, confused

THROAT: Tight, hoarse, trouble breathing/ swallowing

MOUTH: Obstructive swelling (tongue and/or lips)

SKIN: Many hives over body

OR combination of symptoms from different body areas:

SKIN: Hives, itchy rashes, swelling (e.g., eyes, lips)

GUT: Vomiting, crampy pain



1. INJECT EPINEPHRINE IMMEDIATELY

2. Call 911

3. Begin monitoring (see box below)

4. Give additional medications.*

- Antihistamine

- Inhaler (bronchodilator) if asthma

Antihistamines & inhalers/ bronchodilators are not to be depended upon to treat a severe reaction (anaphylaxis). USE EPINEPHRINE.

MILD SYMPTOMS ONLY:

MOUTH: Itchy Mouth

SKIN: A few hives around mouth/ face, mild itch

GUT: Mild nausea/ discomfort



1. GIVE ANTIHISTAMINE

2. Stay with student; alert healthcare professionals and parent

3. If symptoms progress (see above), USE EPINEPHRINE

4. Begin monitoring (see box below)

DOSAGE

Epinephrine: inject intramuscularly (check one)

☐ EpiPen®

☐ EpiPen® Jr.

☐ Twinject® 03. Mg

☐ Twinject® 0.15 mg

Antihistamine: give _____
Medication, dose, route

Other: give _____
Medication, dose, route

IMPORTANT: Asthma inhalers and/or antihistamines cannot be depended on to replace epinephrine in anaphylaxis.

PLEASE NOTE: A physician's order must be submitted to the school nurse at the beginning of each school year and whenever modifications are made to this plan.

Page 1 of 2

INSTRUCTIONS FROM PHYSICIAN:

☐ I have instructed this student in the proper use of his/her emergency medication for anaphylaxis. This student should be able to carry and use this medication at school independently.

☐ This student needs assistance using his/her emergency medication for anaphylaxis in school.

Physician Signature

Phone Number

Date

PARENT PERMISSION:

By signing this form, I give permission for the school to use the above plan to manage my child's allergy. The school may contact my child's physician regarding their allergy. I understand that I may request to meet with the counselor to discuss educational accommodations that may be needed in the school setting.

Parent Signature

Date

RN Signature

Date

CONTACTS:

Call 911

Doctor: _____ Telephone: _____

Parent/ Guardian: _____ Telephone: _____

Parent/ Guardian: _____ Telephone: _____

Other Emergency Contacts:

Name/ Relationship: _____ Telephone: _____

Name/ Relationship: _____ Telephone: _____

MONITORING: Stay with student; alert healthcare professionals and parent. Tell rescue squad epinephrine was given; request an ambulance with epinephrine. Note time when epinephrine was administered. A second dose of epinephrine can be given 5 minutes or more after the first if symptoms persist or reoccur. For a severe reaction, consider keeping student lying on back with legs raised. Treat student even if parents cannot be reached. See back/ attached for auto-injection technique.

Trained Staff Members:

1. _____ 2. _____

3. _____ 4. _____

Food Allergy Action Plan
New Kent County Public Schools
Questionnaire/Permission Form



JHCF-R2 (Form 2)

Student: _____ Date of Birth: _____

School: _____ Homeroom Teacher: _____ Grade: _____

| Contact Information (To be completed by Parent/ Guardian): | | |
|---|----------------|-------------|
| Parent/ Guardian Name #1: | | |
| Address: _____ | | |
| Telephone (Home): _____ | Work: _____ | Cell: _____ |
| Parent/ Guardian Name #2: | | |
| Address: _____ | | |
| Telephone (Home): _____ | Work: _____ | Cell: _____ |
| Emergency Contact Name and Relationship: | | |
| Address: _____ | | |
| Telephone (Home): _____ | Work: _____ | Cell: _____ |
| Physician treating severe allergy: | Office: | |
| Please answer the following questions : | | |
| 1. What is your child allergic to? _____ | | |
| 2. What age was your child when diagnosed? _____ | | |
| 3. Has your child ever had a life-threatening reaction? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 4. What is your child's typical allergic reaction? _____ | | |
| 5. Does your child have asthma? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 6. Does your child know what food/ allergens to avoid? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 7. Does your child recognize symptoms of his/ her allergic reaction? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 8. Will you be providing meals and snacks for your child at school? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 9. Will your child always eat the school provided breakfast and/ or lunch? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| 10. How does your child travel to school? <input type="checkbox"/> Bus # _____ <input type="checkbox"/> Car <input type="checkbox"/> Walk | | |

I give permission to the school nurse and designated school personnel to perform and carry out the tasks outlined in my child's Food Allergy Action Plan as ordered by the physician. I understand that I am to provide all supplies necessary for the treatment of my child's allergy at school. I also consent to release of information contained in this plan to staff members and other adults who have custodial care of my child and who may need to know this information to maintain my child's health and safety.

Parent's Name: _____

Parent's Signature: _____

Date: _____

School Nurse's Name: _____

School Nurse's Signature: _____

Date: _____

Reviewed: 4/8/13

Permission to Carry and/or Self-Administer Epinephrine (if appropriate)
New Kent County Public Schools



Name: _____

DOB: _____

School: _____

Grade: _____

I, as the Healthcare Provider, certify that this child has a medical history of severe allergic reactions has been trained in the use of the prescribed medication(s) and is judged to be capable of carrying and self-administering this medication(s). The nurse or the appropriate school staff should be notified anytime the medication/injector is used. This child understands the hazards of sharing medications with others and has agreed to refrain from this practice.

☐ Self-Carry

☐ Self-Administer

Healthcare Provider Signature_____
Print Healthcare Provider Name_____
Date

Parent/Guardian Response

In accordance with the Code of Virginia Section 22.1-274, I agree to the following:


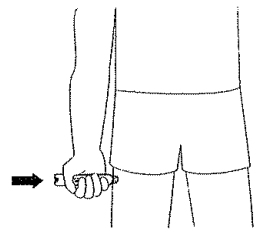



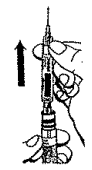

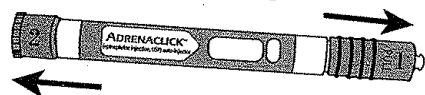

I will not hold the School Board or any of its employees liable for any negative outcome resulting from the self-administration of said emergency medication by the student.

I understand that the school, after consultation with the parent(s) may impose reasonable limitations or restrictions upon a student's possession and/or self-administration of said emergency medication relative to the age and maturity of the student or other relevant consideration.

