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EQUAL EDUCATIONAL OPPORTUNITIES/ NONDISCRIMINATION

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 vocational programs; and
- not discriminate against qualified disabled persons in the provision of health, welfare or social services.

II. Complaint Procedure

File Report

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

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

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

Investigation

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

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

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

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

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

C . Action by Superintendent

Within 5 school days of receiving the Compliance Officer's report, the Superintendent or

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

D. Appeal

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

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

E. Compliance Officer and Alternate Compliance Officer

The New Kent County School Board has designated the

Director, Special Services
New Kent County School Board
P.O. Box 110
New Kent, VA 23124
dpollard@nkcps.k12.va.us
804-966-8523

as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer

Executive Director of Budget and Finance
New Kent County School Board
P.O. Box 110
New Kent, VA 23124
hmorgheim@nkcps.k12.va.us
804-966-8586

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.

III. Retaliation

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

IV. Right to Alternative Complaint Procedure

Nothing in this policy 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: May 1, 2000
Revised: May 3, 2004
Revised: December 3, 2012

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

34 CFR 106.9.

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

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

SECTION 504 NONDISCRIMINATION POLICY AND GRIEVANCE PROCEDURES

The New Kent County School Board does not discriminate against individuals on the basis of disability. Where a student believes that he or she has been discriminated against on the basis of disability, the student shall have the right to file an informal or formal grievance in accordance with the following procedures:

A. FORMAL PROCEDURE

1. Filing a Complaint

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

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

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

2. Investigation

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

Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 15 school days will be required to investigate the complaint, he or she will notify the complainant and the persons allegedly responsible for the

discrimination of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded. The investigation may consist of personal interviews with the complainant, the persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The School Division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

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

The Compliance Officer shall issue a written report to the Superintendent upon completion of the investigation. If the complaint involves the Superintendent, then the report shall be sent to the School Board. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated, and recommendations for corrective action, if any. The Compliance Officer's written report, and all written notices sent pursuant to this policy shall be maintained and distributed in accordance with the Family Educational Rights and Privacy Act.

3. Action by the Superintendent

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

4. Appeal

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

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

5. Compliance Officer and Alternate Compliance Officer

The New Kent County School Board has designated Executive Director of Administration, New Kent County School Board, P.O. Box 110, New Kent, VA 23124, 966-8526 as the Compliance Officer responsible for identifying, preventing and remedying discrimination. Complaints of discrimination may also be made to Executive Director of Finance and Budget, New Kent County School Board, P.O. Box 110, New Kent, VA 23124, 966-8586, the Alternate Compliance Officer. The Compliance Officer duties may include the following:

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

B. INFORMAL PROCEDURE

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

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

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

C. RETALIATION

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

D. FALSE CHARGES

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

Adopted: November 6, 2000
Revised: October 3, 2011
Revised: April 8, 2013

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

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

COMPLAINT OF DISCRIMINATION

Name of Complainant: _____

Student's School and Class: _____

Address: _____

Email Address: _____ Phone Number(s): _____

Name(s) of Parent/Legal Guardian: _____

Address(es): _____

Email address(es): _____ Phone Number(s): _____

Dates of Alleged Discrimination: _____

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

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

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

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

Signature of Complainant _____ Date _____

Complaint Received By: _____
Compliance Officer Date

SCHOOL ATTENDANCE AREAS

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

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

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

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

ESTABLISHED ATTENDANCE ZONES
(APPLIES TO ELEMENTARY ONLY)

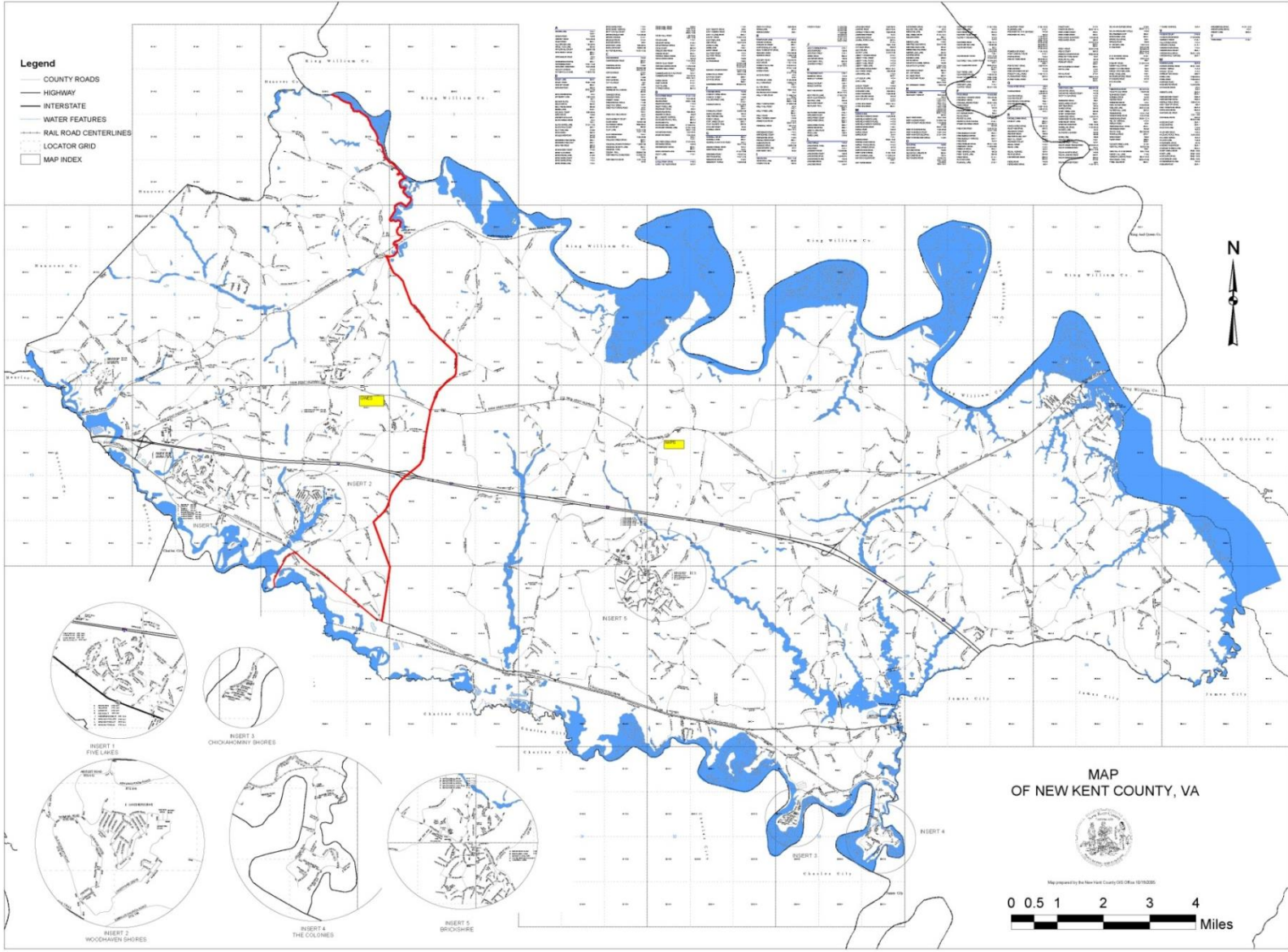
A line has been established by the School Board that determines elementary school attendance zones. Zones are delineated as follows:

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

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

Reviewed: July 2, 2012

Red Line – East/West Attendance Zones



NEW KENT COUNTY PUBLIC SCHOOLS

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

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

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

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



Revised 2-25-13

**EMPLOYEE REQUEST FOR STUDENT ADMISSION / SCHOOL PLACEMENT
(GRADES K-5 ONLY)**

Student Name _____ Date of Birth ___/___/___

Student Grade Level (Upcoming School Year) _____

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

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

Parent/Guardian Name _____

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

Building Location of Parent Employee: ___ NKES ___ GWES ___ NKMS ___ NKHS

Reason for Request _____

Parent/Guardian _____ Date _____

Signature

Return to:
Principal of School Requested

New Kent Elementary School
11705 New Kent Highway
New Kent, Virginia 23124

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

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

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

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

Parent/Guardian _____ Date _____

Signature

School Signature _____ Date Received _____

For Office Use Only

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

Zoned School _____ Reassigned School _____

Signature of Principal: _____

At Reassigned School

At Zoned School (If Applicable)

cc: Executive Director of Curriculum and Instruction

Revised 2-25-13

TRANSFERS BY STUDENT VICTIMS OF CRIME

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

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

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

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

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

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

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

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

TRANSFERS BY STUDENTS IN
PERSISTENTLY DANGEROUS SCHOOLS

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

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

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

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

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

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

SCHOOL CHOICE FOR STUDENTS ENROLLED IN SCHOOLS
IDENTIFIED FOR IMPROVEMENT

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

CLASSROOM ASSIGNMENTS FOR TWINS

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

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

Adopted: August 3, 2009

Revised: August 6, 2012

Revised: July 13, 2015

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

SCHOOL CENSUS

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

COMPULSORY ATTENDANCE

Every parent, guardian, or other person having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall 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

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

The requirements of this policy do not apply to

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

Individual Student Alternative Education Plan

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

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

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

Alternative Education Programs

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

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

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

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

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

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

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

ENTRANCE AGE/ADMISSION OF PERSONS NOT OF SCHOOL AGE

A child who will reach his or her fifth birthday on or before September 30 of the school year and is otherwise eligible for enrollment in school as specified in Policy JEC 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 30th of the school year or who has reached his or her 20th birthday on or before August 1st of the school year) may, at the discretion of the School Board, be admitted into the division schools. Such individuals may be charged tuition at the discretion of the School Board.

