

EQUAL EDUCATIONAL OPPORTUNITIES/
NON-DISCRIMINATION

I. Policy Statement

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

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

The School Board shall:

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

II. Complaint Procedure

A. File Report

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

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who has knowledge of conduct which may constitute prohibited discrimination should report such conduct to one of the compliance officers designated in this policy or to any school personnel. Any employee who has knowledge of conduct which may constitute prohibited discrimination shall immediately report such conduct to one of the compliance officers designated in this policy.

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

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

B. Investigation

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

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responsible for the discrimination will be notified of the reason for the extended investigation and of the date by which the investigation will be concluded.

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

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

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

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

C. Action by Superintendent

Within 5 school days of receiving the compliance officer's report, the superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the superintendent or designee determines that prohibited discrimination occurred, the Lunenburg 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.

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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 Lunenburg County School Board has designated the Director of Personnel, Federal Programs, Curriculum and Instruction, 1009 Main Street, Kenbridge, VA 23944, 434-676-2467 as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer, the Director of Administrative Services, 1009 Main Street, Kenbridge, VA 23944, 434-676-2467. The Compliance Officer shall:

- receive reports or complaints of discrimination;
- conduct or oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy; and
- ensure 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.

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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.

IV. Right to Alternative Complaint Procedure

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

V. Prevention and Notice of Policy

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

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their 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: March, 1992.
Amended: August, 1993
Amended: December, 1993
Amended: January, 1995
Amended: May, 2000
Amended: June, 2001
Amended: April, 2004
Amended: October, 2012

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Legal Refs: 20 U.S.C. sections 1681-1688.
29 U.S.C. sections 794.
42 U.S.C. sections 2000d-2000d-7.
34 CFR 106.9.

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

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

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REPORT OF DISCRIMINATION

Name of Complainant: _____

Student's School and Class: _____

Address, Phone Number
and Email Address: _____

Date(s) of Alleged Discrimination: _____

Name(s) 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

SECTION 504 NONDISCRIMINATION POLICY AND COMPLAINT PROCEDURES

The Lunenburg County School Board does not discriminate against individuals on the basis of disability. The Lunenburg 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 Lunenburg 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 solve 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 complain under this policy shall immediately forward the complaint to the Compliance Officer.

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The complainant should use the Complaint of Discrimination'' form (see end of this policy) to make a complaint of discrimination. However, oral complaints shall also be accepted. The complaint should be filed with the school principal, other school or school division staff, or the Compliance Officer. School or school division staff receiving a complaint of discrimination shall forward it to the school principal; who shall immediately forward the complaint of discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Superintendent. 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 shall immediately authorize or undertake an investigation. The investigation may be conducted by school staff or a third party designated by the School Division. The investigation shall be completed as soon as practicable, 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 shall send written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination (the accused).

Also upon receiving the complaint, the Compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 15 school days will be required to investigate the complaint, the Compliance Officer will notify the complainant and the persons allegedly responsible for the discrimination of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded, which will be no longer than an additional 15 school days. The investigation may consist of personal interviews with

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the complainant, the persons alleged 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 accused shall have the right to identify witnesses and other relevant information as well as rebut evidence presented by opposing parties. The School Division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

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

The Compliance Officer shall issue a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated, and recommendations for corrective action, if any. The Compliance Officer's written report, and all written notices sent pursuant to this policy shall be maintained and distributed in accordance with the Family Educational Rights and Privacy Act. The report shall be issued to the superintendent, the complainant and the accused 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 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 the accused. If the Superintendent determines that discrimination occurred, the School Division shall take prompt, appropriate action to address and remedy the harm and prevent any recurrence. Such action may include discipline up to and including recommending that a student be expelled or that an employee be discharged.

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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 with 30 calendar days of receiving the record. The School Board may require oral or written argument from the complainant, the person or persons accused of 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 accused.

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

5. Compliance Officer

The School Board shall at all time designate 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 shall be posted on the Division's website at all times. The Compliance Officer may be contacted at 434-676-2467.

The Lunenburg School Board's Compliance Officer shall receive training and shall be 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 shall:

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

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B. INFORMAL PROCEDURE

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

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

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

C. RETALIATION

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

D. FALSE CHARGES

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

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COMPLAINT OF DISCRIMINATION

Name of complainant:

Student's School and Class:

(Continued)

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Adopted: June, 2000
Revised: May, 2011

Revised: February, 2016

Legal Ref.: 29 U.S.C. § 794.
34 CFR Part 104.7(b)

Cross Ref.: GCPD Professional Staff Discipline
JB Equal Educational Opportunities/
Nondiscrimination
JFC-R Standards of Student Conduct
JGD/JGE Student Suspension/Expulsion
JO Student Records

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LUNENBURG COUNTY BOARD OF EDUCATION

PROHIBITION AGAINST BULLYING

The Lunenburg County School Board believes that all students have a right to a safe and healthy school environment. All schools within the division have an obligation to promote mutual respect, tolerance, and acceptance among students, staff, and volunteers. Behavior that infringes on the safety of any student **will not** be tolerated. A student shall not bully or intimidate any student through words or actions. Such behavior includes, but is not limited to direct physical contact, verbal assaults, the use of electronic methods, social isolation and/or manipulation. The school division policy prohibiting bullying is included in the Student Code of Conduct Book and includes, but is not limited to the following:

- Any student who engages in bullying will be subject to disciplinary action up to and including expulsion.
- Students are expected to immediately report incidents of bullying to the administration of the school or staff.
- School staff or administrators will promptly investigate each complaint of bullying in a thorough and confidential manner.
- If the complainant student or parent of the student feels that appropriate resolution of the investigation or complain has not been reached after consulting the school principal, the student or parent of the student should contact the School Board Office where the Superintendent or designee will intervene.
- The school system prohibits retaliatory behavior against any complainant or any participant in the complaint process.

All students and/or staff shall immediately report incidents of bullying, harassment, or intimidation to the school principal or designee. School staff members are expected to immediately intervene when they see a bullying incident occur. Each complaint of bullying shall be promptly investigated. This policy applies to students on school grounds, while traveling on a school bus to and from school, or a school-sponsored activity.

Bullying and intimidation will not be tolerated. Disciplinary action will be taken following each confirmed incident of bullying. Disciplinary action after the first incident of bullying may include, but is not limited to the following:

- Loss of a privilege
- Reassignment of seats in the classroom, cafeteria, or bus
- Reassignment of classes

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- Detention

- In-School Suspension
- Out-of-School Suspension
- Expulsion
- Assignment to an Alternative School or Homebound

If necessary, counseling and other interventions should also be provided to address the social-emotional behavioral and academic needs of students who are victims of bullying and students who commit an offense of bullying.

The following actions will be taken when bullying is reported:

1. Investigation - Any report of bullying, schools will direct an immediate investigation of the incident. The investigation will begin no later than the next business day in which the school is in session after the report is given or received by the school administration. The investigation will be completed no later than ten school days after the written report of the incident is given to the school official.
2. Notification - Parents or legal guardians of the victim and accused student will be notified of the investigation procedure. If the incident involves an injury or similar situation, appropriate medical attention should be provided and the parent/guardian should be notified immediately.
3. Discipline - Upon confirming that bullying has occurred, the accused student will be charged with bullying and will receive age-appropriate consequences which shall include, at minimum, disciplinary action or counseling.
4. Follow-up - Complaints will be promptly notified of the findings of the investigation and the remedial action taken.
5. Documentation - Written documentation containing the findings of the investigation, including input from the student's parents or guardians, and the decision by the school official, will be prepared and placed in the records of the victim and perpetrator.

Adopted: September, 2017

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 School Board.

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.

Adopted: March, 1992
Amended: March, 1994
Amended: January, 1995
Amended: April, 2004
Amended: April, 2005
Amended: February, 2014

Legal Ref.: 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

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SCHOOL ATTENDANCE AREAS

Division lines will be established based upon the capacity of the schools; the number of children of school age living in the area; the natural boundaries and major traffic arteries; the safety of the students going to and from school; the exceptional educational needs of the student, and the need to provide cultural, racial, and economic balance.

Issued: March, 1994

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

TRANSFER REQUESTS 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, contact 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, 1997
Amended: April, 2004
Amended: February, 2015

Legal Refs: 20 U.S.C. section 7912.
Code of Virginia, sections 22.1-3, 22.1-3.3.

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

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LUNENBURG COUNTY PUBLIC 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: April, 2004
Amended: February, 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

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CLASSROOM ASSIGNMENT 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 at 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: May, 2009

Amended: May, 2012

Amended: May, 2015

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

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COMPULSORY ATTENDANCE

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

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

The requirements of this policy apply to

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

The requirements of this policy do not apply to

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

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Lunenburg County Public Schools

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 development 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.

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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

- (i) charged with an offense relating to the Commonwealth's law, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person;
- (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of Va. Code § 16.1-260;
- (iii) suspended pursuant to Va. Code § 22.1-277.05; or
- (iv) expelled from school attendance pursuant to Va. Code §§ 22.1-277.06, 22.1-209.1:2 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: March, 1992
Amended: January, 1995
Amended: June, 2001
Amended: September, 2002
Amended: June, 2004
Amended: May, 2011
Amended: May, 2012
Amended: May, 2014

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

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

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 and Regulation JEC-R School Admission may be enrolled in school. The superintendent shall disseminate information received from the State Superintendent of Public Instruction concerning the ages when children are required or eligible to attend school. This information shall be disseminated to parents of such children upon or prior to enrollment of such children in the public schools of the division.

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

Adopted: March, 1992
Amended: January, 1995
Amended: June, 2001
Amended: July, 2006
Amended: May, 2013

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

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

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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 Lunenburg County School Division, or if eligible for admission under Policy JECA.

A person of school age is deemed to reside in the school division¹:

1. When the person is living with a natural parent, or a parent by legal adoption in the Lunenburg County School Division;
2. 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 Title 10, United States Code, § 1044b by the custodial parent;
3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either
 - (i) the court-appointed guardian, or has legal custody, of the person; or
 - (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code §63.2-1200; 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 provider or a parent will notify the school with 30 days of when the kinship care arrangement ends.
 - (c) agreeing that the kinship care provider or a parent will notify the school with 30 days of when the kinship care arrangement ends.

Continued)

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.

5. When the person is living in the school division not solely for school purposes, as an emancipated minor;
6. 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 division will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement upon the joint determination of the placing social services agency and the school division that such attendance is in the best interest of the child.

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

Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with section 22.1-5 of the Code of Virginia and pursuant to Lunenburg County School Board Regulation JEC-R School Admission.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

No child of a person on active military duty attending a

school free of charge in accordance with this policy shall be charged tuition by the school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in the school division and shall not be charged tuition for attending such school. Such children shall be counted in the average daily membership of the school division in which they are 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.

Children of Employees

Children of employees who are not residents of the county may attend the county schools free from tuition payments.

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.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

- 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. 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. Tuition rates are established each year in accordance with the provisions of Section 22.1-5 of the Code of Virginia.
- F. Prior to admission to the Lunenburg County Public 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 adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the 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 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.

(Continued)

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 Lunenburg 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 therefor, 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. 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.

(Continued)

In excluding any such expelled student from school attendance, the local 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 Lunenburg County School Board and agencies of the federal government or the school board of another jurisdiction to permit students not otherwise eligible to attend Lunenburg 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 §§ 22.1-270, 22.1-271.2, and 32.1-46 of the Code of Virginia and policies JHCA and JHCB.

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

Adopted: March, 1992
Amended: October, 1993
Amended: July, 1994
Amended: January, 1995
Amended: June, 1997
Amended: November, 1997
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Amended: August, 1999
Amended: June, 2001
Amended: May, 2003
Amended: June, 2004
Amended: June, 2005
Amended: July, 2006
Amended: June, 2007
Amended: May, 2011
Amended: May, 2013
Amended: May, 2015

(Continued)
LUNENBURG COUNTY PUBLIC SCHOOLS

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 22.1-276.01, 22.1-277.2, 22.1-287.02, 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.

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

SCHOOL ADMISSION

No person is charged tuition for admission or enrollment in the Lunenburg 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 Lunenburg 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 Lunenburg 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 (ii) are dependents of a military service member required by the military to live on the military installation as evidence 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;

(Continued)

- 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 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. 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.

Foreign students in an 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

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:

(Continued)

- the current legal resident 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, regulations and guidelines of the school division, including the Code of Student Conduct.

Within 15 calendar days of receipt of the application, the Superintendent's Office of the school division shall provide the applicants 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 Superintendent's Office shall notify the parent or guardian of the right to have the transfer 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 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.

Tuition Rate

The tuition rate is set by the superintendent for each academic year.

Transportation

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

(Continued)

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

Issued: January, 1995
Amended: June, 1996
Amended: June, 1997
Amended: November, 1997
Amended: June, 1998
Amended: August, 1999
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Amended: June, 2007
Amended: May, 2013
Amended: May, 2015

Legal Refs.: 8 CRF 214.2

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

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

ADMISSION OF HOMELESS CHILDREN

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

The Lunenburg 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 Lunenburg County School Board shall

- 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;

(continued)

- if, after conducting the best interest determination based on consideration of the presumption and the student's centered factors above, the Lunenburg County school division determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or (in the case of an unaccompanied youth) the youth, provides the student's parent or guardian or the unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian or unaccompanied youth, including information regarding the right to appeal; and

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

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

contagious disease, the school division immediately refers the student to the division's homeless liaison who shall, 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 shall be made regardless of whether the student lives with the homeless parents or has been temporarily placed elsewhere.

Enrollment Disputes.

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

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

Appeal Process

Oral Complaint

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

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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.

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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 shall be shared equally.

Definitions:

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

1. children and youths, including unaccompanied youths who are not in the physical custody of their parents, who
 - a. are sharing the housing of other persons due to loss of housing, economic hardship, or other causes; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations or in emergency, congregate, temporary, or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(continued)

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File: JECA
(Page 6)

- b. are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized;
- c. 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
- d. 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: March, 1992
Amended: March, 1994
Amended: January, 1995
Amended: June, 1997
Amended: June, 2000
Amended: May, 2003
Amended: June, 2004
Amended: February, 2013
Amended: May, 2017

Legal Refs.: 20 U.S.C. §§ 6399,
42 U.S.C. § 11302, 11431, 11432, 11433, 1143a.

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

Private and home school students shall not be permitted to enroll part-time or to participate in academic or extracurricular activities in the Lunenburg County Public Schools.

Adopted: July, 1997
Amended: June, 2001
Amended: July, 2006

Legal Refs: Code of Virginia, as amended, §§ 22.1-78,
22.1-79, 22.1-253.13:1, 22.1-254.1;
1973-74 Ops. Va. Attorney Gen. 305.

Cross Refs: JEC School Admission

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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 shall be responsible for such child's regular and punctual attendance at school as required under provisions of the law.

Parents of students who are absent must inform the school of the reason for the absence no later than upon the student's return to school. Absences are excused for the following reasons:

- Illnesses for which a parent/guardian submits a note
- Family Emergencies (maximum of 2)
- Death in the Family
- Court appearances
- Approved religious holidays (non-traditional observance requires supporting documentation)
- Extenuating circumstances as determined by the school's administration

The superintendent, by regulation, establishes procedures for appropriate interventions when a student engages in a pattern of absences for less than a full day, the explanation of which, if it were a full-day absence, would not be an excused absence.

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

Students shall attend school for a full day unless excused by the principal or principal's designee.

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.

(Continued)

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, 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".

A. Upon Fifth Absence Without Parental Awareness and Support

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

B. Upon Sixth Absence Without Parental Awareness and Support

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

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

C. Upon Additional Absence Without Parental Awareness and Support

Upon the next absence after the conference without indication to the attendance officer that the pupil's parent is aware of and supports the pupil's absence, the principal or principal's designee shall notify the attendance officer or Superintendent or his designee who shall enforce the compulsory attendance rules by either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the pupil is a

child in need of supervision as defined in Va. Code §16.1-228 or (ii) instituting 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 already undertaken to resolve the pupil's absence. If the student's parents have joint physical custody of the student and the school has notice of the custody arrangement, then both parents shall be notified at their last known addresses.

D. Parental Cooperation in Remediating Excessive Unexcused Absences

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

(Continued)
LUNENBURG COUNTY PUBLIC SCHOOLS

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 complies 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 checkout system is maintained in each school.

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Amended: May, 2010
Amended: May, 2013
Amended: May, 2017

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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

8 VAC 20-230-20.

8 VAC 20-730-10.

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

STUDENT ABSENCES/EXCUSES/DISMISSALS

- I. Students who are absent must bring a parental note on the first day the student returns to school stating the reason for the absence. The only excuses for absence that shall be deemed acceptable are:
- a. illness (if over two days, the school may require a note from the doctor)
 - b. court appearance
 - c. death in the family
 - d. religious holidays
 - e. field trips and school-related activities
 - f. extenuating circumstances which are determined by the school administration.

High School and Middle School

Believing that school attendance is directly related to academic achievements, is relevant to developing good habits which are exceptionally important in the world of work and is ultimately the responsibility of the students and their parent(s)/guardian(s), the Lunenburg County School Board directs that students of Central High School and Lunenburg Middle School may not be promoted or receive semester credit if absent from school for more than ten (10) days for each subject missed. If more than ten absences occur, the loss of semester credit will result unless the absences are covered by legitimate excuses. Legitimate absences include the following:

- 1) personal illness
- 2) severe illness or death in the immediate family
- 3) exposure to a contagious disease
- 4) religious holidays
- 5) extremely inclement weather
- 6) required court appearance
- 7) essential labor.

Out-of-school and in-school suspensions are not counted as absences in the administration of this policy.

In all cases of absence or tardiness, the parent(s)/guardian(s) shall give, in writing, an excuse stating the cause

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of absence or tardiness. Absence for any reason other than those stated must be with the advance approval of the principal/assistant principal. Such absence requests must be made in writing and must state the reason for absence and the date and/or time of absence. Parent(s)/guardian(s) will be reminded that all cases of absence count against the student's attendance record regardless of the reason with the sole exception of approved school activities. All notes of excuse or request to leave school must be preserved until the close of the school term, and the principal and the assistant principal will be the judges of the validity of the notes. After examining the validity of the excuses on file, the principal/assistant principal will determine whether the student retains credit or loses credit in each class in which he/she has been absent for more than ten (10) days. If the total number of excuses on file do not cover the total number of days absent, the loss of semester credit will result, and the parent(s)/guardian(s) will receive notification of this loss of semester credit by mail.