I understand that the school may withdraw permission to possess and self-administer the said emergency medication at any point during the school year if it is determined the student has abused the privilege of possession and self-administration or that the student is not safely and effectively self-administering the medication.

Parent/Guardian Signature_____
Date_____
Student Signature_____
Date

Reviewed: 4/8/13

| | |
|---|---|
| <p>EPIPEN Auto-Injector and EPIPEN Jr Auto-Injector Directions</p> <ul style="list-style-type: none"> First, remove the EPIPEN Auto-Injector from the plastic carrying case Pull off the blue safety release cap  <ul style="list-style-type: none"> Hold orange tip near outer thigh (always apply to thigh)  <ul style="list-style-type: none"> Swing and firmly push orange tip against outer thigh. Hold on thigh for approximately 10 seconds. Remove the EPIPEN Auto-Injector and massage the area for 10 more seconds  <p><small>EPIPEN 2-PAK® EPIPEN Jr 2-PAK® (epinephrine) Autoinjectors 0.3/0.15 mg</small></p> <p><small>DEY® and the Dey logo, EpiPen®, EpiPen 2-Pak®, and EpiPen Jr 2-Pak® are registered trademarks of Dey Pharma, L.P.</small></p> | <p>Twinject® 0.3 mg and Twinject® 0.15 mg Directions</p>  <p>Remove caps labeled "1" and "2."</p> <p>Place rounded tip against outer thigh, press down hard until needle penetrates. Hold for 10 seconds, then remove.</p> <p>SECOND DOSE ADMINISTRATION: If symptoms don't improve after 10 minutes, administer second dose:</p> <p>Unscrew rounded tip. Pull syringe from barrel by holding blue collar at needle base.</p> <p>Slide yellow collar off plunger.</p> <p>Put needle into thigh through skin, push plunger down all the way, and remove.</p>    |
| <p>Adrenaclick™ 0.3 mg and Adrenaclick™ 0.15 mg Directions</p>  <p>Remove GREY caps labeled "1" and "2."</p> <p>Place RED rounded tip against outer thigh, press down hard until needle penetrates. Hold for 10 seconds, then remove.</p>  | <p>A food allergy response kit should contain at least two doses of epinephrine, other medications as noted by the student's physician, and a copy of this Food Allergy Action Plan.</p> <p>A kit must accompany the student if he/she is off school grounds (i.e., field trip).</p> |

New Kent County Public Schools

DR. BRIAN J. NICHOLS,
SUPERINTENDENT POST OFFICE BOX 110
NEW KENT, VIRGINIA 23124
(804) 966-9650
Fax (804) 966-8556

ANDREA M. STASKIEL, CHAIR
KRISTIN D. SWYNFORD, VICE-CHAIR
W. WAYNE MEADE
SARAH GRIER BARBER
M. MOLLY MCBEATH

Dear Parents,

A student in your child's class is allergic to _____ which could cause physical reactions including difficulty breathing. Please assist us in keeping your child's classmate safe by honoring our request to keep this allergen out of the classroom. This will be of utmost importance in regard to field trips, birthday celebrations, field day events, holiday parties or special events.

Please talk with your child about the importance of honoring this request by teaching them about the danger of this allergen, practicing proper hand washing, treating one another with kindness and respecting one another's differences. Thank you so much for your attention to this matter.

Sincerely,

Reviewed: 4/8/13

LACTATION SUPPORT

The superintendent shall designate a non-restroom location in each school as an area in which any mother who is employed by the New Kent School Board or enrolled as a student in the division may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one. The area must be shielded from public view.

Adopted: July 7, 2014

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

HUMAN RESEARCH

Surveys, analyses or evaluations conducted as part of any program which is funded by the United States Department of Education or is otherwise subject to policies and regulations promulgated by any agency of the federal government are conducted in accordance with Policy JOB Administration of Surveys and Questionnaires, 20 U.S.C. § 1232h, and the applicable federal regulations. All instructional materials, including teacher's manuals, films, tapes, or other supplementary material which will be used in connection with any such survey, analysis, or evaluation will be available for inspection by the parents or guardians of the students involved.

Any other human research involving students must be approved and conducted under the review of a human research committee established by the school division or the school conducting the research. Such research will be conducted or authorized only after the student and the student's parents or legally authorized representative give their informed consent, as evidenced by a signed and witnessed informed consent form in accordance with Va. Code § 32.1-162.18.

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

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

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

Adopted: July 1, 1998
Revised: May 1, 2006
Revised: April 2, 2012
Revised: July 13, 2020

Legal Refs.: 20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, §§ 32.1-162.16, 32.1-162.17, 32.1-162.8,
32.1-162.19, 32.1-162.20.

Cross Refs.: JOB Administration of Surveys and Questionnaires
IIAE Innovative or Experimental Program

SUICIDE PREVENTION

The New Kent County school division is committed to protecting its students from the risk of suicide.

Duties of Teachers and Administrative Staff

Any person licensed as administrative or instructional personnel by the Board of Education and employed by the New Kent School Board who, in the scope of the person's employment, has reason to believe, as a result of direct communication from a student, that such student is at imminent risk of suicide, based on a direct communication from that student occurring within the staff member's scope of employment, shall promptly report this matter to a qualified professional identified below, while keeping the student safe. The superintendent is responsible for developing procedures for such contact that are in accordance with the guidelines developed by the Board of Education in cooperation with the Department of Health as required by Va. Code § 22.1-272.1.

Qualified Professional

The following licensed professionals are designated to assess suicide risks in students under this policy: School Psychologists, School Counselors, and School Social Workers.

Duties of the Qualified Professional

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

Abuse or Neglect

If the student has indicated that the reason for being at imminent risk of suicide relates to parental abuse or neglect, contact is not made with the parent. Instead, the staff person notifies, as soon as practicable, the local Department of Social Services or the state Department of Social Services' toll-free child abuse and neglect hotline as required by Policy JHG/GAE Child Abuse and Neglect Reporting and Va. Code § 63.2-1509. When giving this notice to the local or state department, the person stresses the need to take immediate action to protect the child from harm.

Follow-up

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

Parental Review of Materials

Parents have the right to review any audio-visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Prior to the use of any such material, the parent of a child participating in such a program is provided written notice of the parent's right to review the material and the right to excuse the child from participating in the part of such program utilizing such material.

Adopted: May 1, 2000
Revised: May 3, 2004
Revised: August 7, 2006
Revised: July 11, 2011
Reviewed: November 19, 2012
Revised: November 2, 2015
Revised: August 19, 2019
Revised: April 12, 2021

Legal Refs: Code of Virginia, 1950, as amended, §§ 22.1-207.1:1, 22.1-272.1 and 63.2-1509.