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

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

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

SCHOOL ADMISSION

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

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

- when the person is living with a natural parent, or a parent by legal adoption in the New Kent County School Division;
- when, in accordance with the provisions of Va. Code § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 United States Code § 1044b by the custodial parent;
- when the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
- when the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is either
 - (i) the court-appointed guardian, or has legal custody of the person,
 - (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under §63.2-1200; or
 - (iii) an adult relative providing temporary kinship care as that term is defined in Va. Code § [63.2-100](#). Both parents and the relative providing kinship care must submit signed, notarized affidavits
 - (a) explaining why the parents are unable to care for the person,
 - (b) detailing the kinship care arrangement, and
 - (c) agreeing that the kinship care provider or a parent will notify the school within 30 days of when the kinship care arrangement ends.The parent must also provide a power of attorney authorizing the adult relative to make educational decisions regarding the person. A parent or the kinship care provider must also obtain written verification from the department of social services where the parent or parents live, and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. If the kinship care arrangement lasts more than one year, the school division must receive continued verification directly from both departments of social services that the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment.
- when the person is living in the school division not solely for school purposes, as an emancipated minor; or
- when the person has been placed in a foster care placement within the school division by a local social services agency.

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

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

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

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

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.

ADDITIONAL ADMISSION REQUIREMENTS

- A. Except as otherwise provided below, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil’s birth record. The principal or his designee shall record the official state birth number from the pupil’s birth record into the pupil’s permanent school record and may retain a copy in the pupil’s permanent school record. If a certified copy of the pupil’s birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil’s age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child’s age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division Superintendent determines that the person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

- B. If a certified copy of the birth record is not provided, the administration shall immediately notify the local law enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.
- C. Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.
- D. The School Board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.
- E. The School Board does not allow tuition students.
- F. Prior to admission to the New Kent County school division, the parent, guardian, or other person having control or charge of the child shall provide, upon registration,
- a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of School Board policies relating to weapons, alcohol or drugs or for the willful infliction of injury to another person. This document shall be maintained as a part of the students' scholastic record; and
 - a sworn statement or affirmation indicating whether the student has been found guilty of or adjudication delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the united States or its territories. This document shall be maintained by the Superintendent and by any others to whom he disseminates it, separately from all other records concerning the student.

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

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

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

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

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

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

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

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

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

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

2007 Va. Opin. AG 07-015.

1987-88 Va. Opin. AG 374.

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

SCHOOL ADMISSION

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

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

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

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

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

Procedure for Admission

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

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

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

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

If the application is denied, the New Kent County Office shall notify the parent or guardian of the right to have the 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 in as provided in Policy JEC School Admission. For all other denials of admission, the Superintendent or Superintendent's designee shall respond in writing to the request for review within 10 calendar days.

Transportation

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

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

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

Legal Ref: 8 CFR 214.2.

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

1999 Va. Op. Atty. Gen. 105

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

TRANSFER OF STUDENTS FROM NONPUBLIC SCHOOLS

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

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

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

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

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

Adopted: September 24, 2009
Reviewed: November 19, 2012

ADMISSION OF HOMELESS CHILDREN

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

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

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

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

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

Enrollment

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

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

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

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

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

Enrollment Disputes:

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

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

Appeal Process

Oral Complaint

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

Written Complaint

If the disagreement is not resolved within five (5) school days, the Complainant may present a written complaint to the homeless liaison. The written complaint must include the following information: the date the complaint is given to the homeless liaison; a summary of the events surrounding the dispute; the name(s) of the 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 shall be provided services comparable to services offered to other students in the school attended by the homeless student including the following:

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

Transportation

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

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

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

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

Definitions:

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

1. children and youths including unaccompanied youths who are not in the physical custody of their parents,
 - a. who 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, congregated, temporary, or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
 - b. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or
 - c. are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
2. migratory children who qualify as homeless for the purposes of this policy because the children are living in circumstances described above.

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

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

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

Adopted: June 2, 2003
Revised: August 2, 2004
Revised: June 17, 2013

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

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

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

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

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 New Kent County Schools.

Adopted: July 1, 1998
Revised: August 7, 2006
NKSB Review: April 8, 2013

Legal Refs.: Code of Virginia, as amended, sections 22.1-78, 22.1-79, 22.1-253.13:1, 22.1-254.1.
1973-74 Ops. Va. Att’y Gen. 305.

Cross Refs.: JEC School Admission

TRANSFER OF STUDENTS FORM NONPUBLIC SCHOOLS

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

STUDENT ABSENCES/EXCUSES/DISMISSALS

I. Student Attendance Policy

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

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

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

Student absences will be determined to be either excused or unexcused according to regulations issued by the Superintendent (JED-R).

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

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

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

II. Compulsory Attendance Procedures

A. Upon Third Absence Without Parental Awareness and Support

If (1) a student fails to report to school for a total of three scheduled school days for the school year, and (2) there is no indication that the student's parent is aware of and supports the absence; and (3) reasonable efforts to notify the parent of the absences have failed, then the Principal or his designee or the attendance officer shall make a reasonable effort to ensure that direct contact is made with the parent, by notifying the parent in writing of the student's absences and the potential

consequences if such absences continue.

B. Upon Sixth Absence Without Parental Awareness and Support

If the pupil is absent 6 days and the attendance officer has received no indication that the pupil's parent is aware of and supports the pupil's absence, either the school principal or his designee or the attendance officer shall schedule a conference within ten school days, which must take place no later than the fifteenth school day after the sixth absence. At the conference, the pupil, his parent, and school personnel, shall meet to resolve issues related to the pupil's nonattendance and to develop an Attendance Intervention Plan. Other community service providers may also be included in the conference.

C. Upon Additional Absence Without Parental Awareness and Support

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

III. Report for Suspension of Driver's License

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

IV. Attendance Reporting

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

V. Dismissal Precautions

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

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

Adopted: July 1, 1998
Revised: September 8, 1999
Revised: August 2, 2004
Revised: June 6, 2005
Revised: August 3, 2009
Revised: July 12, 2010
Revised: June 6, 2011
NKSB Review: April 8, 2013

Legal Ref.: Code of Virginia, 1950, as amended, sections 22.1-254; and 22.1-258 through 22.1-269, 22.1-279.3, 46.2-323 and 46.2-334.001.

8 VAC 20-110-10 et seq.

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

General Regulations

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

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

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

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

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

Excused absences *will be* considered for:

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

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

DIVISION WIDE: PROCEDURES FOR SCHOOL ABSENCES

A. EXCUSED ABSENCES

If students are absent for the reasons cited above, they will be marked with an excused

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

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

B. UNEXCUSED ABSENCES

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

REGULATIONS FOR ELEMENTARY SCHOOLS

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

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

Procedures for Submitting Assignments Due to Absences

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

REGULATIONS FOR MIDDLE/HIGH SCHOOL

Unexcused absences including suspensions from school will result in the student

receiving a maximum of 69% (F) credit for assignments made up. Teachers will determine when assignments are due, not to be more than three (3) school days following the student's return to the teacher's class. The administration may extend this makeup period for extenuating circumstances.

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

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

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

C. ABSENCE FOR EXTENDED PERIOD OF TIME

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

LATE ARRIVAL TO SCHOOL

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

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

NOTE:

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

DISCIPLINARY RESPONSE

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

EARLY DISMISSAL

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

Adopted: July 12, 2010
Revised: June 6, 2011
Revised: April 8, 2013

NEW KENT COUNTY PUBLIC SCHOOLS
REQUEST FOR SPECIAL SCHEDULE

File: JED-R-Form

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

Student Name: _____ Date: _____

Student Address: _____ DOB: _____

_____ Phone#: _____

Parent/Guardian Name: _____

Parent/Guardian Address (if different): _____

Parent/Guardian Phone # (if different): _____

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

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

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

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

Student Signature Date

Parent Signature Date

I do/do not recommend a special schedule.

School Counselor Signature Date

Special schedule is/is not approved.

Principal Signature Date

NKSB Review: 4/8/13

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

EXCLUSIONS AND EXEMPTIONS FROM SCHOOL ATTENDANCE

The School Board shall excuse from attendance at school:

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

The School Board may excuse from attendance at school:

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

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.