If the parent(s)/guardian(s) or student feels that extenuating circumstances as defined above caused the excessive absences, the parent(s)/guardian(s) may appeal the loss of credit, within five (5) school days, in writing to the assistant principal. Upon receipt of the appeal, the assistant principal will arrange an Attendance Review Board hearing. This Board will consist of the principal or assistant principal as chairperson, a guidance counselor, and teachers of a student. The student's parent(s)/guardian(s) and the student will be given the opportunity to appear and be heard by the Attendance Review Board. The notes will be admissible evidence at Attendance Review Board hearings. At this time, the Board will decide if there were extenuating circumstances, and they can decide whether the decision of loss of credit should stand or be overturned.

After receipt of the disposition of the hearing, if the parent(s)/guardian(s) or student still feels that extenuating circumstances as defined above caused the excessive absences, the parent(s)/guardian(s) may appeal the disposition of the hearing, within five (5) school days, in writing to the principal and the Administrative Attendance Review Board (composed of the principal as chairperson, a guidance counselor, the visiting teacher, and one other person appointed by the superintendent). The parent/guardian may appeal the decision of the Administrative Attendance Review Board to the Division Attendance Review Board (composed of the Director of Human Resources, the General Supervisor, and the Chapter I Coordinator), to the Superintendent, and, then ultimately, to the School Board.

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- A. Student absences will be recorded on a daily basis in each class. The student is to present the first-period or homeroom teacher a written note which included the date(s) of absence, the cause of absence, and parent's/guardian's signature for daily absence, early dismissal, or late arrival. Excuses will not be accepted after five (5) school days following the absence. (This does not include doctor/dental excuses).
- B. An attempt will be made, via electronic means, to contact the parent(s)/guardian(s) of a student who has been absent from school. This will be done on a daily basis unless the school has been notified otherwise.
- C. The first-period teacher will notify the parent(s) - /guardian(s) once with a certificate of mailing letter when the student has accumulated five (5) absences from any one class. A copy of the attendance policy will be included with "Notice of Five Absences." Parents should realize that the student may be in violation in other classes also. The assistant principal will be notified in writing ("Notice of 11 Absences -- Violation") when a student accumulates eleven days in a given class.
- D. A secondary school student may lose semester credit in each class in which he/she has been absent for more than ten (10) days. The loss of credit will be determined by the assistant principal after examining the validity and the number of excuses on file for the student. Parents will receive notification of the loss or the retention of credit by mail.
- E. When a student absence causes classwork to be missed, the following will apply:
 - 1. When students are suspended out of school on a temporary basis, teachers are to allow these students to make up homework and major tests; however, daily classwork and quizzes cannot be made up. A zero (0) shall be recorded for classwork and quizzes missed because of out-of-school suspension.
 - 2. Absences or tardiness due to approved school activities will not count toward total absence from class. In cases of absence or tardiness from class because of school sponsored activities and legitimate voluntary reason, the student may request an opportunity to make

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up work. Make up work must be completed at a time and place convenient to the teacher during contractual hours. Students are expected to make up the work missed at the rate of one day makeup for each day of absence. A student missing two days would have two days to complete work missed during the absence.

- F. Student attendance will be maintained in the teacher's Continental Class Record Book by each classroom teacher. Secondary principals shall maintain accurate records of early dismissals and late arrivals as a part of their students accounting systems.
- G. Semester courses will be handled in the same manner as yearly courses. In computing final yearly grades, a student who is passing but loses semester credit in any class due to excessive absences will receive a grade of "F" on the Scholastic Record Card using (69) for computation purposes. A student already failing and in violation of the attendance policy due to excessive absences will receive a grade of "F" on the Scholastic Record Card and an actual numerical grade will be used in determining the final grade. When a grade of "F" is recorded due to excessive absences, the report card code will reflect attendance problems.

Elementary School

- 1. A student will be expected to make up work for all classes missed within five (5) days of return to school, whether the absence is excused or unexcused. Extenuating circumstances may be considered in extending the time limit.
- 2. Students who do not bring parental notes or who bring unacceptable excuses shall be corrected through the use of counseling and discipline procedures.

General Provisions

Each principal will insure that teachers are accountable for the following:

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

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

Date Issued: March, 1992.
Amended: August, 1992
Amended: June, 1998
Amended: December, 1999
Amended: May, 2010

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Student Absence/Excuses/Dismissal

This Regulation serves as an addendum to Lunenburg County Public Schools current attendance policy.

All Students are expected to be in school each day during instructional hours. Each parent/guardian having responsibility of a child enrolled in Lunenburg County shall inform the school each day the child is absent all or part of any school day. All schools will make a reasonable effort to contact the parent/guardian of each absent student and will maintain a log of attempted contacts. Each school's administration shall endeavor to minimize or eliminate class cutting, tardies and absences. Students shall be required to attend school the equivalent of 180 instructional school days.

There may be times when a student is unable to attend school. An excused absence shall be considered valid when documentation or a written note or other form of notice approved by the principal or principal's designee is received on the day the student returns to school. Excused absences include:

- Illness for which a parent/guardian submits a note
- Family Emergencies (maximum of 2)
- Death in the family
- Court appearances
- Approved religious holidays (non-traditional observance requires supporting documentation)
- Extenuating circumstances as determined by the schools administration

An excused absence will ensure that a student is not deprived of any award, eligibility or opportunity to compete for an award or denied an opportunity to take an exam/test which he/she may have missed for religious reasons.

The Virginia Department of Education is currently developing a uniform, consistent definition for unexcused absences. Until the State Board of Education has finalized the definition of "unexcused absences", the Lunenburg County Public School System will adhere to the existing policy for "unexcused absences". They are:

- Suspension from school
- Absences to conduct business matters that could be completed after school hours
- Leaving school/missing class without permission from the Principal or designee
- Inclement weather

- Car trouble
- Oversleeping
- Parents running late
- Family vacations
- Babysitting
- Truancy
- Absence for which a note is not presented with 3 school days

Virginia School Law (22.1-258), requires that a conference with a student's parent be held when that student has accumulated six (6) absences within the current school year. Also, according to the State Code 22.1-258, the school system is required to file charges against the student's parent with the Lunenburg Juvenile & Domestic Relations District Court when that student has accumulated seven (7) or more "unexcused absences within the current school year.

The Division's Attendance Officer must be contacted within three (3) days upon receiving communication from the student's school to explain why such charges should not be filed against the parent and the student.

If a secondary student is absent from his/her class 10 times during the semester, he/she could lose course credit and risk failing that class. Additionally, if a student under the age of 18 years has 10 or more consecutive unexcused absences from school, the principal may notify the Juvenile & Domestic Relations Court which may take action to suspend the student's driver's license.

An Attendance Review Committee will review all referred cases with documentation of:

- (1) high school students who receive failing grades for each semester with 10 or more absences
- (2) all middle and/or elementary school students absent 10 days or more per year

Dismissal Precaution:

A formal check-out system shall be maintained in each school. A student will not be released during the school day to any person not authorized by the parent/guardian and shall be released only upon the request and authorization of the parent/guardian.

LUNENBURG COUNTY PUBLIC SCHOOLS

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The School Board shall excuse from attendance at school:

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

The School Board may excuse from attendance at school:

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

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

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

Adopted: May, 2011

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

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

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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 relevant issues students' views will be sought and considered by the superintendent and the School Board.

Adopted: March, 1992
Amended: December, 1993
Amended: January, 1995
Amended: June, 2001
Amended: February, 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

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STUDENT CONDUCT

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

The superintendent issues Standards of Student Conduct and a list of possible corrective actions for violation of the Standards of Conduct. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights. The Standards of Student Conduct, a notice of the requirements of 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 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 the School Board's Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

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

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school attendance. Parents are also expected to school authorities any problem that affects the student or other children in the school. It is the parent's responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

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

The principal or 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.

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

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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.

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

- in school or on school property;
- on a school vehicle;
- while participating in or attending any school sponsored activity or trip;
- on the way to and from school; and
- off school property, when the acts lead to: (1) notification pursuant to Va. Code §16.1-305.1 or a conviction for an offense listed in Va. Code §16.1-260 or (2) a charge that would be a felony if committed by an adult, or (3) disruption of the learning environment.

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

- possession or use of alcohol, illegal drugs, including marijuana, and anabolic steroids, or drug paraphernalia;
- selling drugs;
- assault/battery;
- sexual assault;
- arson;
- intentional injury (bullying, fighting);
- theft;
- bomb threats, including false threats, against school personnel or school property;
- use or possession of explosives (see Policy JFCD Weapons in School);
- possession of weapons or firearms (see Policy JFCD Weapons in school);
- extortion, blackmail, or coercion;
- driving without a license on school property;
- homicide;
- burglary;
- sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation);

- malicious mischief;
- shooting;
- any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs;
- stabbing, cutting or wounding;
- unlawful interference with school authorities including threats;
- unlawful intimidation of school authorities; and
- other unlawful acts including being an accessory to any of these or other unlawful acts.

Any student involved in a reportable drug or violent incident shall participate in prevention and intervention activities deemed appropriate by the 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.

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

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

Adopted: March, 1992
Amended: August, 1992
Amended: August, 1993
Amended: November, 1994
Amended: December, 1994
Amended: February, 1995
Amended: June, 1996
Amended: October, 1996
Amended: June, 1997
Amended: June, 1998
Amended: May, 2000

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Amended: June, 2000
 Amended: June, 2001
 Amended: May, 2003
 Amended; June, 2004
 Amended: April, 2005
 Amended: May, 2006
 Amended: May, 2011
 Amended: May, 2013
 Amended: May, 2014
 Amended: February, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 16.1-260, 18.2-308.1, 18.2-308.7, 22.1-78, 22.1-200.1, 22.1-253.13:7.C.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.

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

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STANDARDS OF STUDENT CONDUCT

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

1. Assault and Battery

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

An assault is a threat of bodily injury.

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

2. Attendance: Truancy

Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with School Board policy or regulation.

(See Policy JED Student Absences/Excuses/Dismissals.)

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

3. Bomb Threats

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

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4. Bullying

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

“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.

The principal notifies the parent of any student involved in an alleged incident of bullying of the status of any investigation with five school days of the allegation of bullying.

5. Bus-Related Offenses

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

6. Cheating

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

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

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7. Communication Devices

Students may possess a beepers, cellular telephones, Smart phones, tablets, Personal Digital Assistants (PDAs) or other communications devices on school property, including school buses, provided that the device must remain off and out of sight during instructional time unless it is being used for instructional purposes at the direction of the student's teacher. At no time may any device be used with an unfiltered connection to the Internet. The division is not liable for devices brought to school or school activities. If a student possesses or uses such a device other than as permitted in this policy, in addition to other disciplinary sanctions which may be imposed, the device may be confiscated from the student and returned only to the student's parent.

8. Defiance of the Authority of School Personnel

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

9. Disruptive Conduct

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

10. Electronic Cigarettes

Students shall not possess electronic cigarettes on school premises, on school buses or at school sponsored activities.

11. Extortion

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

12. Felony Charges

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

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13. Fighting

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

14. Gambling

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

15. Gang Activity

Gang-related activity is not tolerated. Symbols of gang membership are expressly prohibited (i.e., clothing that symbolizes association, rituals associated with, or activities by an identified group of students). (See Policy JFCE Gang Activity or Association)

16. Harassment

A student shall not harass another student or any school employee, volunteer, student teacher or any other person present in school facilities or at school functions. (See Policy JFHA/GBA Prohibition Against Harassment and Retaliation.)

17. Hazing

Students shall not engage in hazing.

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

The principal of any school at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.

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LUNENBURG COUNTY PUBLIC SCHOOLS

18. Internet Use

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

19. Laser Pointers

Students shall not have in their possession laser pointers.

20. Other Conduct

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

21. Possession or Use of Weapons or Other Dangerous Articles

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

22. Profane, Obscene or Abusive Language or Conduct

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

23. Reports of Conviction or Adjudication of Delinquency

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

24. Stalking

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

(continued)

25. Student Dress

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

Clothing should fit, be neat and clean, and conform to standards of safety, good taste and decency. Clothing that exposes cleavage, private parts, the midriff, or undergarments, or that is otherwise sexually provocative, is prohibited. Examples of prohibited clothing include, but are not limited to: sagging or low-cut pants, low-cut necklines that show cleavage, tube tops, halter tops, backless blouses or blouses with only ties in the back, clothing constructed of see-through materials and head coverings unless required for religious or medical purposes.

Additionally, disciplinary action will be taken against any student taking part in gang-related activities that are disruptive to the school environment, which include the display of any apparel, jewelry, accessory, tattoo, or manner of grooming that, by virtue of its color, arrangement, trademark, or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior.

Parents of students requiring accommodation for religious beliefs, disabilities, or other good causes should contact the principal.

Students not complying with this policy will be asked to cover the noncomplying clothing, change clothes or go home.

26. Theft

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

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

27. Threats or Intimidation

Students shall not make any verbal, written, or physical threat of bodily injury or use of force directed toward another person. Students shall not use electronic technology or communication devices, such as the internet or cell phones, to intimidate or threaten for any reason.

28. Trespassing

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

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

A student shall not possess, use, distribute any of the restricted substances listed below on school property, on school buses, or during school activities, on or off school property.

A student shall not attempt to possess, use, consume, procure, or purchase, any of the restricted substances listed in this regulation or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

A student shall not be 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 and 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 not-prescription drug possessed in violation of School Board Policy.

The School Board may require any student who has been found in possession of, or under the influence of, drugs or alcohol in violation of School Board policy 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.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JFC-R
(Page 8)

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

30. Vandalism

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

CORRECTIVE ACTIONS

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

1. Counseling
2. Admonition
3. Reprimand
4. Loss of privileges, including access to the School Division's computer system
5. Parental conferences
6. Modification of student classroom assignment or Schedule
7. Student behavior contract
8. Referral to student assistance services
9. Removal from class
10. Initiation of child study process
11. Referral to in-school intervention, mediation, or community service program
12. Tasks or restrictions assigned by the principal or his designee
13. Detention after school or before school
14. Suspension from school-sponsored activities or events prior to, during, or after the regular school day
15. In-school suspension

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JFC-R
(Page 9)

16. Out-of-school suspension
17. Referral to an alternative education program
18. Notification of legal authority where appropriate
19. Recommendation for expulsion including recommendation for expulsion for possessing a firearm, destructive device, firearm muffler, firearm silencer or pneumatic

gun on school property or at a school-sponsored event and recommendation for expulsion for having brought a controlled substance, imitation controlled substance or marijuana, onto school property or to a school sponsored activity

20. Evaluation for alcohol or drug abuse.
21. Participation in a drug, alcohol or violence intervention, prevention or treatment program.

Adopted: June, 1996
Amended: June, 1997
Amended: June, 1998
Amended: November, 1998
Amended: May, 1999
Amended: May, 2000
Amended: June, 2000
Amended: June, 2001
Amended: May, 2003
Amended: June, 2003
Amended: April, 2004
Amended: June, 2004
Amended: April, 2005
Amended: May, 2006
Amended: June, 2008
Amended: December, 2008
Amended: May, 2009
Amended: May, 2011
Amended: May, 2013
Amended: May, 2014
Amended: February, 2015
Amended: May, 2017

Legal Refs.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-308, 18.2-119, 18.2-308.1, 18.2-308.7, 18.2-371.2, 18.2-433.1, 22.1-70.2, 22.1-78, 22.1-202, 22.1-253.13:7.C.3, 22.1-276.3, 22.1-277, 22.1-277.07:1, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.6, 46.2-323, 46.2-334.001.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JFC-R
(Page 10)

Student Code of Conduct Policy Guidelines
(Virginia Board of Education-October 2013)

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

	Abuse
ECAB	Vandalism
GAB/IIBEA	Acceptable Computer System Use
GAB/IIBEA-R	Acceptable Computer System Use Regulation
GBECA	Electronic Cigarettes
IEA	Pledge of Allegiance
IGAG	Driver Education
JED	Student Absences/Excuses/Dismissals
JFC	Student Conduct
JFCD	Weapons in School
JFCE	Gang Activity or Association
JFCF	Drugs in School
JFHA/GBA	Prohibition Against Harassment and Retaliation
JGA	Corporal Punishment
JGD/JGE	Student Suspension/Expulsion
JGDA	Disciplining Students With Disabilities
JGDB	Discipline of Student With Disabilities for Infliction of Serious Bodily Injury
JHCD	Administering Medicines to Students
JN	Student Fees, Fines and Charges

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LUNENBURG COUNTY PUBLIC SCHOOLS

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 regulations governing student conduct that interrupts or obstructs the learning environment.

Criteria for Removal

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

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

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

Requirements for Incident Reports

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

(Continued)

A student may not be removed from class for disruptive behavior unless two 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-E) with school administrators. The teacher will include any other documentation supporting the removal including, but not limited to, the previous two incidents reports.

Procedures for Written Notification of Student and Parents

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

Guidelines for Alternative Assignment and Instruction of Removed Students

The Principal shall determine the appropriate placement any the student removed from class by a teacher. The Principal may:

1. Assign the student to an alternative program.
2. Assign the student to another class.
3. 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.
4. 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.
5. Return the student to class (in accordance with the procedures below).

(Continued)

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 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 GCN 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.

(Continued)

Adopted: June, 1998
Amended: June, 2001
Amended: February, 2013

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
JFC-R Standards of Student Conduct
JGDA Disciplining Students with Disabilities
JGDB Discipline of Students with Disabilities
For Infliction of Serious Bodily Injury
JGD/JGE Student Suspension/Expulsion

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STUDENT REMOVAL FORM

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:

Adopted: February, 2013

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 opportunities to participate in an organized activity outside of the traditional classroom.

Participant 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 educational process and in all segments of the community, including administrators, participants, adult supervisors, parents, fans, spirit groups and support/booster groups.

Adopted: August, 1993
Amended: March, 1994
Amended: January, 1995
Amended: September, 2002
Amended: February, 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-208.

Cross REF.: JFC Student Conduct
JFC-R Standards of Student Conduct
JFCC Student Conduct on Student 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: March, 1992
Amended: March, 1994
Amended: January, 1995
Amended: September, 2002
Amended: May, 2009
Amended: February, 2017

Legal Ref.: 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
JFC-R Standards of Student Conduct
JFCD Weapons in School
JGD/JGE Student Suspension/Expulsion
JGDA Disciplining Students with Disabilities
KGC Use of Tobacco and Electronic Cigarettes on School Premises

STUDENT CONDUCT ON SCHOOL BUSES

Transportation of Students

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

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

Student Conduct on School Buses

In the interest of the safety and welfare of school bus passengers, the Board of Education empowers the Superintendent of schools and his designees to establish and enforce strict school bus discipline and safety regulations. Students who do not conform to all regulations and directives concerning discipline, safety and conduct or whose behavior could be detrimental to the safety or welfare of others or the safe operation of the bus may have their bus riding privileges suspended or revoked in accordance with this policy.