Cross Refs: GAE Child Abuse and Neglect Reporting
EB School Crises, Emergency Management, Medical Emergency Response Plan
EBB Threat Assessment Team

SUICIDE PREVENTION GUIDELINES

All communication regarding student at risk or suicide should be made promptly and in person. Student should not be left unattended during notification process.

Student communicates suicidal intent or ideation:

1. Staff member verbally notifies school administrator (if an administrator is not available, staff member notifies school's qualified personnel to include a school counselor, school psychologist, or school social worker, without delay)
2. Administrator verbally notifies one of the school's qualified personnel.
3. Qualified personnel shall:
 - a) Promptly meet with the student
 - b) Complete suicide risk assessment; and
 - c) Consults with at least one other qualified personnel.
4. If student is deemed to be at imminent risk:
 - a) The student should remain under direct adult supervision of one qualified personnel until the parent/guardian or emergency contact is reached and assumes responsibility for the student.
 - b) Qualified personnel contacts parent/guardian with an administrator or another qualified personnel.
 - c) Document the following: (1) date and time of call; (2) name of parent/guardian contacted; (3) parent/guardian response; (4) recommendation that parent/guardian obtain mental health evaluation/counseling; (5) plan agreed upon; and (6) anticipated follow-up.
 - d) Prior to returning to school, parent will be requested to supply school with a letter from the mental health professional (or discharge summary if student has been hospitalized) indicating that the risk is no longer imminent.
 - e) If parent indicates lack of intent to follow through with mental health intervention, qualified personnel may advise parent that DSS and/or police may be notified. Qualified personnel may then notify social services and/or police.
 - f) If unable to contact parent/guardian or emergency contact of a student deemed to be at imminent risk, qualified school personnel will remain with the student through the end of the school day and a reasonable amount of time thereafter. Administrator will seek assistance from the local Department of Social Services if school is unable to have direct conversation with parent/guardian or emergency contact after numerous attempts during the school day and a reasonable amount of time thereafter.

5. If student is deemed not to be at imminent risk:
 - a) Qualified personnel contacts parent/guardian with an administrator or another qualified personnel.
 - b) Document the following: (1) date and time of call; (2) name of parent/guardian contacted; (3) parent/guardian response; (4) recommendation that parent/guardian obtain mental health evaluation/counseling; (5) plan agreed upon; and (6) anticipated follow-up.
 - c) If unable to contact parent/guardian or emergency contact of a student not deemed to be at imminent risk, school personnel will document the suicide risk assessment and attempts made to contact parent/guardian or emergency contact to return the call. Leave messages for the parent/guardian or emergency contact to return the call. In addition to telephone call, use email or other means of communication as listed in the student's information file to notify parent/guardian of the need to call the school immediately.
 - d) If unable to contact parent/guardian or emergency contact of a student not deemed to be at imminent risk within a reasonable period of time, administrator will convene a meeting with qualified personnel and other staff familiar with the student to determine next steps on a case-by-case basis.
6. Follow-up and documentation should occur in accordance with Policy JHH Suicide Prevention which states: After a student has been identified or determined to be at imminent risk of suicide, the qualified professional shall make appropriate follow-up contact to ascertain the current status of the student and facilitate any in-school support that may be required.
 - a) In addition to Policy JHH, follow up should also include students who were not deemed at imminent risk.
 - b) In-school support may include (1) safety planning with parent/guardian, student, school counselor, and other staff; (2) use of resources from other professionals such as school psychologist, school social worker, and (3) other in-school resources and professionals as deemed appropriate on a case-by-case basis.

Abuse or Neglect

If the student has indicated that the reason for being at imminent risk for suicide relates to parent/guardian abuse or neglect, contact is not made with the parent/guardian. Instead, the staff person notifies, as soon as practicable, the local Department of Social Services or the state Department of Social Services' toll-free child abuse and neglect hotline as required by Policy GAE Child Abuse and Neglect Reporting and VA Code § 63.2-1509. When giving this notice to the local or state department, the person stresses the need to take immediate action to protect the child from harm. (Policy JHH Suicide Prevention)

Parent/Guardian Review of Material

Parents/guardians have the right to review any audio visual materials that contain graphic sexual or violent content used in any anti-bullying or suicide prevention program. Prior to the use of any such material, the parent/guardian of a child participating in such a program is provided written notice of the parent/guardian's right to review the material and the right to excuse the child from participating in the part of such program utilizing such material. (Policy JHH Suicide Prevention)

NKSB Review: November 19, 2012

NKSB Revised: May 9, 2016

NKSB Revised: August 19, 2019

STUDENT-ATHLETE CONCUSSIONS

Generally

In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian must review, on an annual basis, information on concussions provided by the school division. After having reviewed materials describing the short-and long-term health effects on concussions, each student-athlete and the student-athlete's parent or guardian must sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education.

Return to Play Protocol

A student-athlete suspected by the student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game is removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury does not return to play that day or until the student-athlete is

- evaluated by an appropriate licensed health care provider as determined by the Board of Education and
- in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer.

Return to Learn Protocol

School personnel are alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including

- difficulty with concentration, organization, and long-term and short-term memory;
- sensitivity to bright lights and sounds; and
- short-term problems with speech and language, reasoning, planning, and problem solving.

School personnel accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as the appropriate amount of time that such student needs to be away from the classroom.

Procedures

The superintendent is responsible for developing, and biennially updating, procedures regarding the identification of handling of suspected concussions in student-athletes.

Athletic Activities Conducted by Non-School Organizations on School Property

The school division may provide this policy to organizations sponsoring athletic activity for student-athletes on school property. The school division does not enforce compliance with the policy by such organizations.

Adopted: August 1, 2011
Revised: August 5, 2013
Revised: July 7, 2014
Revised: July 13, 2015
Revised: November 30, 2015
Revised: July 18, 2016
Revised: August 5, 2019

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-271.5.

Cross Refs: KG Community Use of School Facilities
KGB Public Conduct on School Property

FUND RAISING AND SOLICITATION

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

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

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

The superintendent periodically furnishes the school board with an up-to-date listing of all fund-raising activities being conducted in the school division.

Adopted: July 1, 1998
Revised: September 4, 2002
Revised: June 2, 2008
Revised: April 8, 2013
Revised: May 19, 2014
Revised: April 15, 2019
Revised: April 12, 2021

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

| | | |
|-------------|-----------|--|
| Cross Ref.: | IIBEA/GAB | Acceptable Computer System Use |
| | IICA | Field Trips |
| | JHCF | Student Wellness |
| | KJ | Advertising in the Schools |
| | KGA | Sales and Solicitations in Schools |
| | KMA | Relations with Parent Organizations |
| | KQ | Commercial, Promotional, and Corporate Sponsorships and Partnerships |

RESTRAINT AND SECLUSION OF STUDENTS

Physical restraint and seclusion may only be used by New Kent County School Board staff for the purpose of behavioral intervention in accordance with this policy and the Virginia Board of Education Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia. The School Board encourages the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint or seclusion.