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

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

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

STUDENT INVOLVEMENT IN DECISION MAKING

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

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

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

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

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

STUDENT CONDUCT

The standards of student conduct are designed to define the basic rules and major expectations of students in the public schools of New Kent County. It is the responsibility of the New Kent 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 parent's responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law, and to discuss improvement of the child's behavior, school attendance, and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

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

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school attendance. Parents are also expected to maintain regular communication with school authorities, monitor and require

daily attendance, and bring to the attention of the school authorities any problem that affects the student or other children in the school. It is the parents' responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

The school principal may notify the parents of any student who violates a 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 any disciplinary action or filed such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (4) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.

The principal or principal's designee notifies the parent of any student involved in an incident required to be reported to the Superintendent and Virginia Board of Education.

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

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

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

Adopted: July 1, 1998
Revised: May 1, 2000

Revised: November 6, 2000
Revised: June 2, 2003
Revised: August 2, 2004
Revised: June 6, 2005
Revised: May 1, 2006
Revised: August 1, 2011
Revised: April 8, 2013
Revised: June 17, 2013
Revised: July 7, 2014
Revised: May 8, 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

CODE OF STUDENT CONDUCT

Purpose and Intent

The New Kent County Code of Student Conduct is designed to protect the health, safety and welfare of students. The New Kent County School Board expects a high standard of student conduct. This will insure a respectful environment conducive to teaching and learning, free of disruption and threat to persons or property; an environment supportive of individual rights where the potential of each student may be realized. The Code of Student Conduct will apply to students while on school property, when at school-sponsored activities and when going to and returning from school. The Code of Student Conduct may also apply to acts committed away from school property and outside school hours, if the conduct is (i) detrimental to the safety of the school, the well being of students and staff, or adversely affects the school environment or discipline; or (ii) leads to an adjudication of delinquency or a conviction for an offense listed in §16.1-260 of the Code of Virginia, or a charge that would be a felony if committed by an adult. School personnel, parents, and students share the responsibility to create and maintain this environment.

Roles and Responsibilities

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

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

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

EXPECTATIONS FOR STUDENT CONDUCT

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

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

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

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

DEFINITIONS

This list of offenses is provided to assist students and parents in understanding how certain offenses are classified. It is not meant to be a complete list of every potential student offense. Please note that items with an asterisk (*) indicate the item is listed in more than one category and the disciplinary response will depend on the severity of the offense.

1. **General School Disruption.** Physical or verbal actions which distract students and staff or which otherwise interfere with or disrupt the teaching/learning process. Any act that intentionally disrupts the orderly conduct of a school function or any behavior that substantially disrupts the orderly learning environment.
2. **Disrespect/Defiance of School Staff's Authority.** A verbal or non-verbal refusal to comply with a reasonable request from school personnel. Disobedience includes, but is not limited to, refusal to work in class or refusal to report to an assigned location. This shall include being in an area without authorization.
3. **Unexcused Absence/Tardiness/Out of Place/Cutting Class.** Absence from school or class without authorization or approval from school personnel.
4. **Dress Code.** Student dress and appearance is to be neat, clean, and conducive to the educational process. Clothing that may be disruptive to the normal educational process of the school or promotes a violation of school rules may not be worn.
5. **Bus Misconduct.** Actions in violation of standard bus safety rules or which may divert the driver's attention and jeopardize the safety of riders.
6. **Inappropriate Conduct/Language.** Printed or recorded materials, spoken language, horseplay, rough-housing, pushing, shoving, hitting, conduct or gestures that are abusive, obscene, vulgar, or profane, including inappropriate sexual conduct.

7. **Cheating.** Cheating is defined as any activity that involves receiving or providing help and/or information to complete an assignment that was designed to be completed without any such aid. Cheating is not limited to homework, tests, research papers, and quizzes but is also copying work from a computer disc or jump drive.
(Sources: New Kent High School Agenda - 2009-10, World Book - Volume P, McDougal Littel Grammar, Page 258)
8. **Plagiarism.** “Plagiarism is the act of presenting another person’s literary, artistic or musical work as one’s own; it is the uncredited use of another person’s material. A work need not be identical to the original to be plagiarism.” (Sources: New Kent High School Agenda - 2009-10, World Book - Volume P, McDougal Littel Grammar, Page 258)
9. **Lying/Falsification.** The verbal or written statement of any untruth and/or misrepresentation of person, fact, official record, or other document.
10. **Gambling.** Participation in games of chance for money and/or things of value. Making, placing or receiving any bet or wage of money or other thing of value dependent upon the result of the game, contest, or any other event with an uncertain outcome.
11. **Inflammatory Actions/Harassment/Gang Activity.** Actions, comments, hazing, written messages, or taunting intended to cause the student or others to fight or be intimidated; to throw objects at someone, or to create a public disturbance, violence, disorder, or tumult on school property. Students shall not participate in gang activities as defined in Policy JFCE, incorporated by reference.
12. **Trespassing.** Coming on school property or attending a school activity without proper authority, including, but not limited to, the period of a student’s out-of-school suspension or expulsion.
13. **Smoking/Tobacco Possession.** The use, distribution, selling, or possession of any tobacco products, including smokeless tobacco, electronic cigarettes, vaporizers, or related paraphernalia such as matches, lighters, etc. is prohibited on school grounds, at school-sponsored events and/or on school transportation.
14. **Fighting.** Intentionally striking a student with the purpose of causing harm or injury; this action may extend to mutual physical contact by pushing, wrestling, hitting or other aggressive actions, which could result in harm or injury to either party, to by-standers or school property.
15. **Reckless Driving/Driving Violations/Permit Violations.** Driving any vehicle on school property or while under jurisdiction of school authority with disregard for the safety of persons or property. This includes violating parking permit policies and rules.

16. **Stealing.** The act of taking, possessing, or transferring the property of another without the consent of the owner.
17. **Vandalism.** The willful or malicious destruction or defacing of school property or the property of others. (NOTE: Student/parents will be held financially responsible as allowed by Virginia Law.)
18. **Extortion.** To obtain or attempt to obtain money, goods, a promise to act, or information from another by force or intimidation.
19. **Evidence Rendered Inaccessible or Destroyed.** Rendering inaccessible or destroying or refusing to surrender any material, item, weapon, or object in one's possession which a school employee has requested the student to surrender.
20. **Burglary.** Breaking into a schoolroom, building, or school property, such as a bus, for the purpose of stealing.
21. **Reports of Conviction or Adjudication of Delinquency Pursuant to 16.1-305.1.** Students convicted or adjudicated delinquent of an offense listed in the Code of Virginia, 1950 as amended, 16.1-305.1, may be suspended or expelled.
22. **Portable Communication or Electronic Devices.** Use and/or possession of any device or object including but not limited to portable electronic devices such as game, music or data/voice communication storage and/or display devices that disrupts the educational setting.
23. **False Fire Alarm/Misuse of 911.** Intentional false reporting or activation of emergency alarms, misuse of 911 emergency systems, or false activation of AED equipment. (NOTE: Student/parents will be held financially responsible as allowed by Virginia Law.)
24. **Misuse/Abuse of Technology, Including Computers and Networked Computer Systems.** Unauthorized access to or inappropriate use of information on technology resources contrary to the educational mission of the school or school division. Such misuse/abuse may also relate to other areas of offense, such as bullying, harassment, or threats of harm or violence.

NOTE: Offenses 25-42 are more severe in nature and will result in suspension (1-10 days for Grade K-5 and a mandatory 10 days for Grades 6-12) with an automatic referral for a disciplinary hearing. A disciplinary hearing may result in additional consequences, as well as long-term suspension or a recommendation for expulsion.

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

26. **Bullying.** Intentional repeated oppression, physical or psychological, which over time inflicts or threatens to inflict physical or emotional injury or discomfort upon another person's body, feelings or possessions. Bullying means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. Bullying may be overt or covert. All of the following behaviors may be considered bullying, including teasing, hitting, slapping, grabbing, biting, throwing, damaging property, slander, profanity, threatening comments, insults, verbal abuse/confrontation, cyber bullying (inappropriate language on email, texts, websites), intimidation, spreading rumors and repeated bullying. Bullying does not include ordinary teasing, horseplay, argument, or peer conflict. (If any disciplinary incident is also deemed to be bullying, the consequences may be increased.)
27. **Sexual Harassment.** Sexual Harassment may include, but is not limited to, written and/or verbal harassment or abuse, indecent propositions, subtle pressure for sexual favors, unwelcome touching or sexual advances, indecent exposure, or inappropriate physical contact of a sexual nature, which conduct substantially interferes with a student's performance or creates an intimidating, hostile, or offensive school/work environment.
28. **Arson.** Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trashcan fires would be included in this category if they were contributing factors to a damaging fire.
29. **Assault and Battery.** The beating or use of physical force with the intent to commit bodily harm against any other student, staff member, or any other person. This action may extend to hitting or other aggressive actions, which could result in the harm or injury to a by-stander.
30. **Weapons/Dangerous Objects.** Students will not possess, handle, brandish, conceal, use, threaten to use, or transport any weapon, dangerous object, look alike, or any object that can be reasonably considered a weapon, or a substance that could cause harm or irritation to another person. Weapons include, but are not limited to, handguns, pistols, shotguns, or any device designed or intended to propel an object of any kind by any means (zip guns, starter guns), any pneumatic gun or rifle (BB guns, paint ball guns, pellet guns, etc.), taser guns or stun guns, any weapon that is designed to or may readily be converted to explode to include live ammunition, knives or any sharp-edged instrument that is classified as a knife, any weapon that is designed to explode with the use of a triggering device and is used as a destructive bomb, or any instrument, or object that is represented as a weapon or is utilized in such a manner as to create alarm or harm in another; said objects include but are not limited to, school supplies, toy weapons, laser pointers, etc. Dangerous Objects include, but are not limited to: any object that is utilized in such a manner as to create alarm or cause a disturbance may be considered a dangerous object: pepper sprays, mace, fireworks, stink bombs, etc.