Procedural Guidelines

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

1. Initially bus drivers should try to resolve the discipline problem or violation of rules directly with the student(s) involved. Bus drivers should also attempt to confer with parents and request their cooperation in resolving the problem. These actions must be documented by the driver.
2. For problems not resolved by step 1 or in cases of more serious discipline or safety problems, a discipline referral must be made to the school principal or designee ("administrator"). In such cases, unless more severe sanctions appear warranted, the administrator will give the student a formal warning, notify the parents and provide the parents with a copy of the discipline referral.

(continued)

3. If a problem occurs which results in a second discipline referral or, in the case of an initial discipline referral involving a serious discipline or safety problem, the following procedure shall apply:
 - a. The administrator will advise the student orally or in writing of the charges.
 - b. If the student denies the charges, the administrator will explain the evidence against the student and give the student an opportunity to present the student's side of the incident.
 - c. If, on the basis of this discussion, the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for one (1) to five (5) school days.
 - d. The administrator shall immediately notify the parents of the suspension of bus riding privileges, the grounds for such suspension, the duration of such suspension and the time and place for the parents to meet with the administrator to review the suspension. Such meeting must be held prior to reinstatement of the student's bus riding privileges. The parents shall also be provided with a copy of the discipline referral.
 - e. The administrator will determine if the student will be allowed to ride home on the day the student is suspended.
4. If a student, who has previously had bus riding privileges suspended during the current school year, receives another discipline referral, the administrator will follow the procedures in steps 3.a. through e. above with the following modifications:
 - a. If the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for five (5) to ten (10) school days; and
 - b. The student's bus riding privileges will not be reinstated until a meeting with the parents and the administrator has taken place or until, in the

(continued)

discretion of the administrator, the parents have substantially agreed to review the suspension. The administrator may also reinstate such privileges where the parents cannot be contacted or if the parents repeatedly fail to appear for scheduled meetings.

5. If a student, who has twice previously during the current school year had bus riding privileges suspended, receives another discipline referral, the administrator will follow the procedures in steps 3.a. through e. above with the following modifications:
 - a. If the administrator believes the student to be guilty of the misconduct charged, the administrator will suspend the student's bus riding privileges for ten (10) to thirty (30) school days; and
 - b. The student's bus riding privileges will not be reinstated until a meeting with the student, the parents, the bus driver, and the administrator has taken place.
6. In cases of severe and/or continuing problems, the school principal or the Superintendent may, after following the steps in 3.a. through e. above, suspend privileges for an additional fifteen (15) days, during which time an informal hearing will be scheduled before the Superintendent or designee with the student, the parents and division officials for the purpose of considering the revocation of the student's bus riding privileges for the remainder of the current school year.
7. An appeal may be taken to the Board of Education from any decision of the Superintendent revoking a student's bus riding privileges.
8. These guidelines shall not preclude the school principal or Superintendent from eliminating any of the steps in the process, if in their judgment the misconduct by the student warrants more severe action.

This policy and applicable regulations shall not be limited in their application to bus riding privileges alone, but shall also extend to all Division provided or supervised

(continued)

transportation. Disorderly conduct by students at bus stops shall be reported and acted upon in the same manner as misconduct on buses.

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

Adopted: March, 1992

Cross Refs.: JFC, Student Conduct
JGD/JGE, Student Suspension/Expulsion

PRESENCE OF PARENTS OR RESPONSIBLE ADULTS AT SCHOOL BUS STOPS
(For Students Grade Three and Below)

In the interest of the safety and welfare of school bus passengers, students in Grade Three or below who ride a school bus must have a parent, guardian or other responsible adult present at the bus stop or the student's house when the student exits the bus.

Procedural Guidelines:

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

1. Upon the first violation of this section, a warning Letter will be sent home with the student.
2. For second and subsequent violations in the same school year, the administrator will suspend the student's riding privileges for one (1) to five (5) school days.

Adopted: October, 2002

WEAPONS IN SCHOOL

I. Generally

Carrying, bringing, using or possessing any firearm, dangerous device, or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school or the school division is prohibited, and grounds for disciplinary action.

A student who has possessed a firearm, on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code §22.1-277.07 or a firearm muffler or firearm silencer or a pneumatic gun as defined in Va. Code § 15.2-915.4 on school property or at a school-sponsored activity may be expelled for at least one year in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. The School Board may promulgate guideline for determining what constitutes special circumstances. In addition, the School Board may, by regulation, authorize the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Disciplinary proceedings for violation of this policy will be initiated promptly.

Such weapons include, but are not limited to:

- any pistol, shotgun, stun weapon, revolver, or other firearm listed in Va. Code § 22.1-277.07, designed or intended to propel a projectile of any kind, including a rifle;
- unloaded firearms in closed containers;
- any air rifle or BB gun;
- toy guns and look-alike guns;
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor;
- slingshots;
- spring sticks;
- brass or metal knuckles;
- blackjacks;
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain;

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

- any disc of whatever configuration, having at least two points or pointed blade, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives; and
- destructive devices as defined in Va. Code § 22.1-277.07, or other dangerous articles.

II. Students with Disabilities

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

B. Additional authority to remove a student with a disability from school for a 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 2½ inches in length."

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JFCD
(Page 3)

Adopted: February, 1995
Amended: June, 1996

Amended: October, 1996
Amended: June, 1997
Amended: November, 1997
Amended: August, 1999
Amended: June, 2000
Amended: June, 2001
Amended: May, 2003
Amended: June, 2003
Amended: June, 2004
Amended: May, 2006
Amended: June, 2007
Amended: June, 2008
Amended: May, 2011
Amended: May, 2014
Amended: May, 2015

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

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.

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

8 VAC 20-81-10.

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

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 two or more persons whose purpose includes:

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

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

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

(Continued)

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

The superintendent shall provide 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: March, 1992
Amended: March, 1994
Amended: January, 1995
Amended: June, 1996
Amended: June, 1998
Amended: June, 2002
Amended: June, 2004
Amended: May, 2013

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-46.1,
22.1-70, 22.1-78, 22.1-79(2), 22.1-276.01

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GANG ACTIVITY OR ASSOCIATION

The type of dress, apparel, activities, acts, behavior or manner of grooming displayed, reflected, or participated in by the student shall not:

- Lead school officials to reasonably believe that such behavior, apparel, activities, acts, or other attributes are gang related and would disrupt or interfere with the school environment or activity and/or educational objectives;
- Present a physical safety hazard to self, students, staff, and other employees;
- Create an atmosphere in which a student, staff, or other person's well-being is hindered by undue pressure, behavior, intimidation, overt gesture, or threat of violence; or
- Imply gang membership or affiliation by written communication, marks, drawing, painting, design, emblem upon any school or personal property or on one's person.

If the student's behavior or other attribute is in violation of these provisions, the principal or designee will request the student to make the appropriate correction. If the student refuses, the parent/guardian may be notified and asked to make the necessary correction. The principal will take appropriate corrective and disciplinary action.

Students identified as being gang involved, influenced, or affiliated will be provided assistance, and/or programs which discourage gang involvement or affiliation, enhance self-esteem, encourage interest and participation in school or other positive activities and promote membership in authorized school organizations.

Training to provide increased awareness of the threat to the safety of students, staff, and school property which gang-related activity poses, shall be provided by security on an as-needed basis. Additional presentations will be made available to individual schools, staff or students at the request of the principal. Presentations will provide training in current identification symbols used by those involved in gang-related activity and will include things such as the identification of hand signals, apparel, jewelry, and/or any other pertinent gang-related information.

Issued: March, 1992

DRUGS IN SCHOOL

I. Generally

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

A. Expulsion

A student who is determined to have brought a controlled substance, imitation controlled substance, marijuana, or onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE Student Suspension/Expulsion. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. Any such disciplinary action shall 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 Lunenburg 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.

(Continued)

II. Students with Disabilities

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

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

1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of where 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(c) of the Controlled Substances Act at 21 U.S.C. section 812(c).
 - b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

(Continued)

Adopted: June, 1998
Amended: June, 2000
Amended: June, 2001
Amended: June, 2004
Amended: May, 2006
Amended: May, 2011
Amended: May, 2014

Legal Refs: 20 U.S.C. §§ 1415(k)(1)(G)(ii), 1415(k)(7)(A),
1415(k)(7)(B).

21 U.S.C. § 812(c).

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

8 VAC 20-81-10.

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

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TOBACCO-FREE SCHOOL FOR STAFF AND STUDENTS

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

For purposes of this policy:

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

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

(Continued)

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

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

Designated Smoking Areas

The School Board may direct the superintendent to issue regulations designating smoking areas on school grounds outside buildings.

Electronic Cigarettes

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

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

Adopted: February, 1995
Amended: June, 1996
Amended: August, 1999
Amended: April, 2001
Amended: September, 2002
Amended: May, 2003
Amended: April, 2008
Amended: May, 2009
Amended: May, 2014

Legal Ref.: 20 U.S.C. sections 6083, 7183.

Code of Virginia, 1950, as amended, §§ 15.2-2820, 15.2-2824, 15.2-2827, 22.1-79.5, 22.1-279.6.

(Continued)

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

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SUBSTANCE ABUSE - STUDENT ASSISTANCE PROGRAM

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

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

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

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

Adopted: March, 1992
Amended: March, 1994
Amended: January, 1995
Amended: June, 1997
Amended: June, 2001
Amended: February, 2013

Legal Ref.: Code of Virginia, 1950, as amended, sections 22.1-78, 16.1-305.1.

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

DRUGS AND ALCOHOL: PREVENTION, INTERVENTION, AFTERCARE

I. Prevention

The purpose of the drug and alcohol prevention program of the Lunenburg County School Division is to provide students with information and activities which will prevent them from using alcohol and drugs in a manner harmful to themselves and others. The division's prevention program shall focus on classroom instruction, parent education, guidance and counseling, and the school climate. Involvement of parents and other community members is essential for the success of division prevention activities.

A. Instructional Program

1. All schools, elementary and secondary, will have instructional programs which assist students in making responsible decisions about the use of alcohol and drugs. Current and accurate information about alcohol and drugs and their effects upon the body is one component of an instructional prevention program. Other components include instruction and skill development related to self-esteem, goal-setting, decision-making, understanding feelings, conflict management and problem-solving, refusal skills, and the development of communication skills.

Health education programs will have responsibility for providing instruction about the prevention of drug and alcohol use/abuse. Other areas of the curriculum will reinforce the prevention concepts taught in the health program. Instruction will be provided about student responsibilities and rights as they relate to use of drugs and alcohol in the school and community.

2. Staff will be provided training in new curricula used to teach prevention strategies. Instructional materials will be available for each school to implement the program.

B. Guidance and Counseling Program

Guidance and counseling personnel will assist teachers with the implementation of classroom drug and alcohol prevention activities.

(continued)

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File: JFCI-R
(Page 2)

Counselors will work with students, individually and in small groups, to supplement drug and alcohol prevention

instruction and skill development. Counselors will also work with staff and parents to maximize the prevention efforts of the school.

C. School Climate

School climate is an important element in the prevention of drug and alcohol use/abuse. The effects of drug and alcohol use/abuse may manifest themselves in poor school achievement; truancy; dropping out; poor relationships with family, peers and school personnel; delinquency and other behavioral problems.

All building staff will receive training in how to deal with problems associated with drug and alcohol use. Building-level prevention activities will be initiated under the leadership of the building administrator and supported by staff, students and parents. Community organizations will be encouraged to support school prevention activities.

The division will encourage programs which foster student advocacy of drug and alcohol prevention in both middle and secondary schools. These programs may include, but not be limited to, the formation of natural helper groups; development of Students Against Drunk Drivers (SADD) groups; a building-wide focus day; and student support groups. Student support groups assist students concerned about their own use of drugs/alcohol, students living in families suffering from drug/alcohol abuse or dependency, and students concerned about the drug/alcohol use of someone else.

II. Intervention

Secondary schools will establish and maintain an intervention program known as the Student Assistance Program. The goal of the program shall be to eliminate drug/alcohol use and abuse by students.

Ongoing inservice will be provided for faculty and staff. Important aspects of inservice training will include dimensions of the family illness and dynamics of the addiction process; enabling behaviors; intervention techniques; children in chemically dependent families;

(continued)

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(Page 3)

student experimentation, abuse and dependency; parental involvement and community resources; prevention issues and strategies; treatment and aftercare support; and implementation of the program into the classroom/building.

A. Student Assistance Program - Personnel Responsibilities

Administration has the primary responsibility for implementation of the intervention program in each school.

Student Service Staff will perform key roles in the implementation of intervention programs.

School Staff, including all classified and certificated staff, shall be trained to recognize early symptoms of drug and alcohol misuse and understand their responsibilities in assisting with the processes of the Student Assistance Program.

Core Team has the responsibility for planning, implementing and evaluating the program in its school. It will be responsible for facilitating the education/awareness/intervention component of the program, as well as working directly with administrators, staff, students, parents and community resources.

The Core Team shall consist of a group of staff members who have a commitment and a desire to implement the Student Assistance mode. The team will range from five to seven members and shall include classroom teachers, student services staff and others. The principal will appoint one member of the team as Core Team leader.

Core team members will receive specialized training in alcohol and drug abuse/dependency. This can be accomplished by attending school staff inservice activities and other specialized training. Resources will be provided for staff release time and/or stipends for Core Team members to meet on a regular basis.

B. Student Assistance Program - Processes

The Core Team will meet regularly to review referrals; confer with students and, if warranted, counselor, administrator and/or parents; collect data; make recommendations for services; and maintain a confidential system of recordkeeping.

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(Page 4)

Procedures will be established for student and staff involvement in the identification of high risk students, and for the development and implementation of student treatment plans.

III. Aftercare

It is important that students returning to school from a community inpatient or outpatient treatment program be given

aftercare support. Primary aftercare responsibility for students returning from a community treatment program rests with the student, parent and community treatment program personnel. School staff, the student, parent(s) and community treatment personnel will work cooperatively to facilitate the aftercare plan.

Adopted: March, 1992.

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

The School Board requires written notification of an offense to the pupil's 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. 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
- B. when the offense did not endanger the health and safety of the individual or other persons.

The notification shall be made no later than two school days following the incident. The 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: February, 1995
Amended: April, 2007
Amended: February, 2014

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

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NOTIFICATION REGARDING PROSECUTION OF JUVENILE AS ADULTS

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

Adopted: May, 2012

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

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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:

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

An individual search is justified at its inception when a school official has reasonable grounds, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonable in scope when it is reasonably related to the objectives of the search and is not expressively 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 are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.

AUTOMOBILE SEARCHES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and

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inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

COMPUTER SEARCHES

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

CONSENT SEARCHES

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

SEIZURE OF ILLEGAL MATERIALS

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

Adopted: March, 1992
Amended: December, 1993
Amended: November, 1994
Amended: January, 1995
Amended: June, 2000
Amended: April, 2004
Amended: October, 2014

(Continued)

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

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

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ACKNOWLEDGMENT CONCERNING USE OF STUDENT PARKING LOTS

I acknowledge and understand that:

1. Students are permitted to park on school premises as a matter of privilege, not of right; this privilege may be denied if abused;
2. Students must obtain a permit from the principal to park their vehicles on school property;
3. Students are not to return to their vehicles until it is time to leave school;
4. The school system retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property;
5. The school system may inspect the interiors of student automobiles whenever a school authority has reasonable suspicion to believe illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobiles;
6. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant; and
7. If I fail to provide access to the interior of my car upon request by a school official, I will be subject to school disciplinary action.
8. The school division assumes no responsibility for damage to a vehicle or for loss of stolen goods from that vehicle while that vehicle is parked on school property.

Student

Date

ACKNOWLEDGMENT CONCERNING THE USE OF STUDENT LOCKERS

I acknowledge and understand that:

1. Student lockers are the property of the school system;
2. Student lockers remain at all times under the control of the school system;
3. I am expected to assume full responsibility for my school locker; and
4. The school system retains the right to inspect student lockers for any reason at any time without notice, without student consent, and without a search warrant.
5. The principal, law enforcement officials, and persons designated by the school board may search student lockers when facts exist which give the administration reasonable belief that illegal, unauthorized, or contraband articles or materials exist which are likely to pose a threat to: (a) the safety and welfare of students and school personnel, (b) the maintenance of discipline in the school, and (c) order in the school.

Student

Date

Locker Number

PROHIBITION AGAINST HARASSMENT AND RETALIATION

I. Policy Statement

The Lunenburg 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, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. The Lunenburg County School Board is an equal opportunity employer.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists 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 sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists 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 means, 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, or harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity;
- Promptly takes appropriate action to stop any harassment;

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- Takes appropriate action against any student or school personnel who violates this policy; and
- Takes any other action reasonably calculated to end and prevent further harassment of school personnel or students.

II. Definitions

A. 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:

- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education;
- (ii) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- (iii) that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creating 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 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.

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- 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 and sex stereotyping

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

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

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

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

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

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C. 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, but not limited to, socioeconomic level, sexual orientation, or perceived sexual orientation or gender identity.

III. Complaint Procedure

A. Formal Procedure

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

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

The complaint, and identity of the complainant and alleged harasser shall not be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

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2. Investigation

Upon receipt of a report of alleged prohibited harassment, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The

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

The investigation may consist of personal interviews with the complainant, the alleged harasser, and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation 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 complainant and others pending the completion of the investigation.

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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 complainant and the alleged perpetrator. If the superintendent or superintendent's designee determines that it is more likely than not that prohibited harassment occurred, the Lunenburg 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 complainant receives counseling.

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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.

5. Compliance Officer and Alternate Compliance Officer

The Lunenburg County School Board has designated the Superintendent, 1009 Main Street, Kenbridge, VA 23944, 434-676-2467, as the Compliance Officer responsible for identifying, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Alternate Compliance Officer the Human Resource Director, 1009 Main Street, Kenbridge, VA 23944, 434-676-2467.

The Compliance Officer shall:

- receive reports or complaints of harassment;
- conduct or oversee the investigation of any alleged harassment;
- assess the training needs of the school division in connection with this policy;

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- arrange necessary training to achieve compliance with this policy; and
- ensure 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.

B. Informal Procedure

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

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

IV. Retaliation

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

V. Right to Alternative Complaint Procedure

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

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VI. Prevention and Notice of Policy

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

This policy is (1) displayed in prominent areas of each division building in a location accessible to students,

parents and school personnel, (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees are notified annually of the names and contact information of the compliance officers.