The superintendent is responsible for developing procedures to address the requirements of the Board of Education Regulations. Those procedures shall include:

- examples of the positive behavioral interventions and support strategies consistent with the student's rights to be treated with dignity and to be free from abuse that the school division uses to address student behavior, including the appropriate use of effective alternatives to physical restraint and seclusion;
- a description of initial and advanced training for school personnel that addresses appropriate use of effective alternatives to physical restraint and seclusion and the proper use of restraint and seclusion;
- a statement of the circumstances in which physical restraint and seclusion may be employed, which shall be no less restrictive than that set forth in 8 VAC 20-750-40 and 8 VAC 20-750-50;
- provisions addressing the
 - notification of parents regarding incidents of physical restraint or seclusion, including the manner of such notification;
 - documentation of the use of physical restraint and seclusion;
 - continuous visual monitoring of the use of any physical restraint or seclusion to ensure the appropriateness of such use and the safety of the student being physically restrained or secluded, other students, school personnel, and others. These provisions shall include exceptions for emergency situations in which securing visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgement of the school personnel implementing the physical restraint or seclusion, result in serious physical harm or injury to persons;
 - securing of any room in which a student is placed in seclusion. These provisions shall ensure that any seclusion room or area meet specifications for size and viewing panels that ensure the student's safety at all times, including during a fire or other emergency; and
 - the appropriate use and duration of seclusion based on the age and development of the student.

The School Board reviews this policy at least annually and updates it as appropriate. The superintendent reviews the procedures at least annually and updates them as appropriate.

Adopted: October 4, 2010
Revised: September 24, 2012
Revised: October 5, 2020

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-78, 22.1-279.1, 22.1-279.1:1.
8 VAC 20-750-40.
8 VAC 20-750.50.
8 VAC 20-750-70.

| | | |
|--------------|------|--|
| Cross Refs.: | BF | Board Policy Manual |
| | CH | Policy Implementation |
| | EB | School Crisis, Emergency Management, and Medical Emergency Response Plan |
| | IGBA | Programs for Students with Disabilities |
| | JFC | Student Conduct |
| | JGA | Corporal Punishment |
| | JGDA | Disciplining Students with Disabilities |
| | JGDB | Discipline of Students with Disabilities for Infliction of Serious Bodily Injury |
| | KNAJ | Relations with Law Enforcement Authorities |

New Kent County Public Schools

Guidelines for the Management of Student Behaviors in Emergency Situations

Statement of Philosophy

New Kent County Public Schools values every child and his/her right to be treated with dignity, respect, and special care. The New Kent County Public Schools will make ongoing efforts to ensure the safety and well-being of students and staff. When there is a need to manage aggressive and violent student behaviors in emergency situations in the school setting, policies must be in place to include processes and procedures that safeguard the rights and protections of students and staff. Policy JM, as outlined in the New Kent County Public Schools Policy Manual, ensures that students are free from the unreasonable use of physical restraint, seclusion, and any other intervention methods that may not be the least restrictive intervention. The use of abusive interventions are not authorized, permitted, or condoned in New Kent County Public Schools. Corporal punishment is expressly prohibited by law.

Purpose

The purpose of these Guidelines is to provide information to all persons working with children within the New Kent County Public Schools on how violent and aggressive student behaviors in emergency situations are to be managed. These Guidelines will focus on the processes to occur when extreme behaviors are presented, and the procedures staff must follow to ensure that incidents are properly documented, recorded, and reported to appropriate school officials and parents.

The use of restraint is only permitted to those individuals that have been properly trained in the appropriate techniques. The purpose of restraint and seclusion is limited to only incidents in which there is a threat of harm to self or another individual. Identified school staff members receive annual, evidence-based training that focuses on the skills and competencies necessary to effectively prevent, minimize, and manage behavioral challenges with dignity, safety, and the possibility of change and improvement.

Procedures for Managing Behavior/s

Administrators and staff should be knowledgeable of these written Procedures for managing behavior in New Kent County Public Schools. Ongoing training will be provided and Guidelines implementation will be monitored regarding:

- The prevention of student violence, self-injurious behavior, and suicide
- The prohibition of certain behavioral interventions in the New Kent County Public Schools
- The use and applicability of physical restraint
- The use and applicability of other behavioral interventions
- The specific training and staff development to be provided to New Kent County Public Schools faculty and staff on the use and applicability of these Guidelines and its content (Policy JM)
- The documentation and reporting requirements of these Guidelines
- The investigation of injuries and complaints
- The use of the incident forms adopted by New Kent County Public Schools
- The safety and protection of the student during school emergencies and during the implementation of physical restraint

Incident Report Guidelines

1. The Restraint Incident Report Form must be completed and submitted to the building administrator by the end of the school day. (Appendix 1)
2. The completed Restraint Incident Report must be reviewed by the building administrator and the staff member serving as the school-based trainer for seclusion and restraint within 24 hours of the incident.
3. A copy the completed Restraint Incident Report Form must be sent to the director of student services within 24 hours of the incident.
4. The parent/guardian must be notified of the restraint by the end of the day in which the restraint occurred. (Appendix 2)
5. A debriefing session must be conducted within 48 hours of the incident by the building administrator, guidance counselor, staff member serving as the school-based trainer, the restraining staff member, and other professionals as deemed appropriate by the building administrator.
6. If an elementary student is restrained at least 3 times in a 10 day period, or a secondary student is restrained more than 3 times in a 9 week period, then a committee should be convened to discuss the student's behavior. The committee should consist of the student's parent/guardian, guidance counselor, teacher, building administrator, and other professionals in the school division as deemed appropriate by the building administrator.
7. The committee should review the student's Individuated Education Plan (IEP) or Behavior Intervention Plan, if applicable, to determine if there is a need for an amendment. The committee should also review the 504 Plan, if applicable, to ascertain the need for revision. The committee should convene to discuss students who do not have an IEP or 504 Plan to determine if other measures and resources are warranted.

Methods and Procedures for Guidelines Implementation

Each principal of a school will ensure that the faculty and staff have been fully trained in the requirements of the Guidelines. These Guidelines will be made readily accessible in each school building for immediate review should incidents arise requiring the management of violent and aggressive student behaviors in emergency situations.