31. **Bomb Threats.** Conveying by any means, whether verbally or in writing, a plan, intent, or threat to detonate or ignite a destructive explosive device.
32. **Alcohol and Drugs.** The unlawful possession, use, or facilitating the use of, or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance as defined in the Drug Control Act of Chapter 34 of Title 54 of the Code of Virginia § 18.2-247 of the Code of Virginia and as defined in Schedules I through V of § 202(c) of the Controlled Substance Act at 21 U.S.C. §812(c), imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school-approved activity or event, or going to and from school, shall result in suspension and/or expulsion from school. “Drug paraphernalia” shall mean those items described in Section 18.2-265.1 of the Code of Virginia and “imitation controlled substance” shall mean a pill, capsule, tablet, or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.
33. **Illegal Possession of Controlled Drugs and Substances with the Intent to Sell or Distribute.** Possession of a Schedule I, II, or III drug (See Drug Control Act, Section 54.1-3400 et. seq.) or marijuana as defined in Va. Code § 18.2-248.1:1, a) in sufficient quantity to indicate intent to sell or distribute, or b) to represent by any means the intention to sell or convey to another party the drug. ***(III)**
34. **Possession of a Handgun, Rifle/Shotgun, Projectile Weapon, Bomb, or Other Firearm.** Students will not possess, handle, brandish, conceal, use, threaten to use, or transport any handgun, rifle, or shotgun, projectile weapon (e.g., zip gun), bomb or other type of firearm on school property, while attending a school-sponsored activity or going to and from school. In compliance with the federal Improving America’s Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board may expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought a firearm onto school property or to a school-sponsored activity or going to or from school as prohibited by § 18.2-308.1, or to have brought a firearm as defined in § 22.1.277.07, subsection D, or a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection B of § 15.2-915.4 on school property or to a school-sponsored activity or going to or from school. ***(III)**
35. **Robbery.** Attempting to take or taking of personal property from another person by the threat or use of force or violence. ***(II)**
36. **Assault with a Firearm or Other Weapon.** * The intentional causing of bodily harm to an individual with a weapon. ***(II)**

37. **Malicious Wounding Without a Weapon.** Intentionally causing another person bodily injury by any means other than use of a weapon, with the intent to maim, disfigure, disable or kill. ***(II)**
38. **Aggravated Sexual Battery.** Attempted sexual intercourse or a violent or aggressive action of a sexual nature committed against another person by force, threat, or intimidation resulting in mental distress or bodily injury, including a person less than 15 years of age. ***(II)**
39. **Kidnapping/Abduction.** Unlawfully holding or forcing the relocation of a person against his/her will under threat of physical or psychological harm (and as further defined in Section 18.2-47 of the Code of Virginia). ***(II)**
40. **Sexual Assault.** Sexual penetration without consent; includes statutory rape and carnal knowledge of a minor. ***(I)**
41. **Homicide With a Firearm or Other Weapon.** Death of a student, staff member, or other person resulting from causes other than natural, accidental, or suicide. ***(I)**
42. **Use of a Bomb.** Detonation or ignition of a destructive explosive device. ***(I)**

DISCIPLINARY RESPONSES

The disciplinary responses indicate how administrators will respond with more severe punishments if a student is involved in additional incidents of misconduct. Administrators may vary punishments depending upon extenuating circumstances that may arise.

1. **Warning and Counseling** - Warning and counseling should be used, when appropriate, to assist a student in understanding that his/her conduct interferes with the educational process, threatens the rights of others, and is contrary to school policy or regulations and needs to be corrected.
2. **After-School Detention** - A student may be detained for a reasonable period of time after the closing of the last scheduled class. Any student who has been assigned detention shall promptly inform his/her parents. Except in certain circumstances, a student shall be given at least one day's notice if assigned detention time.
3. **Lunch Detention** - A student may be removed from the cafeteria and assigned to eat lunch in the office or another location under the supervision of a staff member.
4. **Loss of Recess** - A student may be detained by a teacher or the principal when the rest of the class has recess. During this time, the student may be given assigned tasks such as cleaning the blackboard or writing how he/she intends to improve his/her behavior.

5. Exclusion from class or classes - A student may be removed from a single class or several classes for a set period of time.
6. Suspension from Extra-Curricular Activities - A student's privilege to participate in all or certain extra-curricular activities and/or school-sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extra-curricular activities may be imposed in conjunction with other penalties.
7. Saturday School (middle and high school students only). Students may be required to attend Saturday School (9:00 A.M. to 12:00 Noon). The student's parents are responsible for transporting student to and from school. Student is responsible for bringing school assignments. A staff member will be available to supervise the students.
8. In-school Suspension. A student may be required to spend part or all of one or several days in in-school suspension (ISS). A staff member will supervise students. Students will be required to work on school assignments.
9. Community Service – School-based restorative activities directly related to the infraction (e.g., cleaning cafeteria wall).
10. Suspension from School - A student may be suspended out of school (OSS) for violations of this policy as set forth in the Code of Virginia 22.1-277. During the suspension the student may not come on school property or attend any extra-curricular event such as a ball game or a dance. This means the suspended student may not come on the grounds of any school in the New Kent School Division.
11. Expulsion – 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. A student's privilege to attend school may be terminated by the School Board in accordance with the Code of Virginia 22.1-277. Such expulsion will remain in effect, unless the student is reinstated by action of the School Board.
12. Referral to Law Enforcement Officials - Violations of law may be handled by referring the case to law enforcement officers, in addition to the use of other disciplinary measures.
13. Search and Seizure - Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the control of the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate the law, school policies and regulations, or which

may be harmful to the school or its students. Lockers and other storage facilities are subject to periodic searches by school officials.

Search of Vehicles - Permission to park on school grounds is granted subject to all rules and regulations of the school. The person driving any vehicle is deemed to consent to a complete search of the automobile, with or without cause, by school officials or the police. If any person in the car other than the driver is the current custodian of the vehicle, consent to search is deemed given by the custodian also.

The area of search may include the entire passenger compartment, engine compartment, trunk and all containers therein, locked or unlocked, and the undercarriage. The school administration also has the right to search any student when there is reasonable suspicion that the student possesses items which violate the law, school policies and regulations, or which may be harmful to the school or its students. (See personal searches statement in Section JFG of division's policy manual.)

14. High school and middle school students who are involved in Category 4 offenses or who have been repeatedly disruptive and uncooperative may be placed in the Regional Alternative Education Program that meets from 4:00 p.m. to 8:00 p.m. Monday through Thursday at King William High School. Students have the opportunity to earn credits in the core subject areas. While there is no tuition cost, parents have to provide transportation. For more information about this program, contact the Superintendent or designee.

Reports shall be made to the principal or his designee on all incidents involving (1) the assault, assault and battery, sexual assault, death, shooting, stabbing, cutting, or wounding of any person on a school bus, on school property, or at a school-sponsored activity; (2) 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; (3) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; or (4) the illegal carrying of a firearm onto school property. The principal or his designee shall also notify the parent of any student involved in an incident required in (1) through (4) above to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students. Whenever any student commits any reportable incident as set forth in (1) through (4), the student shall be required to participate in prevention and intervention activities as deemed appropriate by the Superintendent or his designee.

CATEGORY 1 OFFENSES

- * Bullying
- * Disrupting the Pledge of Allegiance or Moment of Silence (Virginia Code §22.1-202 B)
General misconduct such as drawing on desk, horseplay, sleeping in class, etc.
Inappropriate language
- * Inappropriate use of mobile communication device

- * Lying/Falsification
 - Minor disruption
 - Out of place
- * Public display of affection (e.g., kissing)
 - Shouting
 - Tardiness to class

CATEGORY 1 DISCIPLINARY RESPONSES

<u>No. of Referral</u>	<u>Response PreK-3</u>	<u>Response 4-12</u>
1	Administrative conference with student; administrator may assign discipline such as detention or loss of privileges	Administrative conference with student and call/ letter to parent
2	Loss of recess (1-3 days) and call/letter to parent	Detention or ISS (1-3 days)
3	Loss of recess (2-5 days) and call/letter to parent	ISS (2 - 5 days) and parent conference
4	Parent conference with principal and teacher; and student has lunch detention or after school detention or parent “shadows” student	Parent "shadows" student or OSS (1 day); or for middle and high school students only, Saturday School (1 day)
5	OSS (1 day)	OSS (2 - 3 days)
*	For additional offenses within the same category, principals will administer appropriately escalating consequences.	