VII. False Charges

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

Adopted: May, 2000
Amended: September, 2002
Amended: May, 2011
Amended: October, 2012
Amended: May, 2015

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. 106.9

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

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Cross Refs: AC Nondiscrimination
AD Educational Philosophy
GB Equal Employment Opportunity/Non-Discrimination
GBM Professional Staff Grievances
GBMA Support Staff Grievances
JB Equal Educational Opportunities/Non-Discrimination
JFC-R Standards of Student Conduct
JFHA-F/ Report of Harassment
GBA-F
GCPD Professional Staff Members: Contract

JHG Status and Discipline
KKA Child Abuse and Neglect Reporting
 Service Animals in Public Schools

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LUNENBURG COUNTY 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

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 substance 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: March, 1992
Amended: June, 1996
Amended: June, 2001
Amended: February, 2012

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

Cross Ref.: JM Restraint and Seclusion of Students

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STUDENT SUSPENSION/EXPULSION

I. DEFINITIONS

As used in this Policy,

"Alternative education program" shall include, but shall not be limited to, night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

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

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

"Exclusion" means a 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.

(continued)

``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 (5) any unloaded firearm in a closed container. ``Firearm`` does not include any pneumatic gun as defined in this Policy.

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

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

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

``School Board Disciplinary Committee or Disciplinary Committee`` means a committee composed of at least three members of the Lunenburg School Board

``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.

``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.

(continued)

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

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

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

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

III. SHORT-TERM SUSPENSIONS

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

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

(continued)

The decision of the superintendent or superintendent's designee may be appealed to the School Board Disciplinary Committee.

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 more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board Disciplinary Committee. The Disciplinary Committee may confirm or disapprove the suspension. If the Disciplinary Committee's decision is not unanimous, the pupil or his parent may appeal the Disciplinary Committee's decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The written notice of a suspension for more than ten days provides notification of the length of the suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice 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

(continued)

expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

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

V. EXPULSIONS

A. Generally

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

The School Board Disciplinary Committee may confirm or disapprove the expulsion of a student. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full school board. Such appeal shall be decided by the school board within 30 days.

The Committee confirms or disapproves of proposed expulsions regardless of whether the pupil has exercised the right to a hearing.

The written notice given to the pupil and his 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 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,

(continued)

and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion is borne by the parent of the student.

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

If the school board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice 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 his expulsion, and of the conditions, if any, under which readmission may be granted.

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

(continued)

B. Conduct Giving Rise to Expulsion

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

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

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

Firearms

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, pursuant to school board policy, 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

(continued)

circumstances. In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy 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 policy do not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

Drug Offenses

The school board shall expel from school attendance any student whom the school board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code §18.2-247 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 may, by regulation, authorize the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

C. Procedure for School Board Disciplinary committee Hearing

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

- The Disciplinary Committee determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the Disciplinary Committee.

(continued)

- The Disciplinary Committee may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the Disciplinary Committee, may allow closing statements.
- The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. Witnesses may be questioned by the Disciplinary Committee members and by the parties (or their representative). The Disciplinary Committee may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the Disciplinary Committee may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the Disciplinary Committee, in its discretion, that such action is necessary to protect the student witness.
- The parties shall produce such additional evidence as the Disciplinary Committee may deem necessary. The Disciplinary Committee shall be the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the Disciplinary Committee and, when so received, are marked and made part of the record.
- The Disciplinary Committee may, by majority vote, uphold, reject or alter the recommendations.
- The Disciplinary Committee transmits its decision, including the reasons therefor, to the student, his parent(s), the principal and superintendent.

(continued)

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

- The terms or conditions of re-admission, if any;
- The duration of expulsion;
- A statement declaring whether the student is eligible to return to school or attend an appropriate alternative education program approved by the School Board or an adult education program offered by the division during or after the expulsion. If neither option applies, a statement that the student may petition the School Board for readmission after one calendar year from the date of his expulsion; and
- The availability of community-based educational, training and intervention programs.

The student or his parent(s) may appeal the Disciplinary Committee's decision to the full School Board only if the decision of the Disciplinary Committee is not unanimous. Otherwise the decision of the Disciplinary Committee is final.

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

VI. ALTERNATIVE EDUCATION PROGRAM

The school board may require any student who has been
(1) charged with an offense relating to the laws of Virginia, or with a violation of school board policies, on weapons, alcohol or

(continued)

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; (2) found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to Va. Code §16.1-260.G.; (3) found to have committed a serious offense or repeated offenses in violation of school board policies; (4) suspended pursuant to Va. Code § 22.1-277.05; or (5) expelled pursuant to Va. Code §22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code §22.1-277, to attend an alternative education program.

The School Board may require such student to attend such programs regardless of where the crime occurred. The School Board may require any student who has been found to have been in possession of, or under the influence 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.

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

VII. REPORTING

- A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports 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;

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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(Disciplinary Committee)
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- (2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described by Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
- (3) any conduct involving alcohol, marijuana, 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, including the theft or attempted theft of student prescription medications;
- (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 may receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code §54.1-3400 et seq., and occurred on a school bus, on school

(continued)

property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of § 16.1-260 reports such information to the principal of the school in which the juvenile is enrolled.

C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

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 shall be 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 criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

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

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

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

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

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

continued)

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, committee thereof, or superintendent or superintendent's designee, as the case may be at the relevant hearing, the student may re-petition the school board for admission. If the petition for admission is rejected, the school board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the school board for admission.

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

IX. DISCIPLINING STUDENTS WITH DISABILITIES

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

Adopted: March, 1992
Amended: November, 1994
Amended: January, 1995
Amended: June, 1996
Amended: October, 1996
Amended: July, 1997
Amended: November, 1997
Amended: June, 1998
Amended: November, 1998
Amended: August, 1999
Amended: June, 2001
Amended: April, 2002
Amended: September, 2002

(continued)

Amended: June, 2003
Amended: June, 2004
Amended: June, 2005
Amended: July, 2006
Amended: January, 2007
Amended: April, 2009
Amended: May, 2009
Amended: May, 2011
Amended: May, 2014
Amended: February, 2015
Amended: February, 2016

Legal Ref.: 20 U.S.C. § 7151

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

8VAC20-560-10

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

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STUDENT SUSPENSION/EXPULSION

Grounds for Suspension

The following violations of the Code of Student Conduct and School Board policy are grounds for suspension:

- Aggressive Behavior, Cursing, Vulgar Language, Obscene Gestures, Pornographic Literature, and Affection.
- Alcohol
- Assault or Battery
- Bomb Threat
- Bullying
- Cheating/Plagiarism
- Disrespect to School Personnel
- Disorderly Conduct/Disruptive Behavior
- Drugs
- Electronic Devices
- Fighting
- Fire Alarm(Sounding) -False Alarms
- Firearms
- Fireworks (Pyrotechnics)
- Forgery
- Gambling
- Gang Activity
- Inappropriate Sexual Behavior
- Inappropriate Use of Computer
- Leaving School Without Permission
- Medication
- Skipping Class, Unexcused Absence, or Chronic Tardiness
- Student Dress
- Theft
- Threats to School Employees and/or Students
- Tobacco
- Trespass
- Vandalism or Destruction
- Weapons/Dangerous Objects

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

Grounds for Expulsion

The following violations of the Code of Student Conduct and School Board policy are grounds for expulsion:

- 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.

Adopted: February, 2016

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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 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 outlined 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.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

II. Short-Term Suspensions

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

School authorities may remove a student with a disability from his or her current educational setting for 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 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.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JGDA
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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 student's disability only if the Team:

- (1) considers all relevant information in the student's file, 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.

(continued)

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

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to students without disabilities. The student must continue to receive the educational services

necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the imposition of discipline.

A parent may request an expedited due process hearing if the parent disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. During any appeal, the student will remain in the interim alternative education setting unless reversed by decision of the hearing officer; provided, however, the student may still serve the balance of any applicable forty-five school day removal. The placement may also be changed through the IEP process with the consent of the parent.

VII. Disciplinary Action Following MDR Determination that there is a Manifestation

A student with a disability whose behavior is determined to be a manifestation of his or her disability may not be disciplined except to the extent a removal is otherwise permitted by law. The student may 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

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JGDA
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bodily injury upon another person at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency may be disciplined pursuant to Policies JFCD Weapons in School, JFCF Drugs in School or JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury and may be placed in an interim alternative educational setting for up to forty-five school days. These options are available even if a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Weapons, controlled substance and serious bodily injury have

the meaning given under state regulations in 8 VAC 20-81-10.

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 requested 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 Individual with Disabilities Education Act, as amended, and any state procedures.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JGDA
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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 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.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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 protection 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.

(continued)

Adopted: March, 1992
Amended: November, 1994
Amended: January, 1995
Amended: June, 1997
Amended: November, 1997
Revised: May, 2000
Amended: June, 2000
Amended: June, 2004
Amended: May, 2006
Amended: June, 2008
Amended: May, 2011
Amended: May, 2017

Legal Refs.: 20 U.S.C. § 1415(k).
29 U.S.C. § 705(20)(c)(iv)

34 C.F.R. 300.530-300.536.

8 VAC 20-81-160.

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

DISCIPLINE OF STUDENTS WITH DISABILITIES FOR
INFLECTION 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, 2006

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

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STUDENT HEALTH SERVICES

The Lunenburg County 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: March, 1992
Amended: January, 1995
Amended: May, 2011
Amended: May, 2012
Amended: February, 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

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LUNENBURG COUNTY PUBLIC SCHOOLS

STUDENT HEALTH SERVICES AND REQUIREMENTS

A. Accident/Injuries/Illnesses

Any accident, injury or illness which occurs on school property must be immediately reported to the principal. This is essential for medical and insurance purposes.

Every effort shall be made to immediately contact the parent or guardian. If they cannot be reached, the student will be transported by the most appropriate means to emergency treatment.

Under no circumstances shall the student be permitted to start home alone.

The principal shall report serious incidents to the office of the Superintendent.

B. Accidents and Injuries: Emergency Care

School Personnel:

1. Shall render emergency care only to students who are injured at school. Students who are injured at home or in areas for which the school is not responsible shall not be treated by school personnel.
2. Shall proceed on the assumption of maximum disability in the event the severity of an injury cannot be determined.
3. Shall see that first-aid kits are handily available when students are conducted on field trips.
4. Shall under no circumstances stipulate or imply to anyone that they or the school are responsible or liable for an accident. Responsibility or cause and payment of doctor bills are to be decided by the insurance carrier.
5. Shall notify the parent before a physician is contacted except in cases of extreme emergency. This must be a matter of judgment. The decision to contact a physician immediately should be made if it is in the best interest of the student.
6. Shall file a report of the accident on forms provided for that purpose.

Issued: March, 1992.

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JHCA

PHYSICAL EXAMINATIONS OF STUDENTS

A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in the Lunenburg 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.

B. If the pupil is a homeless child or youth as defined in Va. Code § [22.1-3](#), and for that reason cannot furnish the required report or records, and the person seeking to enroll the pupil furnishes to the 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 shall immediately refer the student to the division's homeless liaison, who will, as soon as practicable, assist in obtaining the necessary physical examination by the local health department or other clinic or physician's office and shall immediately admit the pupil to school.

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

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

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

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JHCA
(Page 2)

F. The health departments of the counties and cities of the Commonwealth shall conduct such required physical examinations for medically indigent children, upon request,

without charge and may provide such examinations to others on such uniform basis as the departments establish.

G. Parents/guardians of students entering school shall complete a health information form as required by state law. Such forms shall be returned within 15 days of receipt unless reasonable extensions have been granted by the superintendent or his 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 form.

Adopted: March, 1992
Amended: January, 1995
Amended: June, 2000
Amended: May, 2003
Amended: June, 2007

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

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

File: JHCB

STUDENT IMMUNIZATIONS

No student shall be admitted by a school unless at the time of admission the student or his parent submits documentary proof of immunization as required by Va. Code §§ 22.1-271.2 and 32.1.46 to the admitting official of the school or unless the student is exempted from immunization as described below or is a homeless

child or youth as defined in Va. Code § 22.1-3.

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

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

Exemptions

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

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

Homeless Pupils

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

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

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

Immunization Record

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

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: March, 1992
Amended: August, 1992
Amended: January, 1995
Amended: June, 1996
Amended: May, 2003
Amended: June, 2004
Amended: June, 2005
Amended: May, 2011
Amended: May, 2012
Amended: February, 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

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LUNENBURG COUNTY PUBLIC SCHOOLS

COMMUNICABLE DISEASES

The Lunenburg 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 Disease).

The identity of a student who has a communicable disease will be 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: March, 1992
Amended: January, 1995
Amended: June, 2003
Amended: June, 2005
Amended: May, 2011
Amended: May, 2015

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

COMMUNICABLE DISEASES

These procedures are in place for school system teachers and administrators who identify or suspect communicable disease in the school or workplace.

1. Teachers and administrators shall report suspected cases of communicable disease to their immediate supervisors who will channel the concern to the Superintendent at which time the Superintendent may require a medical evaluation of the student or employee and can convene the Communicable Disease Review Panel if needed.
2. Most communicable diseases which occur in the school setting are short-term illnesses which require 1-5 days exclusion from school. In these cases, it is practical and reasonable for the principal or his/her designee and/or the school nurse to make the initial decision to exclude a child from school attendance. In cases of exclusion, the parents shall be called. In situations in which the child's private physician has directed that the child stay home for a longer period of time, and this directive is uncontested, there is no additional requirement other than the provision of alternative education, if appropriate.
3. The remainder of these administrative regulations pertain to cases in which there may be prolonged or recurring exclusion from the school setting due to a student or employee's having a long-term disease which has the potential for communicability.
4. If it is the judgment of the local Health Department, after consultation with private medical doctors and/or other public health authorities, that a communicable disease is present in the school division and that there is significant risk of transmission thereof or that the risk of transmission is unknown, the Health Department shall advise the Superintendent of Schools who will make the decision to exclude the student or employee from the school setting and will convene the Communicable Disease Review Panel if needed.

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5. The Superintendent shall establish a Communicable Disease Review Panel consisting of the local Health Department Director, a private physician, the Supervisor of Instructional Support Services, and the Superintendent's designee. The Superintendent shall convene the Communicable Disease Review Panel whenever the decision to exclude a student or employee with a communicable disease is questionable or contested. Each case shall be handled individually. The Communicable Disease Review Panel shall review all pertinent information and make its recommendations to the Superintendent. Persons called on for information to this panel may include, but not be limited to, the attending physician, the principal, teacher(s), and parents of the student. In the case of an employee, contributing persons include the attending physician and the immediate supervisor. The Review Panel should be established immediately upon approval of these regulations.
6. Employees with communicable diseases and parents of students with communicable diseases shall be notified of the five-day time limit for submitting any medical evaluations to the Communicable Disease Review Panel. Medical evaluation(s) submitted to the Panel will be considered before the Panel makes its recommendation on a case. The Panel shall meet, review information, and make recommendations to the Superintendent within 5 school days following exclusion of the affected student or employee. The recommendations shall include, but not be limited to, a timetable on future school presence.
7. Within 5 school days following his/her receipt of the Panel's report, the Superintendent shall notify the parents of the affected student, or notify the affected employee of his/her decision to re-admit or to continue to exclude the student from school attendance or the employee from work in the school setting.
8. Confidentiality and the right to privacy regarding the affected student or employee shall be maintained by all persons involved. Information regarding students or school employees suspected of or diagnosed as having a communicable disease shall be released only through the office of the Superintendent of Schools.

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9. The Lunenburg County School System shall institute preventive measures to control communicable disease transference. Such preventive measures shall include the education of employees and students about communicable diseases and the methods of reducing the risks of transmission. Employees shall be taught the proper methods of cleaning up spilled body fluids, collecting trash and disinfecting areas which might be sources of contamination.
10. The Superintendent shall advise the school board to regularly re-examine its policy and regulations on communicable diseases as new knowledge regarding communicable diseases becomes known.

Procedure for Blood Borne Contagious or Infectious Diseases

The following procedure will be utilized in determining the attendance at school or work of any student or employee who suffers from a blood borne disease which is infectious or contagious, such as AIDS and Hepatitis B, and which may be transmitted by the exchange of body secretions. Each such determination will be made on a case-by-case basis. This procedure will not apply to persons suffering from common childhood diseases, such as measles, chicken pox, impetigo, strep throat, scarlet fever, head-lice, etc.

1. The Superintendent will establish a Review Committee composed of the Director of the local Health Department or a public health physician designated by the Director, the student/employee's family physician, and two administrators appointed by the Superintendent. The Superintendent may appoint other persons to the Review Committee. After reviewing all pertinent information regarding the student/employee and consulting with the employee or the student's parents, the student, if appropriate, and such other persons as the Review Committee shall deem necessary, the Review Committee shall make a recommendation to the Superintendent regarding the student/employee's attendance at school or work. The Review Committee may make such further recommendations as it deems appropriate.

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LUNENBURG COUNTY PUBLIC SCHOOLS

2. The Review Committee shall meet within fourteen (14) days of being established and shall make its recommendation to the Superintendent as soon thereafter as practical. The Superintendent will notify the student's parents or the employee, as the case may be, of his decision within five school days after receiving the Review Committee's recommendation. The student's parents or the employee, as the case may be, may appeal the Superintendent's decision to the school board. A written request for such appeal must be submitted to the Superintendent within ten (10) days of the decision or the right to appeal will be deemed to be waived.
3. The student/employee's status will be re-evaluated based upon a plan for periodic review formulated by the Review Committee.
4. All parties involved shall respect the individual's right to privacy. The number of personnel who are informed of the student/employee's condition shall be kept at a minimum needed to assure proper care of the student/employee and to detect situations where the potential for transmission may occur (e.g., bleeding injury).

Issued: March, 1992.

BLOOD BORNE CONTAGIOUS OR INFECTIOUS DISEASES

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

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

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

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

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

Adopted: March, 1992
Amended: January, 1995
Amended: June, 2003
Amended: April, 2005

Legal Ref.: 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

GUIDELINES FOR SCHOOL ATTENDANCE FOR
STUDENTS WITH HUMAN IMMUNODEFICIENCY VIRUS

The Lunenburg 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 will continue in a regular classroom assignment unless the student's health significantly interferes with his or her ability to benefit from the educational program.