Each principal will maintain a record of all incidents when these Guidelines have been implemented and will make a report to the School Board as requested.

NKSB Review: September 24, 2012
Revised: November 30, 2015
Revised: August 19, 2019

New Kent County Public Schools

Restraint - Incident Report Form

| | | | | | | |
|---|------|----------------------|-------------|--|---------------|--|
| Basic Information | | | | | | |
| Name of School | | | | | Grade | |
| Name of Student | | | | | Date of Birth | |
| | | | | | | |
| Events Leading to this Incident | | | | | | |
| Where did the incident occur? | | | | | | |
| When did the incident occur? | Time | | Day of Week | | Date | |
| How did the incident begin? | | | | | | |
| | | | | | | |
| Describe the Incident | | | | | | |
| What was happening at the time? | | | | | | |
| Was anyone else involved? | | | | | | |
| Did anyone else see what happened? (give details) | | | | | | |
| What behavior was the student presenting that warranted restraint? | | | | | | |
| Was there damage to property or an assault on a student or staff during the incident? | | | | | | |
| What did you do to try to defuse the situation before restraint? | | | | | | |
| How was pupil restrained? (describe) | | | | | | |
| Time restraint began | | Time restraint ended | | | | |
| List staff members who were involved in the physical Restraint | | | | | | |

| | | | | | |
|--|---|------|--|------|--|
| | | | | | |
| Injuries Sustained | | | | | |
| Was anyone injured? | <input type="checkbox"/> Yes or <input type="checkbox"/> No | | | | |
| If yes, give details | | | | | |
| Was incident reported to the school nurse and documented? | <input type="checkbox"/> Yes or <input type="checkbox"/> No | | | | |
| | | | | | |
| Follow-Up Action | | | | | |
| Parent/Guardian was informed by | | Date | | Time | |
| Telephone Call: spoke with parent(s) | <input type="checkbox"/> Yes or <input type="checkbox"/> No | Date | | Time | |
| Left Message | <input type="checkbox"/> Yes or <input type="checkbox"/> No | Date | | Time | |
| No answer | <input type="checkbox"/> Yes or <input type="checkbox"/> No | Date | | Time | |
| Face to Face Discussion | <input type="checkbox"/> Yes or <input type="checkbox"/> No | Date | | Time | |
| Letter home with student | <input type="checkbox"/> Yes or <input type="checkbox"/> No | Date | | Time | |
| Incident form completed by | | | | | |
| Position | | Date | | | |
| Incident form reviewed by | | | | | |
| Administrator | | Date | | | |
| MANDT Trainer | | Date | | | |
| | | | | | |
| Assurance Statement (Any staff member who was physically involved must sign) | | | | | |
| Your signature Indicates: | Physical restraint was implemented in accordance with all school division and/or program policies and procedures for physical restraint and all statements are true to the best of your ability. The force used in the application of physical restraint did not exceed the force that was reasonable and necessary under the circumstances leading to the use of physical restraint. | | | | |
| Signature | | | | | |
| Signature | | | | | |
| Signature | | | | | |
| Signature | | | | | |
| Signature | | | | | |

NKSB Review: September 24, 2012

| |
|------------|
| Appendix 2 |
|------------|

Date

Mr. and Mrs. New Kent
New Kent Road
New Kent, Virginia 23124

RE: Student Name

Dear Mr. and Mrs. New Kent,

School personnel attempted to contact you at phone number at time of day today regarding an incident that occurred with your child. Since we could not reach you directly, we wanted to make you aware of a situation that took place at school today. Due to safety concerns, it was necessary to place your child in a physical restraint. The restraint was utilized by staff members trained in the Mandt System.

Your child's safety is important to us. Our goal is to provide a safe, positive, and productive learning environment for all students. Please contact me as soon as possible so that we can discuss the incident and how it can be avoided in the future. I can be reached at (804) 966_____.

Sincerely,

Mr./Mrs./Ms. School Principal

NKSB Review: September 24, 2012

STUDENT FEES, FINES AND CHARGES

The School Board charges student fees and takes action to recover funds for the loss of or damage to School Board property in accordance with the state and federal law. No fee may be charged unless it has been approved by the School Board.

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

The following fees are charged.

STUDENT FEES FOR SCHOOL YEAR 2023-2024

DISTRICT WIDE CHROMEBOOK FEES (ALL LEVELS):

| | |
|--|---------------------------|
| Charger Replacement: | \$25.00 |
| 2 nd or Subsequent Accidental Damages | \$40.00 fee per incident |
| Intentional Damage or Lost/Stolen Device: | \$250.00 replacement cost |

HIGH SCHOOL LEVEL:

CLASS DUES:

| | |
|------------|---------|
| Junior: | \$10.00 |
| Sophomore: | \$5.00 |
| Freshman: | \$5.00 |

BAND FEE: \$40.00 (Sep-Jun equipment rental and percussion)

MARCHING BAND FEE: \$180.00 (broken into 3 payments)

GUITAR FEE: \$20.00 (per semester)

GYM SUIT: \$20 (all gym/weight lifting classes)
\$10 (dri fit shirt only)
\$10 (shorts only)

DRIVERS ED CLASS: \$4.00 (for a workbook – 10th grade only)

DUAL ENROLLMENT: \$15.00 (per credit)

PARKING: \$50.00 (½ if purchased after 1st semester)

BEHIND THE WHEEL: \$100

LOST LOCKS (PE): \$8.00

ART:

| | |
|--------------|----------------------------------|
| Ceramics: | \$35.00 |
| Art: | \$25.00 |
| Drawing: | \$25.00 increased material costs |
| Crafts: | \$20.00 |
| Painting: | \$20.00 |
| Photography: | \$35.00 |

THEATRE:

| | |
|--------------------|----------------------------------|
| Musical Theater: | \$15.00 |
| Theater 1-4: | \$15.00 cover scripts/licensing |
| Technical Theater: | \$25.00 material costs increases |

CTE:

| | |
|-------------------------------|---------|
| CTE class: | \$10.00 |
| Intro to Culinary: | \$20.00 |
| Architectural Drawing: | \$15.00 |
| Electronics Technology | \$15.00 |
| Engineering Drawing/Design | \$15.00 |
| Intro to Engineering & Design | \$15.00 |

TRANSCRIPT FEE: \$3.00 (current students receive free transcript)

ATHLETIC FEE: \$30.00 (per season)

| | |
|------------------------|---------------------------------|
| Athletic Passes: | \$40.00/Student & \$60.00/Adult |
| \$50.00 Pool Fee | |
| \$50.00 Gymnastics Fee | |