Note: Student drivers who are late to school are subject to losing their driving privileges.

CATEGORY 2 OFFENSES

- Argumentative/disrespectful
- * Bullying
 - Cutting class
- * Defiance to faculty or staff
 - Disruptive behavior

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

CATEGORY 2 DISCIPLINARY RESPONSES

No. of Referral	<u>Response Pre K-3</u>	<u>Response 4-8</u>	<u>Response 9-12</u>
1	Child sent home with parent and/or 1 day ISS/OSS and parent conference with principal.	ISS/OSS (up to 3 days) and parent conference.	Multiple detentions/Saturday School; ISS/OSS (up to 3 days) and parent conference.
2	Child sent home with parent; parent “shadows” student; ISS /OSS (1-3 days).	ISS/OSS (up to 4 days) and parent conference.	1 day ISS/Saturday School; ISS/OSS (up to 4 days) and parent conference.
3	ISS/OSS (3-5 days) plus mandatory parent conference.	ISS/OSS (up to 5 days) plus mandatory conference.	ISS/Saturday School; ISS/OSS (up to 5 days) plus mandatory conference.
*	For additional offenses within the same category, principals will administer appropriately escalating consequences.		
*	Saturday School may also be used for students in grades 6-8.		
Note:	Fighting will result in a minimum of three days OSS (in grades 4-12).		

CATEGORY 3 OFFENSES

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

CATEGORY 3 DISCIPLINARY RESPONSES

No. of Referral	Response Pre K-3	Response 4-8	Response 9-12
1	Child sent home with parent and/or 1 day ISS/OSS and parent conference with principal.	ISS/OSS (up to 3 days) and parent conference.	Multiple detentions/Saturday School; ISS/OSS (up to 3 days) and parent conference.
2	Child sent home with parent; parent “shadows” student; ISS /OSS (1-3 days).	ISS/OSS (up to 4 days) and parent conference.	1 day ISS/Saturday School; ISS/OSS (up to 4 days) and parent conference.
3	ISS/OSS (3-5 days) plus mandatory parent conference.	ISS/OSS (up to 5 days) plus mandatory conference.	ISS/Saturday School; ISS/OSS (up to 5 days) plus mandatory conference.

- * For additional offenses within the same category, principals will administer appropriately escalating consequences.
- * Saturday School may also be used for students in grades 6-8.

CATEGORY 4 OFFENSES

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

CATEGORY 4 DISCIPLINARY RESPONSES

The minimum disciplinary response is OSS for 10 days and hearing with Superintendent or designee plus appropriate referral to the Sheriff's Department. Disciplinary response for PreK-3 shall be 1-10 days OSS depending on the circumstances of the incident and a hearing with the Superintendent or designee, plus appropriate referral to the Sheriff's Department. The maximum disciplinary response is expulsion from school (Virginia Code §22.1-277.06). The Superintendent or designee may extend student suspensions beyond ten days and place student on social probation. In incidents involving the possession or use of drugs, look-a-like drugs, drug paraphernalia, weapons or look-a-like weapons, the student will be recommended to the School Board for expulsion according to Virginia Code §§22.1-277.07 and 22.1-277-08. In incidents involving the use or distribution of alcohol, the student may be recommended to the School Board for expulsion.

Note:

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

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

- A. The assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
- B. The assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Section 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
- C. Any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- D. Any threat against school personnel while on a school bus, on school property or at a school-sponsored activity;
- E. The illegal carrying of a firearm, as defined in §22.1-277.07, onto school property;
- F. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices as defined in §18.2-85, or explosive or incendiary devices, as defined in §18.2-433.1, or chemical bombs, as described in §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- G. Any threats or false threats to bomb, as described in §18.2-83, made against school personnel or involving school property or school buses, or,
- H. The arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefore.

Note:

1. Random, unannounced searches for drugs and weapons will be conducted by the Sheriff's Department and may include the use of trained dogs. Students may not leave their classrooms or building during such searches, unless approved by Sheriff Department authorities.
2. The schools are served by two School Resource officers who are members of the New Kent Sheriff's Department. The specially trained SROs may interview students to gather information about a possible crime. They are also authorized to enforce laws and make arrests, if necessary.
3. The high school administration may suspend a student's privilege to drive to school as a general disciplinary response to any Category 2, 3 or 4 offense.

ACADEMIC OFFENSES

Academic offenses include cheating or plagiarism as explained in definitions 7 and 8.

ACADEMIC OFFENSE DISCIPLINARY RESPONSES (MIDDLE AND HIGH SCHOOL)

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

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

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

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

Portable Electronic Communication Devices

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

Students in all grades will be allowed to possess portable electronic communication devices on school grounds. In grades 9-12, personal use of portable communication devices by students will be allowed prior to the beginning of 1st block, during the student's designated lunch time in designated locations within the building, and after school. In grades 6-12, students will be allowed to use their devices in class for instructional purposes when approved by the teacher. Students in grades pre-K through 5, who are in possession of portable electronic communication devices, must keep the devices turned off and stored out of sight upon entering the school building and until school dismissal. Any student use of personal mobile communication devices for instructional purposes is strictly voluntary. All responsibility for the security and maintenance of the device rests with the student and parent. NKCPSS shall not be responsible for data accessed or obtained by students through their portable electronic communication devices through their own communications provider's network and users of the division's wireless network must understand that they remain bound by the Acceptable Computer System Use Policy.

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

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

STUDENT DRESS AND GROOMING

The New Kent County School Board recognizes the right of students and their parents to exercise personal judgment in matters of dress, within certain boundaries. The Board also recognizes that neatly attired students take pride in themselves and are more likely to practice habits of self-discipline and to display a positive attitude and demeanor. At the school and division levels appropriate dress and grooming contribute to a productive learning environment.

Each school principal may draft and enforce a school dress code, in accordance with code of conduct provisions, prohibiting student dress or grooming practices which:

1. present a hazard to the health or safety of the student himself/herself or to others in the school;
2. materially interfere with school work, create disorder, or disrupt the educational program;
3. cause excessive wear and damage to school property;
4. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement;

5. display a message using vulgar or offensive language, regardless of the message.

Students and parents shall be informed about the school dress code at the beginning of the year and when revised. A student who violates the dress code shall be subject to appropriate disciplinary action.

Students shall not wear on school property any type of clothing, apparel, or accessory that indicates the student has membership in or is affiliated with any gang connected to criminal activities. The School Board may consult with local law enforcement authorities to obtain information concerning local gangs and any associated criminal activities.

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Revised: November 19, 2012
Revised: June 17, 2013
Reviewed: VSBA proposed September 2013 changes were reviewed. No revisions were recommended to the locally developed NKCPSS regulations.
Revised: July 7, 2014 – Additional revision pending committee review.
Revised: May 8, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-119, 18.2-308, 18.2-308.1, 18.2-308.7, 18.2-371.2, 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.

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

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

Cross Ref.:	CLA	Reporting Acts of Violence and Substance Abuse
	ECAB	Vandalism
	GAB/IIBEA	Acceptable Computer System Use
	GAB-R/IIBEA-R	Acceptable Computer System Use Regulation
	IEA	Pledge of Allegiance
	IGAG	Driver Education
	JED	Student Absences/Excuses/Dismissals
	JFC	Student Conduct
	JFCD	Weapons in School
	JFCE	Gang Activity or Association
	JFCF	Drugs in School
	JFHA/GBA	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
	JHCD	Administering Medicines to Students
	JN	Student Fees, Fines and Charges

TEACHER REMOVAL OF STUDENTS FROM CLASS

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

Criteria for Removal

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

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

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

Requirements for Incident Reports

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

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

Procedures for Written Notification of Student and Parents

The teacher shall provide copies of any incident report and Student Removal Form to the student and his or her parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior

continues. Such notice shall be provided within twenty-four hours of each incident. The teacher shall document, in writing, his or her attempts to request and encourage the parents to meet with school administrators and/or the teacher. Such notice and documentation shall be required for each incident report and student removal.

Guidelines for Alternative Assignment and Instruction of Removed Students

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

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

Procedure for the Student's Return to Class

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

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

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

Other Provisions

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

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

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

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

Adopted: July 1, 1998
Corrections: January 13, 2010
Corrections: August 16, 2010
Revised: November 5, 2012
Revised: May 6, 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

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

NKSB Review 05/06/2013

STUDENT DRESS AND GROOMING

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

SPORTSMANSHIP, ETHICS AND INTEGRITY

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

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

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

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

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

STUDENT CONDUCT ON SCHOOL BUSES

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

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

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

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

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

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

Cross Ref.:	EEA	Student Transportation Services
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct

BUS DISCIPLINE

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

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

Audio-video cameras will be used on buses to assist in monitoring behavior. Parents may request or be invited to view the tape concerning their child. However, tapes will be treated in a confidential manner and under no circumstances will they be released from the hands of proper authorities.