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

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

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

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

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

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

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

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

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

Adopted: April, 2005

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ADMINISTERING MEDICINES TO STUDENTS

Medications Prescribed for Individual Students

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

Nonprescription Medicine

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

Self-Care and Self-Administration of Medication

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

- carry with him and use supplies, including a reasonable and appropriate short-term supply of carbohydrates, and 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 employees, 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.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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

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

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

Self-Administration of Asthma Medications and Auto-Injectable Epinephrine

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

- written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, is on file with the school;
- written notice from the student's health care provider is on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JHCD
Page 3

- an individualized health care plan is prepared, including emergency procedures for any life-threatening

conditions; and

- There is a consultation with the student's parent before any limitation or restrictions are imposed on a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked.
- Self-administration of inhaled asthma medications and auto-injectable epinephrine is consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manual, which are jointly issued by the Virginia Department of Education and the Virginia Department of Health.
- information regarding the health condition of the student may be disclosed to school board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

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

Epinephrine

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

Regulation

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

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

Adopted: March, 1992
Amended: March, 1994
Amended: January, 1995
Amended: November, 1996
Amended: June, 1997
Amended: October, 1998
Amended: August, 2000
Amended: June, 2005
Amended: May, 2011
Amended: May, 2012
Amended: May, 2013
Amended: May, 2014
Amended: May, 2017

Legal Ref.: Code of Virginia, 1950, as amended, section
22.1-78, 22.1-274, 22.1-274.01:1, 22.1-274.2,
54.1-295.2, 54.1-2957.02, 54.1-3408.

Manual for Training Public School Employees in the
Administration of Insulin and Glucagon (Virginia
Department of Education, Revised 2015)

Cross Ref.: EBBA First Aid, CPR and AED Certified Personnel
JFC-R Standards of Student Conduct
JHCE Recommendation of Medication by School
Personnel
JO Student Records

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ADMINISTERING MEDICINES TO STUDENTS

Medication

No medicine and no specific treatments are to be given students by school personnel without a Physician's Clearance from the student's doctor. Such preparations as Aspirin, Bufferin, Anacin, Tylenol, gargles, throat lozenges, ear drops, eye washes and others are classified as medicines and will need a clearance also. The medication is to be in the bottle with name, dosage, and instructions for administering it. Parents are responsible for transporting medications.

Physician's written clearance and prescription bottle will set forth the following information.

1. Name of medication.
2. Exact dosage to be given.
3. Exact time dosage to be given.
4. Reason for medication.
5. If more than one medication is prescribed, state clearly in which order they should be given.
6. Clear, simple, lay terminology should be used and not medical abbreviations.
7. The phrase "repeat as necessary" is unacceptable. If the medicine needs to be repeated, the exact condition for this must be specified.

These facts should appear on the doctor's prescription. In addition, the school should know who will be responsible for administration of the medication.

The parent or guardian will sign a permission and a release of responsibility statement.

No school employee or public health nurse shall proceed with the administration of any medicine or treatment until and unless the employee or nurse determines that all written clearances have been reviewed and are on file in the school administration office.

(continued)

Self-Administration of Medication, Generally

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

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

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

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

Self-Administration of Asthma Medication and Auto-Injectable Epinephrine

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

- written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, must be on file with the school;

(Continued)

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

LUNENBURG COUNTY PUBLIC SCHOOLS

It is the policy of Lunenburg County Public Schools to provide at

least two (2) doses of auto-injectable epinephrine (hereinafter called "unassigned or stock epinephrine") in each school, to be administered by a school nurse or employee of the school board who is authorized and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction on school premises, during the academic day. The *Code of Virginia* §8.01-225 provides civil protection for employees of a school board who are appropriately trained to administer epinephrine.

Policy Limitations

Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order on an annual basis. This anaphylaxis policy is not intended to replace student specific orders or parent provided individual medications. This policy **does not** extend to activities off school grounds (including transportation to and from school, field trips, etc.) or outside of the academic day (sporting events, extra-curricular activities, etc.)

Overview

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Common allergens include animal dander, fish, latex, milk, shellfish, tree nuts, eggs, insect venom, medications, peanuts, soy and wheat. A severe allergic reaction usually occurs quickly; death has been reported to occur within minutes. An anaphylactic reaction occur up to one to two hours after exposure to the allergen.

Symptoms of Anaphylaxis

- Shortness of breath or tightness of chest; difficulty in or absence of breathing
- Sneezing, wheezing or coughing
- Difficulty swallowing
- Swelling of lips, eyes, face, tongue, throat or elsewhere
- Low blood pressure, dizziness and/or fainting
- Heart beat complaints: rapid or decreased
- Blueness around lips, inside lips, eyelids

(Continued)

Lunenburg County Public Schools

- Sweating and anxiety
- Itching, with or without hives, raised red rash in any area of the body
- Skin flushing or color becomes pale
- Hoarseness
- Sense of impending disaster or approaching death
- Loss of bowel or bladder control
- Nausea, abdominal pain, vomiting and diarrhea
- Burning sensation, especially face or chest
- Loss of consciousness

Although anaphylactic reactions typically result in multiple symptoms, reactions may vary. A single symptom may indicate anaphylaxis. **Epinephrine should be administered promptly at the first sign of anaphylaxis. It is safer to administer epinephrine than to delay treatment for anaphylaxis.**

Training

Building level administration shall be responsible for identifying at least two employees, in addition to the school nurse (RN or LPN), to be trained in the administration of epinephrine by auto-injector. Only trained personnel should administer epinephrine to a student believed to be having an anaphylactic reaction. Training shall be conducted in accordance with the most current edition of the Virginia Department of Education's Manual for Training Public School Employees in the Administration of Medication. Training shall be conducted annually or more often as needed.

Standing Orders

Standing orders are written to cover multiple people as opposed to individual-specific orders, which are written for one person. Lunenburg County Public Schools shall designate an authorized medical provider (MD, DO, PA, or NP with prescriptive authority) to prescribe non-student specific epinephrine for the school division, to be administered to any student believed to be having an anaphylactic reaction on school grounds, during the academic day. Standing orders must be renewed annually and with any change in prescriber.

Responding to Anaphylaxis

If student-specific orders are on file they should be followed for students with known life threatening allergies and/or anaphylaxis.

(Continued)

Lunenburg County Public Schools

For suspected anaphylaxis without specific orders:

1. Based on symptoms, determine that an anaphylactic reaction is occurring.
2. Act quickly. It is safer to give epinephrine than to delay treatment. **This is a life and death decision.**
3. Determine the proper dose and administer epinephrine.
 Note the time.
4. Direct someone to call 911 and request medical assistance. Advise the 911 operator that anaphylaxis is suspected and that epinephrine has been given.
5. Stay with the person until emergency medical services (EMS) arrives.
6. Monitor their airway and breathing.
7. Reassure and calm person as needed.
8. Call School Nurse/Front Office school personnel and advise of situation.
9. Direct someone to call parent/guardian.
10. If symptoms continue and EMS is not on the scene, administer a second dose of epinephrine 5 to 15 minutes after the initial injection. Note the time.
11. Administer CPR if needed.
12. EMS to transport individual to the emergency room. Document individual's name, date, and time the epinephrine was administered on the used epinephrine auto-injector and give to EMS to accompany individual to the emergency room.
13. Even if symptoms subside, 911 must still respond and individual must be evaluated by a physician. A delayed or secondary reaction may occur.
14. Document the incident and complete the incident report.
15. Replace epinephrine stock medication as appropriate.

Post Event Actions

- Once epinephrine is administered, local Emergency Medical Services (911) shall be activated and the student transported to the emergency room for follow care. In some reactions, the symptoms go away, only to return one to three hours later. This is called a "biphasic reaction." Often these second-phase symptoms occur in the respiratory tract and may be more severe than the first-phase symptoms. Therefore, follow up care with a health care provider is necessary. The student will not be allowed to remain at school or return to school on the day epinephrine is administered.
- Document the event
- Complete incident report
- Replace epinephrine stock medication immediately.

Storage, Access and Maintenance

Epinephrine should be stored in a safe, unlocked and accessible location, in a dark place at room temperature (between 59-86 degrees F). Epinephrine should not be maintained in a locked cabinet or behind locked doors. Staff should be made aware of the storage location in each school. It should be protected from exposure to heat, cold or freezing temperatures. Exposure to sunlight will hasten deterioration of epinephrine more rapidly than exposure to room temperatures. The expiration date of epinephrine solutions should be periodically checked; the drug should be replaced if it is approaching the expiration date. The contents should periodically be inspected through the clear window of the auto-injector. The solution should be clear; if it is discolored or contains solid particles, replace the unit.

Each school should maintain documentation that stock epinephrine has been checked on a monthly basis to ensure proper storage; expiration date, and medication stability.

The school division shall maintain a sufficient number of extra doses of epinephrine for replacement of used or expired school stock on the day it is used or discarded. Expired auto-injectors or those with discolored solution or solid particles should not be used. Discard them in a sharps container.

Adopted: May, 2012

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Lunenburg County School Board

Lunenburg County Public Schools

Central High School
Lunenburg Middle School



Kenbridge Elementary School
Victoria Elementary School

MEDICATIONS AT SCHOOL

School personnel may give **prescription medication** to students **IF** a completed Lunenburg County Public Schools' Medication Consent form, signed by the student's parent or legal guardian and the prescribing healthcare professional, is on file for the current school year. Such medication must be delivered to school in the original container by the parent/legal guardian or their adult designee. The prescription label must match instructions for the prescribing healthcare professional.

School personnel may give **non-prescription medication** **IF** a completed Lunenburg County Public Schools' Medication Consent form, signed by the parent or legal guardian, is on file for the current school year. Healthcare professional's signature is only required for non-prescription medication when the requested dosage or length of administration exceeds over the counter recommendations on the medication label. Such medication must be transported to school in an unopened original container by the parent/legal guardian, or their adult designee.

Students are allowed to carry and self administer **inhaled asthma medications and/or auto-injectable epinephrine** **IF** a completed Lunenburg County Public Schools' Asthma Care Plan or Allergic Reaction Care Plan, signed by parent or legal guardian, prescribing healthcare professional, **AND** the student, is on file for the current school year.

Exception for 9th - 12th graders regarding non-prescription medication - these students may possess and self-administer over the counter medication **IF** a completed Lunenburg County Public School' Medication Consent form, signed by the parent or legal guardian, is on file for the current school year. Medication consent forms at the high school are for parents and legal guardians to request this privilege, along with guidelines to be followed.

(Continued)
Lunenburg County Public Schools

Rules for students who are adults (18 years of age or older) - Adult students are required to have the same written permissions from their parent or legal guardian, with who they reside (dependent students) concerning medication use, transport, and possession in schools as other students. Adult students who do not reside with a parent or legal guardian (independent students) may sign for themselves concerning medication usage, transport, and possession in schools - however, prescribing healthcare professional's signature is still required where indicated in above guidelines.

Medication administration forms are available in the school office or nurse's office.

Adopted: May, 2012

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(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

Lunenburg County Public Schools

Central High School
Lunenburg Middle School



Kenbridge Elementary School
Victoria Elementary School

Medication Consent

I, _____ the parent or guardian of _____ hereby request that the school principal or a member of the staff at _____ School, administer certain medications/treatments to my son/daughter _____ as stated below or in the attached written directions from the prescribing healthcare professional. I have been advised of the school's medication administration guidelines, and I understand that medication may be administered by non-medical personnel. I state, without reservation, that I shall not hold Lunenburg County School Board personnel liable in any way for harm or injury that may be experienced by my child as a result of this service. I also authorize a representative of the school to exchange information regarding this medication with the prescribing healthcare professional, and with school staff responsible for my child at school.

Student's Name _____

Date of Order _____ Expected Termination Date _____

Name of medication _____

Exact dosage and time(s) to be given at School _____

Reason for medication _____

Special instructions/precautions _____

Parent/Guardian _____ Date _____ Phone # _____

Prescribing Healthcare:

Professional* _____ Date _____ Phone # _____

*Healthcare professional signature is required for all prescription medications, and for non-prescription medications when requested administration exceeds manufacturer's recommendations.

**Self Administration for 9th - 12th Graders
"Over the Counter" Medicines Only**

I give permission for _____ to carry and self administer the above "over the counter" medication as outlined. Parent and student understand that the medicine must be in the original container, marked with student's name and holding no more than one day's supply of medicine per day. This medicine must not be shared with anyone else. Failure to follow these guidelines will result in loss of the privilege to carry and self administer this medication.

Parent/Guardian _____ Date _____

Student _____ Date _____

August, 2012

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JHCE

RECOMMENDATION OF MEDICATION BY SCHOOL PERSONNEL

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

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

Adopted: May, 2003

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.

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LUNENBURG COUNTY PUBLIC SCHOOLS

STUDENT WELLNESS

I. POLICY STATEMENT

The Lunenburg County School Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity in division students.

II. GOALS

Based on review and consideration of evidence-based strategies and techniques, the Lunenburg County School Board has established the following goals to promote student and staff wellness.

A. Nutrition Promotion and Education

Students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.

Staff who provide nutrition education have appropriate training.

Schools link nutrition education activities with the coordinated school health program. There is collaboration between the cafeterias and classrooms to reinforce nutrition education.

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

B. Physical Activity

The Lunenburg County school division has a goal of making a program of physical fitness available to all students for at least 150 minutes per week on average during the regular school year. Such program may include any combination of physical

(Continued)

education classes, extracurricular activities, and other programs and physical activities. The division goals for the implementation of its physical fitness program are

Students will be given opportunities for physical activity during the school day through physical education classes, daily recess periods for elementary school students, and the integration of physical activity into the academic curriculum where appropriate.

Schools will encourage parents and guardians to support their children's participation in physical activity, to be physically active role models, and to include physical activity among students.

Schools will provide training to enable staff to promote enjoyable, lifelong physical activity among students. There are opportunities for staff to be physically active and schools encourage participation.

C. Other School-based Activities

All children who participate in subsidized food programs are able to obtain food in a non-stigmatizing manner.

An adequate amount of time is allowed for students to eat meals in adequate lunchroom facilities.

Physical activities and/or nutrition service or programs designed to benefit staff health have been considered and, to the extent practical, implemented.

Schools will support the health of students by hosting health clinics and screening, which will include at a minimum; height, weight, blood pressure, and body mass index measurements, and dental health assessments where applicable.

Schools will support enrollment of eligible children in Medicaid, FAMIS, and other state children's health related programs.

(Continued)

D. Nutrition Standards and Guidelines

The superintendent is responsible for creating

- Regulation to develop and implement standards for all foods and beverages provided, but not sold, to student campus during the school day; and
- 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.

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 director of administrative services is responsible for overseeing the implementation of this policy and developing procedures for evaluating the wellness policy, including indicators that will be used to measure its success.

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.

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

- The policy;

(Continued)

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

Adopted: June, 2006
Amended: June, 2008
Amended: May, 2010
Amended: February, 2017

Legal Refs.: 42 U.S.C. § 1758b.

7 C.F. R. 210.3

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

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

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SCHOOL MEALS AND SNACKS

The Lunenburg School Board recognizes that students need adequate, nourishing food in order to learn, grow, and maintain good health.

Generally

To reinforce the division's nutrition education program, foods sold during regular school hour on school premises will be:

- Carefully selected so as to contribute to students' nutritional well-being and the prevention of disease;
- Prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits; and
- Served in age-appropriate quantities and at reasonable prices.

The Lunenburg School Board promotes high-quality school meals and snacks by:

- involving students in the selection, tasting, and marketing of healthy foods and beverages that appeal to students.
- providing a variety of food options, such as fruits, vegetables, whole grains, and dairy foods, which are low in fat and added sugars;
- offering a variety of healthy choices that appeal to students, including cultural and ethnic favorites;
- restricting student access to unhealthy foods in vending machines, school stores, and other venues that compete with healthy school meals; and
- ensuring that healthy snacks and foods are provided in vending machines, schools stores, and other venues within the division's control. The healthy options should cost the same or less than unhealthy alternatives.

The Lunenburg School Board strives to provide an environment conducive to good health by:

- allowing an adequate amount of time and space for students to eat school meals;
- scheduling lunch periods at reasonable hours around midday;
- ensuring that drinking fountains are operable, clean, and convenient for use throughout the school day;
- offering extracurricular physical activity programs, such as physical activity clubs, intramural programs, or interscholastic athletics;

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

- discouraging the promotion and advertising of unhealthy foods;
- using non-food items rather than food items such as candy, cakes, soda, and foods high in fat, as incentives and rewards for good behavior or academic performance; and
- encouraging parents to support the division's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

The Lunenburg School Board supports nutrition education and physical education by:

- ensuring that qualified nutrition education and physical education specialists focus on knowledge and skill development so students are able to learn and adopt healthy eating and physical activity behaviors;
- offering nutrition education in the school dining area(s) and in the classroom, with coordination between food service staff and teachers; and
- eliminating any stigma attached to, and preventing public identification of, students who are eligible for free and reduced-price meals.

Meals and Snacks

Meals and snacks offered as part of the Nation School Lunch Program or the School Breakfast Program meet, at a minimum, the requirements established by state and federal law and regulation.

Schools make potable water available and accessible without restriction to children at no charge in the place(s) where lunches are served during the meal service.

Unpaid Meal Charges

Students who do not have money on account or in hand to cover the cost of a meal at the time of service may be permitted to charge the meal or may be given an alternative meal. Students may charge no more than five (5) meals to their accounts.

A student carrying a negative balance of \$12.00 or more is not permitted to charge any additional amounts. A student who is not permitted to charge any additional amounts is permitted to buy a meal if the student has cash on hand. Reasonable efforts are used to avoid calling attention to a student's inability to pay.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JHCH
(Page 3)

Notices of low or negative balances in a student's meal account are sent to parents and the school principal. Parents are expected to pay all meal charges in full by the last day of the

school year.

If a parent regularly fails to provide meal money or send food to school with the student and the student does not qualify for free or reduced benefits the child nutrition director will inform the principal, who will determine the next course of action, which may include notifying the department of social services of suspected child neglect and/or taking legal steps to recover the unpaid meal charges.

The superintendent ensures that federal child nutrition funds are not used to offset the cost of unpaid meals and that the child nutrition program is reimbursed for bad debt. In order to accomplish these goals, the following procedures are followed:

- at least one written notice is provided to a student and the student's parent or guardian prior to the student being denied reimbursable meals for exceeding the division's charge limit.
- If payment of the negative balance is not received within ten (10) working days of the maximum charge limit being reached, the debt will be turned over to the superintendent or superintendent's designee for collection. If the debt is not paid within thirty (30) days of notice being given, it is considered bad debt for the purpose of federal law concerning unpaid meal charges.