FIELD TRIP
(Transportation) FEE:

\$4.00/field trip

CLUBS:

Determined by individual club by members. Standard fees:

Beta:

New member: \$25.00 / Returning: \$10.00 / Graduating Senior: \$5.00 (Dues)

\$35.00 Change from National Organization for all

| | |
|-------------------|---------|
| DECA: | \$14.00 |
| Educators Rising: | \$10.00 |
| FBLA: | \$10.00 |
| FCCLA: | \$12.00 |
| FFA: | \$12.00 |
| TSA: | \$12.00 |

Odyssey of the Mind: \$25.00

| | | |
|----------------------|-----------------|---------|
| <u>TESTING FEES:</u> | PSAT: | \$18.00 |
| | SAT PREP Class: | \$75.00 |

MIDDLE SCHOOL LEVEL:

ATHLETIC FEE: \$30.00 (per season)

CLUBS: Jr. Beta: New member: \$35.00 / Returning: \$20.00 (Dues)
Odyssey of the Mind: \$25.00

GYM SUIT: \$20 (entire suit)
\$10 (dri fit shirt only)
\$10 (shorts only)

FIELD TRIP
(Transportation) FEE: \$4.00/field trip

ELEMENTARY LEVEL:

CLUBS: Jr. Beta: New member: \$35.00 / Returning: \$20.00 (Dues)
Odyssey of the Mind: \$25.00

MUSIC FEE (RECORDER): \$7.25 music teachers all agreed due to increased costs

FIELD TRIP
(Transportation) FEE: \$4.00/field trip

Fees Approved: 04/23

Fees may be charged for 1) optional services such as parking or locker rental; 2) student-selected extracurricular activities; 3) class dues; 4) field trips or educationally-related programs that are not required instructional activities; 5) fees for musical instruments, as long as the instruction in the use of musical instruments is not part of the required curriculum; 6) distance learning classes for enrichment which are not necessary to meet the requirements for a diploma; 7) summer school, unless the classes are required for remediation as prescribed by the Standards of Quality;

8) overdue or lost or damaged library books; 9) lost or damaged textbooks; 10) consumable materials such as workbooks, writing books, drawing books and fine arts materials and supplies; however, workbooks, writing books, drawing books and fine arts materials and supplies must be furnished to students who are unable to afford them at a reduced price or free of charge; fees may not be charged to students for instructional materials, textbooks, or other materials that are not directly used by a public school student; 11) the behind-the-wheel portion of the driver's education program; 12) a fee not to exceed a student's pro rata share of the cost of providing transportation for voluntary extracurricular activities; and 13) the preparation and distribution of official paper copies of student transcripts; a reasonable number of copies of official paper copies must be provided for free before a charge is levied for additional official copies; official electronic copies of student transcripts must be provided for free.

Fees may not be charged 1) as a condition of school enrollment, except for students who are not of school age or who do not reside within the jurisdiction; 2) for instructional programs and activities, or materials required for instruction, except as specified in by 8 VAC 20-720-80.H; 3) for textbooks or textbook deposits; however, a reasonable fee or charge for lost or damaged textbooks may be charged; 4) for pupil transportation to and from school; or 5) for summer school programs or other forms of remediation required by the Standards of Quality.

Fees are reduced or waived for economically disadvantaged students and students whose families are undergoing economic hardships and are financially unable to pay them, including but not limited to, families receiving unemployment benefits or public assistance, including Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or Medicaid; foster families caring for children in foster care; and families that are homeless.

Each time a fee is charged, notice will be given that a fee waiver may be requested. The notice will include directions as to how to apply for a waiver.

This policy will be provided to parents annually and posted on the division's website.

The consequences for nonpayment of fees include exclusion from the activity related to the fee.

No student's report card, diploma or class schedule will be withheld because of nonpayment of fees or charges. No student will be suspended or expelled for nonpayment of fees or charges.

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

Adopted: July 1, 1998
Revised: November 3, 2008
Revised: July 12, 2010
Revised: November 19, 2012
Revised: May 6, 2013
Revised: July 1, 2013
Revised: July 7, 2014
Revised: October 22, 2014
Revised: November 2, 2015
Revised: April 17, 2023

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

8 VAC 20-7200-80

Cross Ref.: ECAB Vandalism
 IIA Instructional Materials

STUDENT RECORDS

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.

Protective Orders and Orders Prohibiting Contact with a Child

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

Annual Notification

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

- the right to inspect and review the student's 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.

| Types | Location | Custodian | Information |
|----------------------------|------------------|------------------------------------|---|
| 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.

A school official is:

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

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

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

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

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

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

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

Unauthorized Disclosure of Electronic Records

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

Disclosure to Federal Agencies

Notwithstanding any other provision of law or policy, no member or employee of the New Kent School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, form 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 parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

Audit or Evaluation of Education Programs

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

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

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

Military Recruiters and Institutions of Higher Learning

The 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.

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

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

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.

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|----------------------------|----------------------------|
| Adopted: July 1, 1998 | Revised: August 6, 2012 |
| Revised: February 1, 1999 | Revised: November 18, 2013 |
| Revised: November 6, 2000 | Revised: July 7, 2014 |
| Revised: June 3, 2002 | Revised: January 7, 2015 |
| Revised: January 6, 2003 | Revised: July 13, 2015 |
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| Revised: May 1, 2006 | Revised: December 6, 2016 |
| Revised: August 7, 2006 | Revised: April 28, 2017 |
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| Revised: November 3, 2008 | Revised: August 5, 2019 |
| Revised: May 18, 2009 | Revised: August 31, 2020 |
| Revised: August 2, 2010 | |
| Revised: February 6, 2012 | |

Legal Refs.: 18 U.S.C. §§ 2331m 2332b.
 20 U.S.C. §§ 1232g, 7908.
 42 U.S.C. § 290dd-2.

34 C.F.R. 99.3, 99.7, 99.10, 99.11, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33, 99.34, 99.35, 99.36, 99.37.

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3705.4, 2.2-3804, 16.1-260, 16.1-305.1, 16.1 305.2, 22.1-254.1, 22.1-279.3:2, 22.1-287, 22.1-287, 22.1-287.01, 22.1-287.02, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-36.1, 64.2-2003.

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

STUDENT RECORDS AND RELEASE OF INFORMATION
(NOTIFICATION TO PARENTS AND STUDENTS)

The Family Educational Rights and Privacy Acts (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

- (1) The right to inspect and review the student's education records within 45 days of the day the Division receives a request for access.

Parents or eligible students should submit to the school principal {or appropriate school official} a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the New Kent County School Division to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the Division decides not to amend the record as requested by the parent or eligible student, the Division will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right of a hearing.