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

BUS DISCIPLINE OFFENSES

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

DISCIPLINARY RESPONSE TO BUS MISCONDUCT

<u>No. of Referral</u>	<u>Response PreK-3</u>	<u>Response 4-12</u>
1	Bus Driver discusses problem with student and files report with the Director of Transportation. (A copy	Bus Driver discusses problem with student and files report with the Director of Transportation. (A copy

also will be filed with the building principal.) Telephone call to parents is left to the discretion of the Director of Transportation.

also will be filed with the building principal.) Telephone call to parents is left to the discretion of the Director of Transportation.

2 School Administrator or designee discusses problem with student and notifies parents by telephone or letter. Administration may also withhold recess privileges.

School Administrator or designee discusses problem with student and notifies parents by telephone or letter. Administration may also suspend student off bus for one day.

3 Student's recess privileges are withheld and warning letter is sent to parents.

Student is suspended from bus for 1-3 days.

4 Student is suspended from bus for 1-3 days.

Student is suspended from bus for 3-5 days.

5 Student is suspended from bus for 3-5 days and notified that next offense will result in another bus suspension and parent conference with Superintendent or designee.

Student is suspended from bus and parent conference with Superintendent or designee is scheduled.

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

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

WEAPONS IN SCHOOL

I. Generally

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

Such weapons include, but are not limited to:

- any pistol, shotgun, stun weapon, laser, revolver, or other firearm listed in Va. Code § 22.1-277.07, designed or intended to propel a projectile of any kind, including a rifle,
- unloaded firearms in closed containers,
- any air rifle or BB gun
- toy guns and look-alike guns,
- any dirk, bowie knife, switchblade knife, ballistic knife, machete, knife or razor,
- slingshots,
- spring sticks,
- brass or metal knuckles, blackjacks,
- any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nunchahka, nunchuck, nunchaku, shuriken, or fighting chain,
- any disc of whatever configuration, having at least two points or pointed blade, and which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart,
- explosives, and
- destructive devices as defined in Va. Code § 22.1-277.07, or other dangerous articles.

Students with Disabilities

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

1. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.
2. For purposes of this forty-five (45) school day removal, the weapon must meet the following definitions:

“a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length”.

III. Exception for Weapons Use in Curriculum:

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

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

Legal Refs.: 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

GANG ACTIVITY OR ASSOCIATION

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

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

Students 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.

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 at appropriate intervals.

The Superintendent may 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: July 1, 1998
Revised: August 2, 2004
Revised: July 2, 2012
Revised: June 17, 2013

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

REGULATION ON GANG ACTIVITY OR ASSOCIATION

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

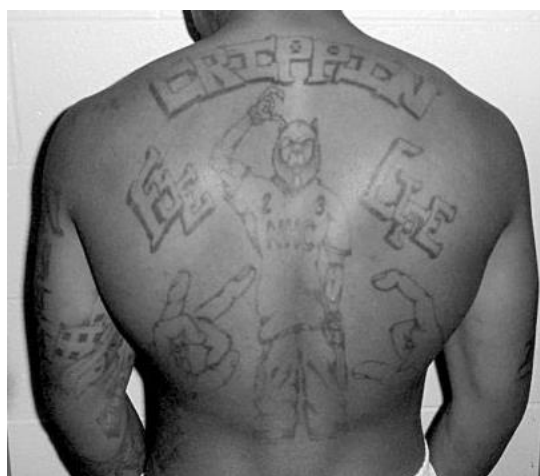
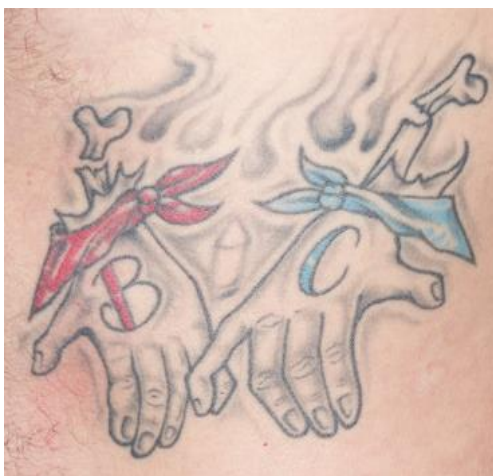
I. Major National Gangs With a Presence in Virginia

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

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

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

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



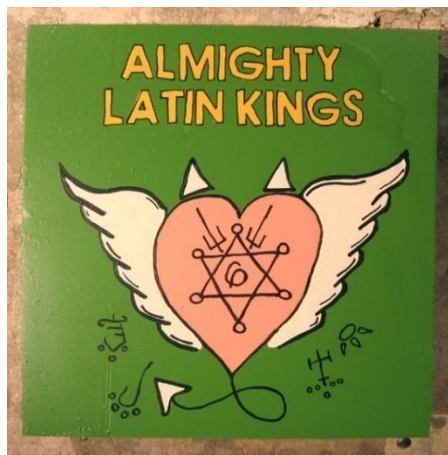
B. Hand signs and handshakes play an important role in nonverbal gang communication.



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



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



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



III. Reporting of Suspected Gang Activity

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

Reviewed: July 2, 2012

DRUGS IN SCHOOLS

I. Generally

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

A. Expulsion

A student who is determined to have brought a controlled substance, imitation controlled substance, or marijuana, onto school property or to a school-sponsored activity shall be expelled in accordance with Policy JGD/JGE. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the School Board may, by regulation, authorize the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.

B. Prevention and Intervention

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

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

C. Required Reporting to Parents and Local Law Enforcement

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

II. Students with Disabilities

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

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

1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent consent and assigned to an
- 2.

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 substances, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

3. For purposes of this forty-five (45) school day removal, “illegal drugs” and “controlled substance” are defined as follows:
 - a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202© of the Controlled Substances Act at 21 U.S.C. section 812©.
 - b. Illegal drug means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Adopted: July 1, 1998
Revised: September 8, 1999
Revised: November 6, 2000
Revised: May 3, 2004
Revised: May 1, 2006
Revised: August 1, 2011
Reviewed: April 8, 2013
Revised: May 8, 2015
Revised: July 13, 2015

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, sections 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

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.

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

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

Electronic Cigarettes

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

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

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

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

Code of Virginia, 1950, as amended, §§ 15.2-2820, 15.2-2824, 15.2-2825, 15.2-2827, 22.1-79.5, 22.1-279.6.

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

SUBSTANCE ABUSE – STUDENT ASSISTANCE PROGRAM

The primary responsibility for helping students who are involved with substance abuse lies with the students and their parents. 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: July 1, 1998
Revised: September 10, 2012
Revised: May 6, 2013

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

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

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

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

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

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

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

NOTIFICATION REGARDING PROSECUTION OF JUVENILES AS ADULTS

The New Kent School Board 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: August 6, 2012

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

SEARCH AND SEIZURE

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

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

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

PERSONAL SEARCHES

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

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

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

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

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

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

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

LOCKER AND DESK SEARCHES

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

AUTOMOBILE SEARCHES

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

COMPUTER SEARCHES

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

CONSENT SEARCHES

If a student gives a school official consent for a search the school official does not need to demonstrate reasonable suspicion. A student’s consent is only valid if given willingly and with knowledge of the meaning of consent. Students should be told of their right to refuse to be searched, and students must not perceive 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: July 1, 1998
Revised: November 6, 2000
Revised: May 3, 2004
Revised: June 6, 2005
Reviewed: April 8, 2013
Revised: January 7, 2015

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 Oct. 2000)

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

PROHIBITION AGAINST HARASSMENT AND RETALIATION

I. Policy Statement

The New Kent County School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the Board prohibits harassment against students, employees, or others on the basis of sex, 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 New Kent 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 includes School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

The school division

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

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:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education;
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or

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

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

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

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; or
- substantially or unreasonably interferes with an individual's work or education; or
- otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

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

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

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

2. Investigation

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

The investigation shall be completed as soon as practicable, which generally should be not later than 14 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 Services 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.

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 New Kent County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the Superintendent or Superintendent's designee determines that prohibited harassment occurred, the Superintendent or Superintendent's designee may determine that school-wide or division-wide training be conducted or that the complainant receives counseling.

4. Appeal

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

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

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

5. Compliance Officer and Alternate Compliance Officer

The New Kent School Board has designated the

Executive Director of Administration
New Kent County School Board
P.O. Box 110
New Kent, VA 23124
cpitts@nkcps.k12.va.us
804-966-8526

as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer

Executive Director of Finance and Budget
New Kent County School Board
P.O. Box 110
New Kent, VA 23124
hmorgheim@nkcps.k12.va.us
804-966-8586

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;
- 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.

VI. Prevention and Notice of Policy

Training to prevent harassment prohibited by law or by this policy 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 1, 2000
Revised: September 4, 2002
Revised: October 3, 2011
Revised: December 3, 2012
Revised: July 13, 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.