Competitive Foods

Definitions

``Competitive food'' means all food and beverages other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the school campus during the school day.

``School campus'' means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

(Continued)

``School day'' means the period from the midnight before to 30 minutes after the end of the official school day.

All competitive food sold to students on the school campus during the school day meets the nutrition standards specified by federal and state law and regulation.

Each school may conduct two (2) school-sponsored fundraisers per school year during which food that does not meet the nutrition guidelines for competitive foods may be available for sale to students.

The Lunenburg School Board is responsible for maintaining records that document compliance with this policy. Those records include receipts, nutrition labels and/or product specification for the competitive food available for sale to students.

Adopted: February, 2016
Amended: February, 2017

Legal Refs: Code of Virginia, 1950, as amended,
§§ 22.1-78, 22.1-207.4.

Virginia Board of Education, A Resolution to Establish and Define Exemptions for School-Sponsored Fundraisers Pending Incorporation in the Proposed Regulations Governing Nutritional Guidelines for Competitive Foods Available for Sale in the Public Schools (Nov. 19, 2015).

Cross Refs: EFB Free and Reduced Price Food Services
IGAE/IGAF Health Education/Physical Education
JHCF Student Wellness
JL Fund Raising and Solicitation
KO Commercial, Promotional and Corporate Sponsorships and Partnerships

UNPAID SCHOOL MEALS AND SNACKS

The following procedures will be followed by Lunenburg County Public Schools as an attempt to collect outstanding balances on school meals:

- Phone calls will be made to parents to notify them of outstanding balances in the cafeterias. The school food supervisor will send letters to parents who fail to respond to phone calls. As a last resort, the school board will take parents to court to collect charges of \$25 or more.
- All students will receive the same meal. There will be no alternate meals served to students with outstanding balances.
- Students with outstanding balances will be unable to participate in activities such as fieldtrips, prom, graduation, school dances, etc.

Adopted: June 30, 2017

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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 Lunenburg County 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: May, 2014

Legal Refs.: Code of Virginia, 1950, as amended, §22.1-79.6.

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HUMAN RESEARCH

Surveys, analyses or evaluation conducted as part of any program which is funded by the United States Department of Education or is otherwise subject to policies and regulations promulgated by any agency of the federal government shall be conducted in accordance with Policy KFB Administration of Surveys and Questionnaires, 20 U.S.C. Section 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 submit to the Governor, the General Assembly, and the Superintendent of Public Instruction or his designee at least annually a report on the human research projects reviewed and approved by the committee. The report will state any significant deviations from the proposals as approved.

The human research committee will be composed of representatives of varied backgrounds to ensure the competent, complete, and professional review of human research activities. No member of the committee may be directly involved in the proposed human research or have administrative 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 §32.1-161.19.

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,

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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: March, 1992
Amended: August, 1992
Amended: January, 1995
Amended: May, 2006
Amended: February, 2012

Legal Ref.: 20 U.S.C. § 1232h.

Code of Virginia, 1950, as amended, 22.1-16.1,
32.1-162.16, 32.1-162.17, 32.1-162.19, 32.1-
162.20.

8 VAC 20-565-30.

8 VAC 20-565-40.

8 VAC 20-565-50.

Cross Ref.: KFB Administration of Surveys and Questionnaires
IIAE Innovative or Experimental Program

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CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

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

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

Notice of Reporting Requirement

The school board shall post in each school a notice that

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

Complaints of Abuse and Neglect

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

Adopted: March, 1992
Amended: August, 1992
Amended: January, 1995
Amended: April, 2004
Amended: June, 2004
Amended: June, 2008
Amended: May, 2012
Amended: May, 2014
Amended: May, 2015

Legal Ref.: Code of Virginia, 1950, as amended, §§22.1-253.13.7.A, 22.1-291.3, 63.2-1509, 63.2-1511

Cross Ref.: JFHA/GBA Prohibition Against Harassment and Retaliation
GBLA Third Party Complaints Against Employees

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CHILD ABUSE AND NEGLECT REPORTING

Definitions

- A. The Code of Virginia requires teachers or other persons employed in the public schools to report suspected child abuse and neglect.
- B. An abused or neglected child shall mean any child less than 18 years of age whose parent(s) or other person(s) responsible for the child's care:
 - 1. Creates or inflicts, or threatens to create or inflict, upon such child a physical or mental injury by other than accidental means; or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions
 - 2. Neglects or refuses to provide care necessary for the child's health; provided, however, that no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child
 - 3. Abandons such child
 - 4. Commits or allows to be committed any sexual act upon a child.

Reporting Procedures

- A. Any teacher or other person employed by the Lunenburg County Public Schools who has reason to suspect that a child is an abused or neglected child shall immediately notify the principal of the school in which the child is enrolled, or the principal's designee.
- B. The principal, in consultation with appropriate division staff, shall report the matter to the Department of Social Services.
- C. If an employee of the Department of Social Services is suspected of abusing or neglecting a child, the principal, in consultation with appropriate division staff, shall make the report to the Juvenile and Domestic Relations Court.

- D. The Department of Social Services has, by law, the responsibility for receiving and investigating complaints and reports, except in cases where the reports or complaints are to be made to the Juvenile and Domestic Relations District Court. In accordance with Section 63.1-248.10 of the Code of Virginia, a child protective services worker or a police officer may talk to any child suspected of being abused or neglected, or to any of his or her siblings, without the consent of and outside the presence of the parent, legal guardian, or school personnel. In cases of interviews of children on school grounds, the child protective services worker or police officer will furnish proper identification and make appropriate arrangements for the interview with the principal or the principal's designee.
- E. If a report of abuse or neglect is unfounded, the Department of Social Services shall transmit a report to such effect to the principal and to the parent or guardian or person responsible for the care of the child in those instances where such person was suspected of abuse or neglect. Such reports, however, are not to be filed in the child's school record.

Penalties

- A. Any person required to file a report regarding suspected child abuse and neglect who is found guilty of failure to do so shall be fined not more than \$500 for the first failure.
- B. Subsequent failures incur a fine of not less than \$100 or more than \$1,000.

Immunity

Any person who makes such a report or who participates in a judicial proceeding resulting therefrom shall be immune from any civil or criminal liability in connection therewith, unless it is proven that such person acted with malicious intent.

Issued: March, 1992.

SUICIDE PREVENTION

Duties of Teachers and Administrative Staff

Any person licensed as administrative or instructional personnel by the Board of Education and employed by the Lunenburg County School Board who, in the scope of his employment, has reason to believe, as a result of direct communication from a student, that such student is at imminent risk of suicide, shall, as soon as practicable, contact at least one of such student's parents to ask whether such parent is aware of the student's mental state and whether the parent wishes to obtain or has already obtained counseling for such student.

Contacting the Parent/Guardian

If the section below titled "Abuse or Neglect" does not apply, then the staff member shall call at least one of the student's parents/guardians. When contacting a parent/guardian, the staff member should:

1. Provide his/her name and position in the school;
2. Tell the parent/guardian that in he has reason to believe, as a result of direct communication from the student, that the student is at imminent risk of suicide;
3. Assure the parent/guardian that the student is currently safe;
4. State the legal requirement for the call, citing Va. Code § 22.1-272.1;
5. Ask the parent/guardian whether he or she is aware of the student's mental state;
6. Ask the parent/guardian whether he or she wishes to obtain or has obtained mental counseling for the student;
7. Provide names of community counseling resources if appropriate and offer to facilitate the referral; and
8. Determine the parent's intent to seek appropriate services for the student.

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Abuse or Neglect

If the student has indicated that the reason for being at imminent risk of suicide relates to parental abuse or neglect, this contact shall not be made with the parent. Instead, the staff person shall, as soon as practicable, notify the local department of social services of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred 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 shall stress the need to take immediate action to protect the child from harm

Inability to Reach Parent/Guardian

If the staff member is unable to make contact with the parent/guardian by the end of the school day, then he shall follow the school's crisis management plan.

Required Documentation

The staff member shall document the phone call to the parent/guardian by recording: (a) the time and date of the call; (b) the individual contacted; (c) the parent/guardian's response; and (d) anticipated follow-up.

Additional Concerns

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

Duty to Keep Student Safe and Secure

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

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Adopted: August, 1999
Amended: May, 2000
Amended: April, 2004
Amended: July, 2006
Amended: February, 2011
Amended: September, 2015

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

VA Board of Education "Suicide Prevention
Guidelines," (Revised 2003).

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

STUDENT-ATHLETE CONCUSSIONS DURING EXTRACURRICULAR ACTIVITIES

Definitions

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

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

Returned to Learn: instructional modifications that support a controlled, progressive increase in cognitive activities while the student recovers from a brain injury allowing the student-athlete to participate in classroom activities and learn without worsening symptoms and potentially delaying healing.

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

I. **Lunenburg County School Board Concussion Management Team**

- a. The Lunenburg County School Board Concussion Management Team ("CMT") shall be appointed by the Superintendent of Schools and shall consist of a school administrator, and athletic administrator, a licensed health care provider, a coach, a parent or guardian of a student-athlete, and any such other person or persons the Superintendent determines will assist the CMT in its actions.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

- a. The CMT shall develop concussion training materials for school personnel, volunteers, student-athletes, and parents of student-athletes. Those materials may address the proper fitting and maintenance of helmets. The CMT shall also develop concussion reporting, management, and review protocols for the school division. The CMT shall maintain a record of all incidents where a student-athlete has been removed from a game, competition, or practice because he or she has been suspected of sustaining a concussion.

II. **Required Concussion Training for School Personnel and Volunteers:**

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

III. **Distribution of Training Materials to student-Athletes and Parent/Guardian:**

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

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IV. Removal from Extracurriculum Physical Activities

- a. A student-athlete suspected by a student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice, game, or competition shall be removed from the activity immediately, evaluated, and if necessary referred for further treatment. A student-athlete who has been removed from play, evaluated, and suspected to have sustained a concussion or brain injury shall not return to play that same day.
- b. In determining whether a student-athlete removed from play is suspected of having sustained a concussion, an appropriate licensed health care provider or other properly trained individual, shall evaluate the student-athlete at the time of removal utilizing a standardized concussion sideline assessment instrument e.g., Sideline Concussion Assessment Tool (SCAT-II, SCAT III ChildSCAT3), the Standardized Assessment of Concussion (SAC), or the Balance Error Scoring System (BESS)).
- c. In determination of whether a student-athlete removed from play is suspected of having sustained a Concussion shall be the sole determination of the licensed health care provider or other properly trained individual conducting the concussion sideline assessment. Such determination is final and may not be overruled by another licensed health care provider or other properly trained individual, coach, assistant coach, school staff, or other person serving in a coaching or advisory role, the student-athlete, or the parent or guardian of the student-athlete.
- d. The coach of a student-athlete may elect not to return the student-athlete to play, even if after the concussion sideline assessment it is determined that the student-athlete is no longer suspected of having sustained a concussion.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

V. Return To Play Protocol

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

VI. Return to Learn Protocol

- a. School personnel shall be alert to cognitive and academic issues that may be experienced by student who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving.

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- b. School personnel shall accommodate the gradual return to full participation in academic by a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

VII. Helmet Replacement and Reconditioning

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

VIII. Athletic Activities Conducted by Non-School Organizations on School Property

Adopted: May, 2011
Amended: May, 2014
Amended: May, 2015
Amended: May, 2016

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-271.5, 22.1-271.6.

Virginia Board of Education Guidelines for Policies on Concussion in Student-Athletes (Adopted January 22, 2015).

Cross Refs.: KG Community Use of School Facilities
KGB Public Conduct on School Property

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FUND RAISING AND SOLICITATIONS

All fund-raising activities conducted for the benefit of the Lunenburg County 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 or civic benefit of students and their schools. No fund-raising efforts which benefit an individual student shall be approved.

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

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

The superintendent periodically shall furnish the School Board with an up-to-date listing of all fund raising activities being conducted by the school division.

Adopted: March, 1992
Amended: January, 1995
Amended: September, 2002
Amended: April, 2005
Amended: April, 2008
Amended: February, 2014

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

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

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LUNENBURG COUNTY PUBLIC SCHOOLS

RESTRAINT AND SECLUSION OF STUDENTS

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

As used in this policy,

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

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

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

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

- as needed to protect an individual from his or her own actions;
- as needed to protect others from injury by the restrained person;
- as needed to quell a disturbance;
- as needed to gain possession of weapons or other dangerous objects on the person or within the control of a student;
- as needed for self-defense;

(continued)

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File: JM
(Page 2)

- as needed to escort a student safely from one area to another;
- as reasonably needed to prevent imminent destruction to

- school or another person's property;
- when using seat belts or other safety restraints to secure a student during transportation;
- to direct the movement or actions of a student to avoid the undue or deliberate disruption of the learning environment;
- as authorized by the Code of Virginia, or
- as authorized by a student's IEP, Section 504 plan or behavior intervention plan.

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

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

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

Documentation and Notice to Parents

A parent or guardian will be notified in writing within a reasonable period of time, not to exceed 15 school days, after any use of

- physical restraint; or
- seclusion resulting in observed physical injury to the student.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

File: JM
(Page 3)

The staff member who utilizes restraint or seclusion will be responsible for making a record of information regarding its use including the date, time, duration, precipitating behavior, outcome and other pertinent observations. Documentation is not required when using mechanical devices that are authorized and utilized for the student's safety or physical support such as bus

harnesses, lap belts, rifton chairs and similar devices. This policy does not permit the use of a restraining device to limit a student's mobility when that device is not ordinarily used with the student.

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Adopted: August, 2010

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

Cross Refs.:	IGBA	Programs for Students with Disabilities
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JGA	Corporal Punishment
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury

LUNENBURG COUNTY PUBLIC SCHOOLS

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 shall ensure that workbooks, writing books, and drawing books are furnished to students who are unable to afford them at a reduced price or free of charge. Fees will not be charged to students for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.

The following fees are charged.

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 damage 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 students;

(Continued)

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- (11) the behind-the-wheel portion of the driver's education program;
- (12) a fee not to exceed a student's prorated 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.

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LUNENBURG COUNTY PUBLIC SCHOOLS

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: March, 1992
Amended: December, 1994
Amended: January, 1995
Amended: June, 2001
Amended: September, 2008
Amended: May, 2010
Amended: February, 2013

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

8 VAC 20-720-80

Cross Ref.: ECAB Vandalism
IIA Instructional Materials

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LUNENBURG COUNTY PUBLIC SCHOOLS

STUDENT FEES, FINES, AND CHARGES

Lunenburg County Public Schools in accordance with the new ``Regulation Governing Fees and Charges`` 8 VAC 20-720-80, approved by State Board of Education and effective December 19, 2012 has adopted the following regulations to govern fees changed in Lunenburg County Public Schools.

Lunenburg County Public Schools will provide regulatory changes to schedule to parents annually via public notice, student handbooks and posting on the division's website. The revised regulations will include the schedule of fees, provisions for reducing or waiving fees and consequences for non-payment of fees.

A written notice must be submitted to the division superintendent and school's principal requesting a reduction or waiver of fees for economically disadvantaged students and students whose families are undergoing economic hardships and are financially unable to pay the fee charges. A fee waiver form will be attached to each notice of a fee change for agenda books at the elementary, middle school level. Secondary Fees include, but are not limited to:

- Art Use \$5.00
- Driver's Education (BTW) \$75.00
- Junior Class Activity Fee \$15.00
- Parking Decal \$20.00
- SCA Membership \$5.00
- Science Lab \$5.00
- Senior Activity Fee \$20.00
- Yearbook (Optional) \$50.00 (Price for Open House Day Only)

Collection of Fees

Any student fees levied by a teacher or principal must be in accordance with the fee schedule approved by the School Board. The School Board may approve only those fees that are permitted by law or regulations of the State Board of Education.

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

Material Fees

Any unpaid fees by students should carry a valid reason for nonpayment. Fees should be prorated as new students enroll in accordance with the following schedule:

A student who enrolls anytime during the first semester is to pay 100% of the fee.

A student who enrolls anytime during the second semester is to pay 50% of the fees.

There are no refunds on material fees for withdrawing prior to the end of the school year.

Loss of or Damage to School Board Property

Students are financially liable for loss of or damage to School Board property, even when malicious intent is not involved. If malicious intent is involved, the case is treated as vandalism. The responsible student shall be charged a reasonable fee for the lost or damaged item. Each principal has a copy of the fee table that is used for lost and damaged textbooks. Fees collected for damaged School Board property shall be accounted for in accordance with procedures disseminated by the division's Chief Financial Officer.

Vandalism

Deliberate and malicious damage to School Board property will be paid for by the student(s) responsible for the damage or by his or her parents/guardians, in accordance with Sections 8.01-43 and 8.01-44 of the Code of Virginia. Funds collected by schools will be forwarded without delay to the division's business office.

Refunds

Schools may make refunds to students if they return lost items.

Issued: March, 1992.
Amended: September, 1992.
Amended: January, 2001
Amended: February, 2013

(Continued)
LUNENBURG COUNTY PUBLIC SCHOOLS

LUNENBURG COUNTY PUBLIC SCHOOLS



WAIVER OF SCHOOL FEES

Student's Name: _____

School Name: _____ Grade Level _____

Parent/Guardian Name: _____

Address: _____

Telephone (Home): _____ (cell) _____

Hardship (Please Explain in detail):

Parent/guardian Signature: _____ Date _____

Principal Signature: _____ Date _____

Superintendent Signature: _____ Date _____

For Office Use Only:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
Criteria: _____	
Signature: _____	Date _____

STUDENT RECORDS

Generally

The Lunenburg 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 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 Lunenburg County Public Schools uses the following definitions.

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

Director 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, date 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 include a student identification number or other unique personal 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

(continued)

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 know 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 serve 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 § 619 or Part C of the Individuals with Disabilities Education Act, or a program operated by a local educational agency.

Educational 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 institute.

Education records - any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the Lunenburg School Board or an agency 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 make of the record;
- records created and maintained for law enforcement purposes by the Lunenburg 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;

(continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

- in the case of persons who are employed by the Lunenburg 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 Lunenburg 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 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.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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 student, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

ANNUAL NOTIFICATION

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

- the right to inspect and review the student's educational records and the procedure for exercising this right;
- the right to request amendment of the student's educational records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedure for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
- the type of information designated as directory information and the right to opt out of release of directory information;

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

- 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 student 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.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

COPIES of EDUCATION RECORDS

The Lunenburg 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.