- (3) 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.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the Division as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the Division has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the Division discloses educational records without consent to officials of another school division in which a student seeks or intends to enroll. {NOTE: FERPA requires a school division to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request. }

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Division to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

FAMILY POLICY COMPLIANCE OFFICE
U.S. DEPARTMENT OF EDUCATION
600 INDEPENDENCE AVENUE, S.W.
WASHINGTON, D.C. 20202-4605

Reviewed by NKCPS Board

August 6, 2012

No Changes

STUDENT TRANSCRIPTS

Generally

Secondary school transcripts contain information as specified by the Virginia Board of Education.

Test Record

The superintendent is responsible for establishing a procedure by which parents, guardians or others with legal control of a student can elect in writing to have the student's test record excluded from the student transcript. The test record includes at least the highest score earned, if applicable, on college performance-related standardized tests such as SAT and ACT, excluding Standards of Learning (SOL) test scores.

High School Credit-Bearing Courses Taken in Middle School

For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course. The superintendent specifies, by regulation, the deadline and procedure for making such a request. Notice of this provision is provided to parents.

Adopted: April 28, 2017

Revised: July 12, 2021

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-23.3, 22.1-253.13:3.

8 VAC 20-131-90.

8 VAC 20-160-30.

Cross Refs.: JO Student Records

REGULATIONS CONCERNING STUDENT TRANSCRIPTS

All Virginia public school transcripts are required to include the student's SAT and/or ACT score. An amendment to this Virginia statute also grants parents, guardians, or others having legal control or charge the option of electing to exclude their child's test record from the student transcript.

If a parent, legal guardian, or student over the age of 18 wants to exclude the SAT and/or ACT score from his or her child's transcript, you may do so by submitting the College Performance- Related Standardized Test Score Transcript Opt-Out form, which can be obtained from the school counseling office. The opt-out form must be submitted at least two weeks prior to the receipt of a transcript request by colleges or universities to ensure the test score is removed from the transcript prior to being released.

Adopted: April 24, 2018

ADMINISTRATION OF SURVEYS AND QUESTIONNAIRES

I. Instruction Materials and Surveys

A. Inspection of Instructional Materials

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

B. Participation in Surveys and Evaluations

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

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

C. Surveys Requesting Sexual Information

In any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to Va. Code § 32.1-73.8, other information on controlled substance use, or any other information that the school board deems to be sensitive in nature is to be administered, the school board notifies the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice informs the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how information collected by the questionnaire or survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the school board with all information required to be included in the notice to parents.

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

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

D. Additional Protections

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

- Student completing surveys will be identified by number or the survey will be anonymous.

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 schools;

- tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

IV. Notification

Notification of Policies

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

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection I.B. above; or
- any 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.

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| Adopted: | September 4, 2002 | Revised: | April 22, 2013 |
| Revised: | August 4, 2003 | Revised: | January 7, 2015 |
| Revised: | May 1, 2006 | Revised: | July 13, 2015 |
| Revised: | August 7, 2006 | Revised: | April 15, 2019 |
| Revised: | October 3, 2011 | Revised: | August 5, 2019 |

Legal Refs.: 20 U.S.C. § 1232h.

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

Cross Refs.: INB Teaching About Controversial Issues
JHDA Human Research
KBA Requests for Public Records
KF Distribution of Information/Materials

ACCEPTANCE OF ELECTRONIC SIGNATURES AND RECORDS

Policy Statement

Electronic or digital signatures can take many forms and can be created using many different types of technology. The authenticity and reliability of electronic signatures relating to transactions are dependent on the accompanying processes, supplemental records and the overall context in which records are created, transferred, and signed. The New Kent School Board adopts the following policy with respect to the use of electronic records and signatures in connection with its communications with parents, guardians, or other persons having control over a child enrolled in this division.

Definitions

“Attribution” – An electronic record or electronic signature is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.

“Electronic Signature” – An electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

“Electronic Record” – Any record created, generated, sent, communicated, received or stored by electronic means.

Applicability

This policy applies to parents, guardians, and other persons having control or charge of a child enrolled in the division; and also to individuals affiliated with the division, whether paid or unpaid, including but not limited to teachers, administrators, staff, students, affiliates, and volunteers.

Electronic Records

Electronic records created or received by the division shall be appropriately attributed to the individual(s) responsible for their creation and/or authorization or approval. The division shall utilize available technology to implement reliable methods for generating and managing electronic records. Any electronic record filed with or issued by the division may be given full force and effect of a paper communication if the following conditions are satisfied:

1. The communication is an electronic filing or recording and the New Kent School Board agrees to accept or send such communication electronically; and
2. If a signature is required on the record or communication by any statute, rule or other applicable law or School Board policy, the electronic signature must conform to the requirements set forth in this policy governing the use of electronic signatures.

Electronic Signatures

An electronic signature may be used if the law requires a signature unless there is a specific statute, regulation, or policy that requires records to be signed in non-electronic form. The issuance and/or acceptance of an electronic signature by the School Board may be permitted in accordance with the provisions of this policy and all applicable state and federal law. If permitted, such electronic signature shall have the full force and effect of a manual signature only if the electronic signature satisfies all of the following requirements:

1. The electronic signature identifies the individual signing the document by the individual's name and title;
2. The identity of the individual signing with an electronic signature is capable of being validated through the use of an audit trail;
3. The electronic signature and the document to which it is affixed cannot be altered once the electronic signature has been affixed;
4. The electronic signature conforms to all other provisions of this policy.

Acceptance, Use and Issuance of Electronic Records and Signatures

The School Board shall maintain an electronic recordkeeping system that can receive, store, and reproduce electronic records and signatures relating to communications and transactions in their original form. Such system should include security procedures whereby the School Board can (a) verify the attribution of a signature to a specific individual, (b) detect changes or errors in the information contained in a record submitted electronically, (c) protect and prevent access, alteration, manipulation or use by an unauthorized person, and (d) provide for nonrepudiation through strong and substantial evidence that will make it difficult for the signer to claim that the electronic representation is not valid.

The School Board shall ensure that all electronic records and signatures are capable of being accurately reproduced for later reference and retained until such time as all legally mandated retention requirements are satisfied.

The School Board shall maintain a secure hard copy log of the PIN/password or actual signature of any individual authorized to provide an electronic signature in connection with School Board business.

The School Board may receive and accept as original, electronic records and signatures so long as the communication, on its face, appears to be authentic.

Adopted: July 12, 2021

Legal Ref.: Code of Virginia, 1950, as amended §§ 22.1-79.3, 59.1-479 et seq.