Cross Refs:	AC	Non-discrimination
	AD	Educational Philosophy
	GB	Equal Employment Opportunity/Nondiscrimination
	GBA-F/JFHA-F	Report of Harassment
	GBM	Professional Staff Grievances
	GBMA	Support Staff Grievances
	JB	Equal Educational Opportunities/Nondiscrimination
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	GCPD	Professional Staff Discipline
	JHG	Child Abuse and Neglect Reporting
	KKA	Service Animals in Public Schools

CORPORAL PUNISHMENT

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

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

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

Adopted: July 1, 1998

Revised: April 2, 2012

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

Cross Ref.: JM Restraint and Seclusion of Students

STUDENT SUSPENSION/EXPULSION

DEFINITIONS

As used in this Policy,

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

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

“Disruptive behavior” means a violation of School Board 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.

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

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

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

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

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

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

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

“Superintendent’s designee” means a (1) trained hearing officer of (2) professional employee in the administrative offices of the School Division who reports directly to the Superintendent and who is not a school-based instructional or administrative employee.

II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY

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

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

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

III. SHORT-TERM SUSPENSIONS

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

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

The decision of the Superintendent or superintendent's designee shall be final.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days 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 therefore and of the right to a hearing before the School Board or the Superintendent or superintendent's designee, in accordance with regulations of the School Board. If the regulations provide for a hearing by the Superintendent or superintendent's designee, the regulations shall also provide for an appeal of the decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

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

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

V. EXPULSION

A. Generally

Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefore and of the right to a hearing before the School Board in accordance with the regulations of the School Board. The regulations provide for subsequent confirmation or disapproval of the proposed expulsion by the School Board 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 also states whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during 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 shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board 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 denies such petition, the student may petition the School Board for review of such denial.

B. Conduct Giving Rise to Expulsion

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

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

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

Firearms

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 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.

C. Procedure for School Board Hearing

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

VI. ALTERNATIVE EDUCATION PROGRAM

The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (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 sec. 22.1-277, to attend such an alternative education program. 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;

(2) the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;

- (3) any conduct involving alcohol, marijuana, , a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
- (4) any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
- (5) the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
- (6) any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
- (7) any threats or false threats to bomb, as described in Va. Code §18.2-83, made against school personnel or involving school property or school buses;
- (8) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the charge therefore; and
- (9) any illegal possession of weapons, alcohol, drugs, or tobacco products.

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

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

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

C. The principal or principal's designee also notifies the parent of any student involved in an incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice relates to only the relevant student's involvement and does not include information concerning other students.

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

- F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal 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 New Kent County Schools, in accordance with Policy JEC School Admission. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

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

No suspended student is admitted to the regular school program until such student and 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.

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

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

The School Board may permit students excluded pursuant to this 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.

Adopted: November 5, 2001
Revised: July 1, 2002
Revised: September 3, 2003
Revised: August 2, 2004
Revised: August 1, 2005
Revised: August 7, 2006
Revised: March 5, 2007
Revised: July 6, 2009
Revised: August 1, 2011
Revised: April 8, 2013
Revised: June 17, 2013
Revised: May 8, 2015

Legal Ref.: 20 U.S.C. § 7151

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

8 VAC 20-560-10.

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

STUDENT DISCIPLINE:
DUE PROCESS SAFEGUARDS - REGULATIONS

Suspensions and Expulsion Defined

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

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

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

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

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

A. Short-Term Suspensions

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

1. Informal Hearing

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

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

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

2. Notice of Suspension

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

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

3. Appeal of Short-Term Suspension

If a student is suspended by the assistant principal, the student and/or parent/guardian have the right of appeal in writing to the principal within 5 administrative days of the suspension. If the principal imposed the suspension or upholds the suspension, the principal's decision may be appealed in writing within 5 administrative days to the Superintendent or designee for a decision, which appeal shall be decided solely upon the record. The decision of the Superintendent or designee is final on short-term suspensions. The failure to appeal the suspension in writing within the prescribed times will constitute a waiver of the right to appeal the short-term suspension.

B. Long-Term Suspensions

1. Procedures Governing Long-Term Suspensions

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

- (a) The principal shall notify the student's parent/guardian and the student in writing of the recommendation for long-term suspension and the reasons therefore.
- (b) A copy of the written notice of the recommendation for long-term suspension shall be transmitted to the Superintendent's designee within two school days.

- (c) The Superintendent's designee will conduct a hearing within ten days of the recommendation, unless the student and his/her parent/guardian requests an extension in writing and the extension is granted by the Superintendent's designee.
- (d) The Superintendent's designee may uphold the recommendation or recommend various forms of other disciplinary action, including, but not limited to disciplinary probation and placement in alternative education programs. Agencies that provide services to the student may submit reports of participation to appropriate school personnel. Violation of a disciplinary probation contract may be cause for long-term suspension.
- (e) The Parent/Guardian will be provided a copy of the Appeal Process at the conclusion of the hearing.
- (f) The Superintendent's designee will notify the Parent/Guardian in writing of the outcome of the hearing and will include any conditions, such as drug testing or satisfactory progress in an alternative educational program, placed on the student as a result of the hearing.

2. Appeal of Long-Term Suspension

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

C. Expulsion

1. Procedures Governing Expulsion

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

- (a) The principal shall notify the student's parent/guardian and the student in writing of the recommendation for expulsion and the reasons therefore.
- (b) A copy of the written notice of the recommendation for expulsion shall be transmitted to the Superintendent or designee within two school days.

- (c) Once the Superintendent or designee receives notification of a recommendation for expulsion, the Superintendent or designee shall conduct a preliminary hearing to determine whether to recommend expulsion to the Board. If the Superintendent or designee determines to recommend expulsion, the Superintendent or designee shall notify the parent/guardian in writing and by certified mail as to the date, time and location for the School Board meeting in which their case will be reviewed.

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

- (d) Recommendations of expulsion shall be heard by the full School Board or a committee thereof. A student will only be expelled upon vote of the School Board, or a committee thereof. Any such committee shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parents may appeal the decision to the full School Board. The School Board shall decide such appeal within thirty days.
- (e) The procedure for the hearing before the School Board, or the committee thereof, shall be as follows:
 - (i) The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be closed unless otherwise specified by the School Board.
 - (ii) The School Board may ask for opening statements from the principal or his representative and the student or his parent or their representatives and, at the discretion of the School Board, may allow closing arguments.
 - (iii) The parties shall then present their evidence. The principal shall present his evidence first. After the principal concludes his evidence, the student shall present his evidence. Witnesses may be questioned by the School Board members and by the parties or their representatives. The School Board may, in its discretion, vary this procedure, but it shall afford full opportunity to both parties the right of cross examination; provided, that the School Board may

take testimony of student witnesses outside the presence of the student, his parent and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witnesses.

- (iv) The parties shall produce such other evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.
- (v) Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made a part of the record.
- (vi) The School Board may, by majority vote, uphold, reject or alter the recommendation.
- (vii) The School Board shall transmit its decision to the student, his parent, the principal and the Superintendent.
- (viii) A student who has been expelled from school by the School Board may file for readmission with the Superintendent no fewer than 300 and no more than 320 days after the effective date of the expulsion. The School Board will consider and act upon such petition prior to the expiration of 365 days from the effective date of the expulsion. If the petition is denied, subsequent petitions for readmission may be filed a year later unless a different time period is set by the School Board when ruling on the initial petition for readmission.

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

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

E. Disciplinary Authority of the School Board under Certain Circumstances

The New Kent County School Board may, in accordance with the procedures set forth in this regulation, require any student who has been (a) charged with an offense relating to the Commonwealth's laws, or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person; (b) found guilty or not innocent of an offense relating to the Commonwealth's laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the Superintendent of the school division pursuant to Va. Code § 16.1- 260.G; (c) found to have committed a serious offense or repeated offenses in violation of School Board policies; or (d) suspended or expelled pursuant to School Board policies, to attend an alternative education program. The New Kent County School Board may require such student to attend an alternative education program regardless of where the crime occurred. The New Kent County School Board may also require any student who has been found, in accordance with the procedures set forth in this regulation, to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school- sponsored activity in violation of School Board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in a treatment program.

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

Assignment of a Student to an Alternative Education Program

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

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

Adopted: June 15, 2009
Revised: July 6, 2009
Revised: June 7, 2010
Reviewed: June 17, 2013 – no changes

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

CROSS REFERENCES:

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

TO BE COMPLETED BY PARENT OR GUARDIAN

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

Student's Name: _____ Date: _____

School: _____

Grade: _____

Parent's/Guardian's Name: _____

Address: _____

Telephone Number: _____

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

Suspension/Expulsion Statement

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

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

Parent's Signature _____

Student's Signature _____

School Official's Signature _____

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

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

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

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

Conviction/Delinquency Statement

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

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

Parent's Signature _____

Student's Signature _____

School Official's Signature _____

Maintained Separately from Scholastic Record

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

Reviewed: 4/8/13

DISCIPLINING STUDENTS WITH DISABILITIES

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

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

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

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

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

II. Short-Term Suspension

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

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

III. Functional Behavior Assessments and Behavior Intervention Plans

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

- Conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,
- If the student already has a FBA and BIP in place, review and modify the BIP, as necessary to address the behavior.