FEEES FOR COPIES OF RECORDS

The fee for copies will be determined annually per page. The actual cost of copying time and postage shall be charged. The Lunenburg Public Schools does not charge for search and retrieval of the records. The Lunenburg 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 Lunenburg County Public Schools shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types or records that the Lunenburg Public Schools maintain, their locations, and their custodians:

All types of school records are located in the four (4) individual schools where the student currently attends or last attended. The guidance counselors are responsible for disbursing information regarding student records.

DISCLOSURE OF EDUCATION RECORDS

The Lunenburg 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.

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LUNENBURG COUNTY PUBLIC SCHOOLS

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.
- Performing a task that is specified in his or her position description or by a contract agreement.
- A person who is a teacher or school official, including teachers and school officials in other schools, who have legitimate educational interests in the student.

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

- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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 purpose 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;

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

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, estimate 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 Lunenburg School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

Disclosure of Information Relating to Home Instructed Students

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B1 of Va. Code § 22.1-254. However, the superintendent or School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

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LUNENBURG COUNTY PUBLIC SCHOOLS

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 program, 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 purpose 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.

(Continued)

LUNENBURG COUNTY PUBLIC SCHOOLS

MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING

The Lunenburg 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 Lunenburg 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).

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LUNENBURG COUNTY PUBLIC SCHOOLS

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 Lunenburg School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such

information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory

information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

Parents and eligible students may not use the right to opt out of directory information disclosure 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.

(Note: Directory information is 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 name, gender, address, telephone listing, date of birth of students, participation in officially recognized activities and sports, the weight and height of students, dates of attendance, degrees or awards received by students and photographs. Directory information may not include the student's social security number.)

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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 Lunenburg 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. Lunenburg 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, Lunenburg Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonable 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. Lunenburg 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 Lunenburg 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.

(Continued)
LUNENBURG COUNTY PUBLIC SCHOOLS

8. If Lunenburg 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 Lunenburg 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 shall maintain confidentiality of drug and alcohol treatment records as required by Federal and state law.

Adopted: May, 1992
Amended: December, 1992
Amended: February, 1995
Amended: June, 1996
Amended: June, 1998
Amended: November, 1998
Amended: June, 2001
Amended: April, 2002
Amended: June, 2003
Amended: May, 2006
Amended: July, 2006
Amended: June, 2007
Amended: June, 2008
Amended: April, 2009
Amended: May, 2010
Amended: May, 2012
Amended: September, 2013
Amended: May, 2014
Amended: October, 2014
Amended: May, 2015
Amended: May, 2016
Amended: February, 2017

(Continued)

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File: JO
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Legal Refs: 18 U.S.C. §§ 2331, 2332b;
20 U.S.C. §§1232g, 7908.

42 U.S.C. § 290dd-2

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

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1., 16.1-305.2, 22.1-254.1, 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.

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 Information
KBC Media Relations
KNB Reports of Missing Children
KP Parental Rights and Responsibilities
LBD Home Instruction
LEB Advanced/Alternative Courses for Credit

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LUNENBURG COUNTY PUBLIC SCHOOLS

STUDENT RECORDS REGULATIONS

Maintenance of Scholastic Records

The Lunenburg County School Board shall maintain accurate and complete individual, permanent and cumulative records for every student enrolled in the public schools. A cumulative record identified as Category I shall be maintained for each student enrolled. A separate confidential record identified as Category II shall be maintained on certain students who have such information and for those handicapped children who have not yet become students, i.e. pre-school or unserved. These records shall include cumulative and confidential information and shall be the student's official school record. Such records, identified as educational records in Title 20, Section 1232g of the United States Code annotated, and with Chapter 14 of Title 22.1 of the Code of Virginia shall be designated as scholastic records and shall mean those records, files, documents and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution. Such information or data may be recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, and microfiche.

The Superintendent and/or his designee(s) shall be responsible for the collection of data, record and maintenance and security, access to records and dissemination of information from records. The Superintendent shall provide for the periodic evaluation of records by the professional personnel and the removal of data no longer educationally useful. Parent(s) of students and eligible students shall be informed prior to destruction of records and provided a copy if desired.

Lunenburg County Schools has designated the Director of Human Resources as the official responsible for overseeing student recordkeeping. Information regarding policy and procedures pertaining to student records can be obtained from the Office of the Superintendent, Lunenburg County School Board Office, P.O. Box 710, Kenbridge, Virginia 23944.

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- A. Scholastic Records are classified in two categories:
1. Category I which contains the following subcategories
 - a. Cumulative Information which is defined as continuous and current records of significant factual information regarding the personal and educational progress and growth of individual students as they go through school.
 - b. Directory Information which shall include: the student's name, address, telephone listing, date and place of birth, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student.
 2. Category II (Confidential)

Reports written by pupil personnel services workers of the local school division for the express use of other professionals within the school division; appropriate confidential information from the records of such cooperating individuals or agencies as psychiatrists, child welfare agencies, hospitals, or juvenile courts; and other confidential information.
- C. All Category I Data should be filed in a secure location in the school where the student is enrolled and should be accessible to professional personnel within the school division who have legitimate educational interests in the student. Professional personnel who have a legitimate educational interest in the student shall be defined as the superintendent and/or his designees; the principal and/or his designees; professional staff currently assigned to the student (hereinafter referred to as "school officials") when they need the records to assist the student in his personal, social, educational and vocational development and in his educational and vocational placement and adult clerical

personnel assigned to records. The principal and/or his designee(s) shall be responsible for the collection of data, record maintenance and security, access to records, and dissemination of information from records maintained in his/her school. He shall provide for the periodic evaluation of records by professional personnel and the removal of data no longer educationally useful. However, he shall not allow the removal of data from a student's file when there is pending a request by a parent of that student to inspect his child's file. If there exists any Category II Data on a student, the file containing his Category I Data shall specify the location or locations of all Category II Data. No notations shall be made on Category I files that contains personally identifiable information (e.g. "File located in office of Special Education Administrators."

- C. Category II Data may be filed in the school where the student is enrolled in a separate file from all Category I Data, or in the central office and should be accessible to professional school personnel within the school division who have legitimate educational interests in the student. Professional personnel who have a legitimate educational interest in the student shall be defined as the superintendent and/or his designees; the principal and/or his designees; professional staff currently assigned to the student (hereinafter referred to as "school officials") when they need the records to assist the student in his personal, social, educational and vocational development and in his educational and vocational placement and adult clerical personnel assigned to records. The building principal shall be responsible for the collection of data, record maintenance and security, access to records, and dissemination of information from records which are located in his/her school. The Superintendent and/or his designee(s) for each office, where records are maintained shall be responsible for the collection of data, record maintenance and security, access to records and dissemination of information from records. The principal and/or his designee(s) shall be responsible for the

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collection of data, record maintenance and security, access to records, and dissemination of information from records maintained in his/her school. He shall provide for the periodic evaluation of records by professional personnel and the removal of data no longer educationally useful. However, he shall not allow the removal of data from a student's file when there is pending a request by a parent of that student to inspect his child's file. The Superintendent shall provide for the periodic evaluation of records by the professional personnel and the removal of data no longer educationally useful. Parent or eligible student shall be informed prior to destruction of records and provided a copy if desired. The mailing address for these individuals is Lunenburg County School Board Office, P.O. Box 710, Kenbridge, Virginia 23944.

The building principal shall be responsible for the collection of data, record maintenance and security, access to records, and dissemination of information from records which are located in his/her school.

- D. A listing of all personnel who have access to scholastic records in the central office shall be on file in the Superintendent's office and upon request a parent(s) or eligible student may have access to this list.

A listing of all personnel who have access to scholastic records in each school shall be on file in the Principal's office and upon request a parent(s) or eligible student may have access to this list.

- E. The content of a Scholastic Record shall be limited to data needed by the System to assist the student in his personal, social, educational, and vocational development and in his educational and vocational placement. Types of data to be included are as follows:

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1. Category I Data

a. Shall be maintained in the student's cumulative file:

b. Shall include information required for all students:

- i. record data disclosure form;
- ii. name and address of students;
- iii. birth date and birth certificate number;
- iv. name and address of parent;
- v. scholastic work completed;
- vi. level of achievement (grades, and GPA);
- vii. tests - standardized achievement and ability scores; literacy results; interest inventories;
- viii. attendance;
- ix. cumulative health record, including pre-school physical, examination report, and school entrance examination report and certificate of immunization;
- x. program of studies plan;
- xi. type of diploma;
- xii. record of employment counseling and placement;
- xiii. social security number (unless waiver granted).

c. May include additional data recommended as useful:

- i. citizenship status, if other than United States;
- ii. record of counseling interviews (date, reason, etc., not content);
- iii. results of other standardized group tests and inventories;
- iv. work experience;
- v. employment evaluations;
- vi. school and community activities.

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2. Category II Data

- a. Shall include State required reports including the following:
- i. records of referral
 - ii. reports of assessment -- both initial and periodic, including:
 - (a) educational assessment;
 - (b) physiological assessment, to include medical examination and assessment of speech, hearing and vision;
 - (c) psychological assessment;
 - (d) sociological assessment, including the adaptive behavior checklist.
 - iii. other pertinent reports, including:
 - (a) permission for testing;
 - (b) permission for placement;
 - (c) record of parent conference to discuss special education placement;
 - (d) summary of minutes of eligibility committee findings for special education students
 - (e) permission for release of information if appropriate;
 - (f) report of annual review of placement;
 - (g) reports of appeals, if appropriate;
 - (h) individualized education program (IEP)
- b. May include additional data recommended as useful:
- i. social histories;
 - ii. legal, psychological and medical reports;
 - iii. verified reports of serious or recurrent atypical behavior patterns;
 - iv. counselor or teacher case studies;

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- v. records of sensitive physical problems;
- vi. reports from institutions and agencies such as juvenile court, social welfare, etc.;
- vii. confidential interviews and/or recommendations;
- viii. suspension notices and all notices in an expulsion procedure;
- ix. vocational assessment data.

F. The term Scholastic Records does not include:

1. Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.
2. Records relating to an individual employed by the System which are made and maintained in the normal course of business, which relate exclusively to the individual in that individual's capacity as an employee, and which are not available for use for any other purpose.
3. Records on a student who is eighteen (18) years of age or older, or is attending an institution of post secondary education, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his professional or paraprofessional capacity, or assisting in that capacity and which are made, maintained, or used only in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

Parents' and Eligible Students Right to Inspect Scholastic Records (Access)

- A. Parent(s) of students who are or have been in attendance at a school in the System shall have the right, without unnecessary delay, to inspect, review, and copy the Scholastic Records directly relating to their children.

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Eligible students shall also have the right, without unnecessary delay, to inspect, review, and copy the Scholastic Records directly relating to them.

1. The parents' or eligible student's request shall be in writing and shall be made to the principal of the school or the designated manager of the office which maintains the records in question.
2. The request shall be granted as soon as practical after receipt of the written request, but in no event more than five (5) administrative working days after the date of the receipt of said request. If impossible to meet that date, the requesting party shall be informed and seven (7) additional administrative working days shall be added.
3. The parent(s) may request copies of documents in the Scholastic Records. The parent(s) shall be charged an amount equal to the cost to the System to reproduce such copies. Such fee(s) shall not effectively prevent the parents, or their designee, from exercising their right to inspect and review these records and the Lunenburg County School Division may not charge a fee for search and retrieval. No fee(s) for the IEP may be charged.
4. The parent(s) shall have right to a response from the System to reasonable requests for explanation and interpretations of the records. The Superintendent or his/her designee shall be present for scholastic record interpretation and explanation when all parties have access to Category I (Cumulative) file, with the exception of professional personnel within the school or school division and adult clerical personnel who needs access for maintenance purposes. The Superintendent or his/her designee shall be present for scholastic record interpretation and explanation when all parties have access to Category II (Confidential) file with the exception of adult clerical personnel who need access for maintenance purposes.

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- B. If any material or document in the Scholastic Records of a student includes information on more than one student, the parent(s) of one of such students shall have the right to inspect and review only such part of such material or document as relates to such student or to be informed of the specific information contained in such part of such material.
- C. In addition to A and B above, parents and eligible students shall have the following rights and shall be notified of these rights annually:
1. The parent(s) and eligible students have a right, upon request to inspect and review the scholastic record relating to their children without unnecessary delay before any meeting regarding an IEP or hearing involving identification, evaluation or placement.
 2. Parents and eligible students on request will be provided a list of the types and locations of scholastic records collected, maintained or used by the Lunenburg County School Division.
 3. The right to request Lunenburg County School Division to provide copies of the Scholastic record if failure to provide would effectively prevent the parent from exercising their right to inspect and review records.
 4. The right to have a representative of the parent inspect and review the scholastic records.
 5. The right to inspect and review only information pertaining to their child should the Lunenburg County School Division maintain records on more than one child.
 6. The right to a hearing if the Lunenburg County School Division refuses to amend information in the scholastic record per parent request.

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7. The right to file a complaint with the FERPA Office concerning alleged failure by the System to comply with Title 20, Section 1232g of the United States Code Annotated.

Notification of Parents and Eligible Students of Their Rights

- A. The system shall give parent(s) of students enrolled in the System, including those parents identified as having primary or home language other than English and eligible students in attendance, annual notice by such means as are reasonably likely to inform them of the following:
 1. The types of and location of scholastic records and information maintained by the System and the titles and addresses of the officials responsible for those records.
 2. The location where copies of School Board Policy JO and these regulations may be obtained.
 3. The policy and procedures for granting access to and releasing data from these records.
 4. The policy and procedures relative to parents or students challenging the content of these records.
 5. The right to file a complaint with the FERPA Office concerning alleged failure by the System to comply with Title 20, Section 1232g of the United States Code Annotated.
 6. The cost, if any, to the parent or eligible student for reproducing copies of these records.
 7. The categories of information designated as Directory Information.

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8. The policy and procedures relative to transfer of records.
9. The right to have a representative of the parent or eligible student to inspect and review the scholastic records.
10. The right to inspect and review scholastic record relating to their children without unnecessary delay and before any meeting regarding an IEP or hearing involving identification, evaluation, placement.
11. The right to request Lunenburg County School Division to provide copies of the scholastic record if failure to provide would effectively prevent the parent from exercising their right to inspect and review records.
12. The right to inspect and review only information pertaining to their child should the Lunenburg County School Division maintain records on more than one child.
13. The right to a hearing if the Lunenburg County School Division refuses to amend information in the scholastic record per parent request.

Costs

There shall be no cost or fee for IEPs nor shall there be any cost or fee for search and retrieval of any scholastic record(s).

Amendment of Scholastic Records

- A. Parent(s) of students or eligible students who are or have been in attendance at a school in the System who believe that information contained in the scholastic records of their child is inaccurate or misleading or violates the

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privacy or other rights of their child have a right to make a written request to the principal of the school or the manager of the office which maintains the records in question to amend and/or expunge information from those records regardless of when the information was entered in the record. The parent(s) or eligible student have a right to submit evidence along with the request to amend, or within five (5) days thereafter, and the principal or the designated official shall review such evidence. The principal or the designated official shall make a decision on whether to amend the scholastic records and notify the parent(s) of said decision in writing with a reasonable time from receipt of the request, not to exceed fifteen (15) administrative working days. If the decision is to amend, then the amendment shall be made in writing, inserted in the student's scholastic record and maintained in accordance with the maintenance and disposition. If the decision is to refuse to amend the scholastic records, the principal or the designated official shall within 15 administrative working days inform the parent(s) or eligible student of the reasons for refusal, and further advise the parent(s) or eligible student of their right to a hearing under Paragraph B. If the parent(s) or eligible student request a hearing under Paragraph B, the superintendent shall inform the principal or the designated official thereof and the principal or the designated official shall provide the superintendent with a copy of his decision, the reasons therefor, and any evidence submitted by the parent(s).

- B. Parent(s) or eligible students shall have an opportunity for a hearing to challenge the content of their child's records to insure that the records are not inaccurate, misleading or otherwise in violation of the privacy or other rights of students, provided they file a written request for a hearing with the Superintendent. The hearing shall be convened within twenty (20) days of receipt of the hearing request by the Superintendent unless the time limit is waived by the mutual consent of the parties. If as a result of said hearing the records are found to be inaccurate, misleading or otherwise in violation of the privacy or other rights of students, they shall be amended and the parent(s) are to be

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so informed in writing. If the records are found not to be inaccurate, misleading or otherwise in violation of the privacy or other rights of students the parent(s) or eligible student shall be so informed in writing and shall be further informed they have right to place a statement commenting upon the information in the Scholastic Records as long as the record or contested portion thereof is maintained by the school or designated location. If the Scholastic Records are disclosed by the System to any party, this statement shall also be disclosed to that party.

- C. The hearing required to be held by Paragraph B shall be conducted according to the following procedures:
1. The hearing shall be held with forty-five (45) calendar days after receipt of the written request, and the parent(s) shall be given notice of the date, place and time reasonably in advance of the hearing.
 2. The parent or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues and to question the person(s) who have entered the information.
 3. The hearing may be conducted by any party, including an official of the Lunenburg County School Division who does not have a direct interest in the outcome of the hearing.
 4. The decision of the Superintendent shall be in writing and shall be made within ten (10) days after the hearing.
 5. The decision shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision. The evidence will become a permanent part of the student's scholastic record.

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Collection

All scholastic records should be filed in a central location accessible to professional personnel within the school or within the central office. The principal of the school and/or his designee(s) or the designated official for record management shall be responsible for the collection of data, record maintenance and security, access to records, dissemination of information from records, and content of the scholastic record(s). The principal shall provide for the periodic evaluation of the records by professional personnel and the removal of data no longer pertinent. This must be accomplished the last year the student is in the elementary school, the first year the student is in the middle/high school, and the end of grade 12 but may be done more frequently at the discretion of the principal. The principal, with the assistance of appropriate staff members, shall establish and use necessary procedures for implementing all regulations relative to student records and to ensure the protection of confidentiality.

This collection and transfer of records shall be accomplished annually under appropriate security safeguards and in a timely and efficient manner.

All persons collecting or using personally identifiable information in scholastic records shall receive training or instruction regarding the state's policies and procedures for management of scholastic records.

Destruction

Destruction of records of personally identifiable information collected, maintained or used may take place when records are no longer needed to provide educational services to the student.

- A. Personally identified information on a handicapped student may be retained permanently unless the parent(s) or eligible student request that it be destroyed. It must be destroyed at request of parent(s) or eligible student, however, a

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permanent record of the student's name, address, telephone number, grades, attendance record, classes attended, grade level completed and year completed may be maintained without time limitation.