Cross Ref.: JO Student Records

STUDENT PUBLICATIONS

Definition of Official School Publications

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

Responsibilities of Student Editors and Journalists

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

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

Responsibilities of Student Publications Faculty Co-Editor

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

Responsibilities of the School Principal

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

Adopted: July 1, 1998
Revised: June 6, 2005
Revised: April 8, 2013
Revised: July 7, 2014
Revised: July 1, 2015
Revised: August 5, 2019

Legal Refs: *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 261.108 S.Ct. 562, 98 L.Ed.2d 592 (1988).

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| Cross Refs: | AC | Nondiscrimination |
| | GB | Equal Employment Opportunity/Nondiscrimination |
| | GBEC/JFCH/KGC | Tobacco Products and Nicotine Vapor Products |
| | JB | Equal Educational Opportunities/Nondiscrimination |
| | JFC | Student Conduct |
| | JFC-R | Standards of Student Conduct |
| | JFHA/GBA | Prohibition Against Harassment and Retaliation |

SCHOOL SERVICE PROVIDERS' USE OF STUDENT PERSON INFORMATION

Definitions

For the purpose of this policy:

“Elementary and secondary school purposes” means purposes that (i) customarily take place at the direction of an elementary or secondary school, elementary or secondary school teacher, or school division; (ii) aid in the administration of school activities, including instruction in the classroom or at home; administrative activities; and collaboration between students, school personnel or parents; or (iii) are otherwise for the use and benefit of an elementary or secondary school.

“Machine-readable format” means a structured format that can automatically be read and processed by a computer such as comma-separated values (CSV), JavaScript Object Notation (JSON) or Extensible Markup Language (XML). “Machine-readable format” does not include portable document format (PDF).

“Personal profile” does not include account information that is collected and retained by a school service provider and remains under control of a student, parent or elementary or secondary school.

“School-affiliated entity” means any private entity that provides support to the school division or a public elementary or secondary school. “School-affiliated entity” includes alumni associations, parent-teacher organizations, public education foundations, public education funds and scholarship organizations.

“School service” means a website, mobile application or online service that (i) is designed and marketed solely for use in elementary or secondary schools; (ii) is used (a) at the direction of teachers or other employees at elementary or secondary schools or (b) by any school-affiliated entity; and (iii) collects and maintains, uses or shares student personal information. “School service” does not include a website, mobile application or online service that is (a) used for the purposes of college and career readiness assessment or (b) designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

“School service provider” means an entity that operates a school service pursuant to a contract with the school division.

“Student personal information” means information collected through a school service that identifies a currently or formerly enrolled individual student or is linked to information that identifies a currently or formerly enrolled individual student.

“Targeting advertising” means advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student’s online behavior, use of applications, or sharing of student personal information. “Targeted advertising” does not include advertising (i) that is presented to a student at an online location (a) on the basis of such student’s online behavior,

use of applications or sharing of student personal information during his current visit to that online location or (b) in response to that student's request for information or feedback and (ii) for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising.

Required Contract Terms

The contract between a school service provider and the School Board shall require the school service provider

- to provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses or shares such student personal information;
- to maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;
- to maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality and integrity of student personal information and makes use of appropriate administrative, technological and physical safeguards;
- to facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used or shared by the school service provider, or by such student's parents, either directly or through the student's school or teacher;
- to collect, maintain, use and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the School Board and the school service provider;
- when it collects student personal information directly from the student, to obtain the consent of the student or, if the student is less than 18 years of age, his parents before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, to obtain the consent of the school division before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service;
- to require any successor entity or third party with whom it contracts to abide by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information; and
- to require that, upon the request of the school or School Board, the school service provider will delete student personal information within a reasonable period of time after such request unless the student or, if the student is less than 18 years of age, his parent consents to the maintenance of the student personal information by the school service provider; and
- to provide, either directly to the student or his parent or through the school, access to an electronic copy of such student's personal information in a manner consistent with the functionality of the school service. Contracts between local school boards and school service providers may require that such electronic copy be in a machine-readable format.

The contract will also prohibit the school service provider for knowingly

- using or sharing any student personal information for the purpose of targeting advertising to students;
- using or sharing any student personal information to create a personal profile of a student other than for elementary and secondary school purposes authorized by the school division, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise in the contract between the school division and the school service provider; or
- selling student personal information except to the extent that such student personal information is sold to or acquired by a successor entity that purchases, merges with or otherwise acquires the school service provider.

Nothing in this policy shall be construed to prohibit school service providers from

- using student personal information for purposes of adaptive learning, personalized learning or customized education;
- using student personal information for maintaining, developing, supporting, improving, or diagnosing the school service;
- providing recommendations for employment, school, educational or other learning purposes within a school service when such recommendation is not determined in whole or in part by payment or other consideration from a third party;
- disclosing student personal information to (i) ensure legal or regulatory compliance, (ii) protect against liability or (iii) protect the security or integrity of its school service; or
- disclosing student personal information pursuant to a contract with a service provider, provided that the school service provider (i) contractually prohibits the service provider from using any student personal information for any purpose other than providing the contracted service to or on behalf of the school service provider, (ii) contractually prohibits the service provider from disclosing any student personal information provided by the school service provider to any third party unless such disclosure is permitted by Va. Code § 22.1-289.01(B)(7) and (iii) requires the service provider to comply with the requirements set forth Va. Code § 22.1-289.01(B) and the prohibitions set forth in Va. Code § 22.1-289.01(C).

Nothing in this policy shall be construed to:

- impose a duty upon a provider of an electronic store, gateway, marketplace, forum or means for purchasing or downloading software or applications to review or enforce compliance with this policy with regard to any school service provider whose school service is available for purchase or download on such electronic store, gateway, marketplace, forum or means;
- impose liability on an interactive computer service, as that term is defined in 47 U.S.C. § 230(f), for content provided by another individual; or
- prohibit any student from downloading, exporting, transferring, saving or maintaining his personal information, data or documents.

Adopted: July 18, 2016
Revised: August 7, 2017

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-289.01.

Cross Refs.: ET Educational Technology Foundation and Public School Foundations
JO Student Records
KMA Relations with Parent Organizations

REQUIREMENTS FOR PARTICIPATION IN MIDDLE AND HIGH SCHOOL ATHLETICS

In order to tryout and participate in middle or high school athletics, a student must:

- Achieve a 1.7 GPA for the previous semester
- Meet all Virginia High School League (VHSL) requirements
- Follow all rules and standards found in the New Kent County Public Schools' athletic handbook

Adopted: April 28, 2017