- B. Parents should be reminded of this policy and that some of the scholastic records may be needed by the parent or student for social security benefits or other purposes.
- C. If parent(s) or eligible student requests that the information be destroyed, only that information required under state law and regulations will be maintained.
- D. Prior to destruction, a reasonable effort shall be made to notify parent(s) or eligible student that they have a right to receive a copy of the data.

Retention/Storage/Disposition of Student Category I and II Records

Purpose

This procedure is designed to ensure a definitive procedure for retaining and disposing of both Category I and Category II student records.

Scope

The following procedural guidelines encompass the retention format of records, process for the storage, and disposition of Category I and II student records.

Basic Procedures

- A. Label each Category I and II folder with the student's full legal name and date of birth.
- B. Category I and Category II folders will be sent to the Guidance Department at Central High School arranged in alphabetical order.

Records should be delivered to the Guidance Department at Central High School by a staff member of the school.

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C. Disposition of Records

1. Category I records of withdrawn students will be purged and microfilmed or stored in the Guidance Department at Central High School once the student has reached the age of 21. Graduates' records will be microfilmed or stored one year after graduation.
2. All records which have been microfilmed or stored will be handled by the Guidance Department at Central High School according to the disposition instructions stated in the retention schedules required by the Department of Education, Management of the Student's Scholastic Record in the Public Schools of Virginia. (Revised 1989).
3. Category II folders of withdrawn/graduated students will be microfilmed or stored but will be purged by shredding, burning, or pulping under the supervision of a responsible school official when:
 - a. An attempt has been made to notify individuals that records are going to be destroyed.
 - b. The student's birthday indicates that it is five years beyond the student's twenty-first birthday.
 - c. The student has been withdrawn from school for five years.

D. Release of Records

Once the student's record is received for storage in the Guidance Department at Central High School, he/she will be responsible for the authorized release of copies of the student's official records to individuals or institutions in accordance with Federal and State regulations.

Disclosure (Access)

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- A. No Scholastic Records concerning a student other than Directory Information shall be disclosed without the prior written consent of the parent(s) of such student except as provided in Paragraph B. The request shall be granted without unnecessary delay and in no case more than five administrative working days after the date of the request. If impossible to meet that date, the requesting party shall be informed and seven (7) additional administrative working days shall be added. A Record Data Disclosure Form must be maintained in each Category I and Category II file. Exhibit JO-E (A) & (B).
1. The written consent required by Paragraph A must be signed and dated by the parent(s) of the student and shall include:
 - a. The parties who have requested and/or obtained scholastic record data,
 - b. A specification of the records to be disclosed and the date of disclosure,
 - c. The purpose or purposes of the disclosure,
 - d. The party or class of parties to whom the disclosure may be made, and
 2. The Record Data Disclosure Form must show the following:
 - a. The parties who have requested and/or obtained scholastic record data disclosure, with the exception of adult clerical and professional personnel within the Lunenburg County School Division; the parent or eligible student; and the parties receiving directory information,

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- b. The agency or institution represented, if appropriate,
 - c. The date of the disclosure,
 - d. The specific legitimate interest of such disclosure and the purpose for which the data will be used, and
 - e. The signature of the superintendent or designee.
3. When disclosure is made pursuant to Paragraph A, the System shall provide a copy of the record which is disclosed to the parent(s) if requested by the parent(s).
 4. Personally identifiable information from scholastic records, with the exception of directory information shall be disclosed to a third party only on the condition that said party will not redisclose such information without the written consent of the parent(s) or eligible student. Such disclosure shall be accompanied by a written statement explaining the above stated condition. If the third party is an institution, agency, or organization, the disclosed personal information may be used by its officers, employees and agents, but only for the purposes for which the disclosure was made.
- B. Scholastic Records of a student may be disclosed to the following without the prior written consent of the parent(s) of the student:
1. Professional personnel within the school and/or school division who have been determined by the school division to have legitimate educational interests (as defined previously) in the student. (Category I and II).
 2. Adult clerical personnel charged with the responsibility of record maintenance. (Category I and II).

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3. The parent(s) of the student who is the subject of the record until the student is eighteen (18) years of age or above. (Category I and II).
4. Authorized representatives of:
 - a. Accrediting organization, (Category I)
 - b. The Comptroller General of the United States, (Category I and II)
 - c. The United States Secretary and Assistant Secretary of Education,
 - d. The local division superintendent, and (Category I and II)
 - e. State educational authorities needing information in connection with the audit and evaluation of State and Federally supported education programs or the enforcement of Federal legal requirements related to such programs. Data collected shall exclude information which would permit the personal identification of such students or their parent after the data so obtained have been collected except when personally identifiable data are specifically authorized by Federal law or are needed by the Board of Education for such projects as student follow-up studies. (Category I and II)
5. A person designated in writing by the student who is the subject of the record if such student is eighteen (18) years of age or above or by the parent if the student is under eighteen (18) years of age. (Category I and II)

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6. Students and parents given access to student records under paragraphs 3 and 4 above shall not have access to confidential letters and statements of recommendation relative to admissions to an educational agency or institution, applications for employment, and receipt of an honor or honorary recognition if a waiver of right of access to such confidential letters and statements of recommendation has been obtained. Where the waiver is applied, the student and/or parents shall, upon request, be notified of the names of all persons making confidential recommendations and such recommendations shall be used solely for the purpose for which they were specifically intended. Such waiver may be revoked at any time with the understanding that confidential letters and statements of recommendation submitted in reliance upon the waiver shall remain confidential.

7. Emergency - appropriate persons in connection with:

Scholastic records may be disclosed to appropriate persons, in connection with emergency and subject to regulations of the U.S. Secretary of Education, if the knowledge of such information is necessary to protect the health or safety of the student or other persons. The factors to be considered in determining disclosure are the following:
 - a. The seriousness of the threat to the health or safety of the student or other persons;
 - b. The need for such records to meet the emergency;
 - c. Whether the persons to whom such records are released are in a position to deal with the emergency; and
 - d. The extent to which time is of the essence in dealing with the emergency.

8. Financial Aid - appropriate persons concerned with student's application. (Category I)

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Category I data may be disclosed to appropriate persons concerned with the student's application for financial aid only for purposes to determine the student's eligibility, amount of aid, conditions to be imposed and enforcement of terms or conditions for aid.

9. Officials, authorities - State and local - Category I and II data shall be disclosed to:
 - a. State and local officials or authorities to which such information is specifically required to be reported or disclosed pursuant to state statute adopted prior to November 19, 1974.
 - b. State Department of Corrections
 - c. State or local law enforcement officer, including a probation officer, parole officer or administrator or member of parole board.
10. Employee or official of State or local health department shall have access to the pre-school physical examination report, the immunization record and the school entrance health examination form.
11. Employee or officer of a city or county agency responsible for protective services to children shall have access to Category I and II data.
12. Employee of local department of welfare or social services shall have access to attendance information for determining eligibility for public assistance.
13. Organization, agencies conducting studies.

Category I and II shall be disclosed to organizations including colleges and universities conducting educational

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research providing studies do not permit the personal identification of students and their parents and is destroyed when no longer needed.

14. Transfer of Record Data - within a school division.

When a student moves from one school to another within the division the entire record is forwarded to the new school. (Category I and II)

15. Transfer of Record Data - out of school division.

Pertinent information from Category I and II shall be sent promptly, upon request to the appropriate official of the school in which a student seeks or intends to enroll. The division shall make a reasonable effort to notify the parent of such transfer and provide him with a copy if desired and an opportunity for a hearing to challenge the content of the record.

If the division is unable to obtain a record on a student from another division within 60 days and suspects it might be a case of a missing child, the local police or sheriff's office shall be notified for investigation.

16. Public, private school, college, university, military.
(Basic directory information)

Names and addresses of present and former students may be disclosed for the purpose of informing students and former students of available educational and career opportunities to the following:

- a. Officer or employee of a public or private school, college or university;
- b. An official of a private business or professional school or college;
- c. Any official recruiting representative of the military forces of the Commonwealth and the United State.

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17. Other:

Disclosure of records shall be made in compliance with judicial order or pursuant to any lawfully issued subpoena following a reasonable effort to notify the parent(s) or eligible student in advance.

- C. The principals or his designee(s) shall be present for the purpose of record interpretation:
1. When individuals identified in Paragraph B, above have access to Scholastic Records; (exception - school division personnel)
 2. When professional personnel within the school and the school division have access to Category II Data.
- D. The principal or his designee(s) shall keep permanently with the student's cumulative and confidential files a Record Data Disclosure Form showing:
1. The signature of each person who has requested and/or obtained access to records except professional personnel within the school division designated as having a legitimate educational interest in the student and adult clerical personnel charged with record maintenance;
 2. The agency or institution represented if appropriate;
 3. The date of access/disclosure.
 4. The specific legitimate interest in seeking the record; and the purpose for which the data will be used; and
 5. The signature of the principal or his designee(s).

This record of access/disclosure shall be available only to the parent(s), or eligible student(s) eighteen (18) years of age and to the school officials responsible for the record maintenance system, as a means of auditing the operation of the system.

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Student's Rights

For the purpose of the School Board Policy JO and these Regulations, whenever a student has attained eighteen (18) years of age the permission or consent required of and all rights accorded to the parent(s) of the student shall thereafter only be required of and accorded to the student.

Directory Information

- A. Each year the System shall give public notice indicating those categories of data designated as Directory Information. Such public notice shall further state that Directory information may be released unless the parent(s) of a student have requested in writing by a date specified in the public notice that all or part of such information concerning their child shall not be released without prior consent. The public notice shall give reasonable advance notice of the parents' right.
- B. Directory Information shall be divided into two categories. The first category shall be designated as Basic Directory Information and shall consist of a student's name, address, and telephone number. The second category shall be defined as Comprehensive Directory information and shall consist of all information designated as Directory Information in Article I, Policy JO except the weight and height of members of athletic teams.
- C. All requests for Directory Information must be submitted in writing and in person if possible to the principal of the school the student attends. The principal shall determine whether to release directory information concerning five or less students. If the request is for directory information concerning more than five students, the principal shall immediately submit said request to the chairperson of the Directory Information Committee to determine whether or not to release requested information. In determining whether or not to release requested directory information the principal and the committee shall consider the following factors:

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1. The intended use of such information.
2. The need for such information.
3. Whether such information will be transferred to a third party.

The committee or the principal shall notify the requesting party in writing of the determination within twenty (20) days of the receipt of the request.

- D. A person requesting directory information shall be charged an amount equal to the cost to the System to collect and reproduce such information. Annually the Directory Information committee shall establish a list of such costs.
- E. If a parent has made a timely written request that all or part of the Directory Information concerning his child shall not be released, the System shall not release such information.
- F. Eligibility lists for student activities do not have to be submitted to the committee prior to release to the Virginia High School League.

Transfer of Student Records

- A. The Scholastic records of a student may be forwarded to another school or school system in which a student seeks or intends to enroll upon the request of the receiving school or school system.
- B. The System shall make a reasonable attempt to notify the parent(s) of a student of the transfer of records at the last known address of the parent(s), however, this notice is not required when:
 1. The transfer of records is initiated by the parent(s) at the System; or
 2. The annual notice to parents contains a statement that it is the Policy of the System to forward Scholastic Records on request to a school in which a student seeks or intends to enroll.

- C. If requested by the parents(s), the System shall provide the parent(s) a copy of the Scholastic Records which have been transferred.
- D. If requested by the parent(s), the System shall provide the parent(s) with an opportunity for a hearing under Amendment of Scholastic Records section of these Regulations.

Retention Schedule

The retention schedule shall be in compliance with the Management of the Student's Scholastic Record in the Public Schools of Virginia (Revised 1989).

Definitions

The following are additional definitions which apply to these Regulations and to Policy JO:

- A. Days are specified as either "calendar days" or "administrative working days."
 - 1. "Administrative Working Days" means administrative working days exclusive of Saturdays, Sundays, and officially designated holidays of the System.
 - 2. "Calendar Days" means consecutive days, inclusive of Saturdays, Sundays and officially designated holidays.
- B. Destruction means physical destruction or the removal of personal identifiers from information so that information is no longer personally identifiable.
- C. Parent means a parent, a guardian, or a person acting as a parent of a child. The term "parent" means either parent, unless the Lunenburg County School Division has been provided with evidence that there is a legally binding instrument or a state law or court order governing such matters as divorce, separation, or custody which mother or father, the adoptive

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mother or father, or the legally appointed guardian or committee has custody of the child. The definition also includes persons acting in the place of a parent such as a grandmother or stepparent with whom the child lives, as well as the persons who are legally responsible for a child's welfare. A child 18 years or older may assert any rights under these regulations in his/her own name.

- D. Disclosure/Access means permitting access to release, transfer, or other communication of Scholastic Records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means of any party.
- E. FERPA means The Family Educational Rights and Privacy Office, Department of health, Education and Welfare, 330 Independence Avenue, S.W., Washington, DC 20201.
- F. Eligible Student means a student who has attained 18 years of age or is attending an institution of postsecondary education. The permission or consent required of an the rights accorded to parents relative to scholastic records shall be accorded to these students.

The Director of Human Resources will be responsible for the implementation and monitoring of this regulation.

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PARENT'S/ELIGIBLE STUDENT'S CONSENT FOR
SCHOLASTIC RECORD DATA DISCLOSURE

_____ may have (access to, copy of) the following part or parts of _____'s scholastic record as checked below. The reason for this disclosure is _____.

_____ Identifying Data (name; address; birth date; social security number, if available; citizenship, if other than the United States)

_____ Family Background Data (name and address of parent)

_____ Scholastic Work Completed; Level of Achievement (grades

_____ Type of Diploma

_____ Test Data

_____ Attendance Data

_____ School, Community Activities; Work Experience

_____ Employment Evaluations

_____ Program of Studies Plan

_____ Health-Physical Fitness Data

_____ Record of Counseling Interviews (date, reason, etc., not content)

_____ Social history

_____ Legal, psychological, and medical reports

_____ Record of sensitive physical problems

_____ Verified reports of serious or recurrent atypical behavior patterns

_____ State required reports of evaluations and other pertinent reports and programs for exceptional students

(continued)

_____ Reports from institutions and agencies such as juvenile court, social welfare, etc.

_____ Counselor or teacher case studies

I understand that I have the right to request a hearing to challenge the content and accuracy of (my child's, my) school record.

(circle one)

_____ Date

_____ Parent's/Eligible Student's Signature

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REQUEST FOR PERMISSION TO DISCLOSE SCHOLASTIC RECORD DATA

Date School

Address

Dear _____
(parent/eligible student)*

We have received a request from _____ for
(access to, copy of) _____'s scholastic record.
(circle one)

Please sign the attached form, if you are willing for us to grant this request, and check the part or parts of the record to be made available to the above party.

If you wish to receive a copy of the data released, please supply the information requested below, sign your name on the bottom line of this letter, and return it to the address below by

(Date)

A duplicate copy of this letter is enclosed for your personal records.

Superintendent/Principal/Designee

*The eligible student is a student who is eighteen years of age or above or is attending an institution of post-secondary education.

PARENT'S ELIGIBLE STUDENT'S STATEMENT

I wish to receive a copy of the scholastic record of
_____ who is (my son, daughter, legal ward; myself).
(circle one)

Please send this copy to me at the following address
_____.

(continued)

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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: February, 2017

Legal Refs.: 8 VAC 20-131-90.
 8 VAC 20-160-30.

Cross Refs.: JO Student Records

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RELEASE OF STUDENT DATA/RECORDS

The parent/legal guardian of any student enrolled in Lunenburg County School Division may authorize the release of their student's data/records to any individual or Agency upon completion and execution of the Consent for Release of Student Data/Records form accompanying this policy.

This form may be used by community Policy and Management Teams, and the Departments of Health, Social Services, Juvenile Justice, and Behavioral Health and Development Services.

Adopted: May, 2013

Amended: February, 2015

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

CONSENT FOR RELEASE OF STUDENT DATA/RECORDS

Student Name: _____ Date of Birth _____
Name of School: _____ School ID# _____
Student Address _____
Home Telephone #: _____
Parent/Legal Guardian (1) Mobile Telephone # _____
Parent/Legal Guardian (2) Mobile Telephone # _____

I authorize the _____ Division to release to the individual or Agency identified below identifying educational/medical data and records (the "Records") of the student listed above. I understand that in addition to educational records and data, such Records may also contain health information pertaining to diagnosis and treatments, immunization records, suspension/office referral data, attendance data, referrals to student service teams, as well as communications with school staff related to mental health interventions.

Time Period During Which Release of student/Data is Authorized:

From: _____ (Date that form is signed below).

Until: _____

Name of Authorized Individual or Agency

Name and Title _____

Agency Name (If applicable) _____

Address (1) _____

Address (2) _____

Email Address _____

Phone Number _____ Fax Number _____

Signature of Parent/Guardian: _____

Name of Parent/Guardian: _____

Relationship to Student: _____

Date: _____

Witness: _____

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. In all instances related to these publications, the School Board will be the publisher, the principal will be the editor, the faculty sponsor will be the co-editor, and students appointed by the co-editor may serve as assistant editors and journalists.

Responsibilities of Student Editors and Journalists

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

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

Responsibilities of Student Publications Faculty Co-Editor

School publications faculty co-editors shall instruct students in the Code of Ethics of the American Society of Newspaper Editors and help students to understand and follow it.

Faculty members shall instruct students in correct and appropriate journalistic techniques and consult with the principal, who is the editor, on material that may violate the law or the journalism Code of Ethics. Material that may be considered controversial by some members of the school community should be carefully considered by students and the faculty editor, and brought to the attention of the principal (editor).

(continued)

Responsibilities of the School Principal (Editor)

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

Adopted: February, 1995

Amended: April, 2005

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

Cross Refs: AC Nondiscrimination
GB Equal Employment Opportunity/
Nondiscrimination
JB Equal Educational Opportunities/
Nondiscrimination
JFHA/GBA Prohibition Against Harassment and
Retaliation
GBECA Electronic Cigarettes
KGC Use of Tobacco and Electronic Cigarettes
on School Premises

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LUNENBURG COUNTY PUBLIC SCHOOLS

File: JRCA

SCHOOL SERVICE PROVIDERS' USE OF STUDENT PERSONAL INFORMATION

Definitions

For the purposes 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, booster clubs, parent-teacher associations, parent-teacher-student 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.

(Continued)

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''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.

''Targeted 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 parent, either directly or through the student's school or teacher.

(Continued)

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- 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 parent before using student personal information in a manner that is inconsistent with its policy for the privacy of 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 from knowingly

- using or sharing any student personal information for the purpose of targeted 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

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school division, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized 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 purchase, 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 schools 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).

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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: May, 2016

Amended: May, 2017

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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

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