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

IV. Educational Services While Disciplined

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

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

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

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

V. Manifestation Determination

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

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

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

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

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

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

VII. Disciplinary Action and/or Alternative Placement for Behavior that is Determine to be a Manifestation

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

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

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

Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. The student must also receive, as appropriate, a FBA, behavioral intervention services and modifications designed to address the behavior so it does not recur.

IX. Change of Placement by Hearing Officer

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

X. Placement During Appeals

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

XI. Students Not Identified as Disabled

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

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

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

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

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

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

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

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

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 INFLICTION OF SERIOUS BODILY INJURY

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

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

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

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

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

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

STUDENT HEALTH SERVICES AND REQUIREMENTS

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

With the exception of school administrative personnel and employees who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.

For the purposes of this policy, "health-related services" means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.

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

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

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

PHYSICAL EXAMINATIONS OF STUDENTS

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

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

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

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 employee or official.

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

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

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

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

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

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

STUDENT IMMUNIZATIONS

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

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

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

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

Conditional Enrollment

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

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

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

Exemptions

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

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

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

Homeless Pupils

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

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

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

Immunization Record

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

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

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

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

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

12 VAC 5-110-10.

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

COMMUNICABLE DISEASES

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

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

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

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

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

8 VAC 20-131-180.

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

BLOOD BORNE PATHOGENS CONTAGIOUS OR INFECTIOUS DISEASES

The attendance at school of students who suffer from blood borne diseases which are infectious or contagious, such as AIDS and Hepatitis B, and which may be transmitted by the exchange of body secretions, 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 effectuate this policy.

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

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

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

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

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

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

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

GUIDELINES FOR SCHOOL ATTENDANCE FOR STUDENTS WITH HUMAN IMMUNODEFICIENCY VIRUS

The New Kent County School Board recognizes its dual obligations to protect the rights of individual students infected with human immunodeficiency virus (HIV) and to provide a safe environment for students, staff, and the public. Because HIV is not transmitted through casual contact, any student who is HIV-infected 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.

New Kent 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 infections 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.

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: June 6, 2005
Revised: April 8, 2013

ADMINISTERING MEDICINES TO STUDENTS

Medications Prescribed for Individual Students

Employees of the New Kent 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 Medications

Employees of the New Kent County School Board may give nonprescription medication to students only with the written permission from the licensed practitioner and the parent or guardian. Such permission shall include the name of the medication, the required dosage of the medication, and the time the medicine is to be given. Such medicine must be in the original container and delivered to the principal, school nurse or school division designee by the parent 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, an insulin pump, and equipment for immediate treatment of high and low blood glucose levels, and
- self-check his own blood glucose levels on school buses, on school property, and at school-sponsored activities.

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, must be on file with the school.
- Written notice from the student's health care provider is on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication.
- An individualized health care plan is prepared, including emergency procedures for any life-threatening conditions.
- There is a consultation with the student's parent before any limitations or restrictions are imposed on a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked.
- Self-administration of inhaled asthma medications and auto-injectable epinephrine is consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manual, which are jointly issued by the Virginia Department of Education and the Virginia Department of Health.
- Information regarding the health condition of the student may be disclosed to School Board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

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

Epinephrine

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, School Board employee, employee of a local appropriating body

or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess epinephrine and administer it to any student believed to be having an anaphylactic reaction.

Regulation

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

Guidelines

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

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

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

Manual for Training Public School Employees in the Administration of Insulin and Glucagon (Virginia Department of Education Nov. 2011).

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

ADMINISTRATION OF MEDICATION AT SCHOOL - REGULATION

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

1. Medications are administered by or under the supervision of the Registered Professional School Nurse. The Registered Professional School Nurse is licensed by the State of Virginia and practices under the Nurse Practice Act of Virginia. The Nurse Practice Act specifically states medications (prescription or non-prescription) may be administered only if they have been prescribed by a legal licensed practitioner (i.e., physician, dentist, nurse practitioner). For this reason, a medication permission form signed by the licensed practitioner is required for all medications administered at school along with written permission from the parent/guardian.
2. If your child has a chronic condition (i.e., headaches, menstrual cramps, orthodontic appliances, seasonal allergies) for which he/she usually takes OTC (over-the-counter) medications (i.e., Tylenol, Advil, Benadryl, etc.), the medication permission form can be obtained from the licensed practitioner prior to the start of school. The form can be mailed to the practitioner's office along with a self-addressed, stamped envelope. The completed form should then be brought to school along with the medication in its original container with the proper label. (No medication in baggies, envelopes, tissues or plastic wrap.)
3. Another option for providing the school with a completed medication permission form would be to have the licensed practitioner's office fax it to the school nurse at the appropriate school. The fax numbers for the schools are as follows: New Kent Elementary School - 966-2506; George W. Watkins Elementary School - 932-8459; New Kent Middle School - 966-2703; and New Kent High School - 966-2773.
4. For prescription medicines ask the licensed practitioner to request two (2) bottles on the prescription, one for school and one for home. This will provide both the parent/guardian and the school the labeled containers needed to safely dispense medications.
5. Students who have asthma and are prescribed inhalers, should request the licensed practitioner order two (2) inhalers on the prescription, one to remain at home and one to remain at school at all times. This will prevent the inhaler not being readily available at school when needed.

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

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

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

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

Before permission to possess and self administer auto-injectable epinephrine and metered-dose inhalers is granted, a consultation must occur with the parent and school nurse.

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

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

Student possession of unauthorized over-the-counter drugs and prescribed medication may result in the same interventions and consequences as controlled substances. For elementary students needing to take medication during school hours, the medication is to be brought to the school nurse by the parent/guardian in its original container with the prescribed dosage and method of administration

clearly indicated. Secondary students (grades 6-12) may bring medication to school provided the medication is delivered to the school nurse at the beginning of the school day in its original container with the prescribed dosage and method of administration clearly indicated.

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

Revised: August 1, 2010

Revised: April 8, 2013

Revised: August 18, 2014

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

RECOMMENDATION OF MEDICATION BY SCHOOL PERSONNEL

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

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

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

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

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

Cross Ref.: JHCD Administering Medicine to Students

STUDENT WELLNESS

I. Policy Statement

The New Kent 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

The New Kent County School Board has established the following goals to promote student wellness.

A. Nutrition Education

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

B. Physical Activity

The New Kent 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 education classes, extracurricular activities, and other programs and physical activities. The division's goal for the implementation of its physical fitness program is students are given the opportunity for physical activity through a range of before-and/or after-school programs including, but not limited to, interscholastic athletics and physical activity clubs.

D. Other School-based Activities

All children who participate in the free and reduced food program are able to obtain food in a non-stigmatizing manner.

D. Nutrition Guidelines

Nutrition guidelines have been selected by the division for all foods available on every school campus during the school day. The objectives of the guidelines are to promote student health and learning and reduced childhood obesity. Nutritional standards for the school breakfast and school lunch programs meet or exceed state and federal standards.

III. Implementation

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

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

Adopted: 2006
Revised: November 3, 2008
Revised: June 17, 2013

Legal Refs: 42 U.S.C. § 1758b.

7 CFR Pt. 210, App. B.

Code of Virginia, 1950, as amended, § 22.1-253.13:1.D.14.

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

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

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

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

TO ACHIEVE THESE POLICY GOALS:

I. School Health Advisory Board

The school district and/or individual schools within the district will create, strengthen, or work within existing school health advisory board to develop, implement, monitor, review, and, as necessary, revise school nutrition and physical activity policies. The councils also will serve as resources to school sites for implementing those policies. (A school health advisory board consists of a group of individuals representing the school and community, and should include parents, students, representatives of the school food authority, members of the School Board, school administrators, teachers, health professionals, and members of the public.)

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

School Meals

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

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

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. Schools will share information about the nutritional content of meals with parents and students. Such information can be made available by contacting the school nutrition supervisor.

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

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

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

Meal Times and Scheduling. Schools:

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

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

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

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

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

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

Snacks. Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's diets and health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations.

Rewards. Schools will not use foods or beverages, especially those that do not meet the nutrition standards for foods and beverages sold individually (above), as rewards for academic performance or good behavior.

Celebrations. It is encouraged that schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (above).

School-sponsored Events (such as, but not limited to, athletic events, dances, or performances). It is encouraged that foods and beverages offered or sold at school-sponsored events outside the school day will meet the nutrition standards for meals or for foods and beverages sold individually (above).

III. Nutrition and Physical Activity Promotion and Food Marketing

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

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

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

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

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

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

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

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

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

IV. Physical Activity Opportunities and Physical Education

Daily Physical Education (P.E.) K-12. All students in grades K-12, including students with disabilities, special health-care needs, and in alternative educational settings, will receive daily physical education (or its equivalent of 100 minutes/week for elementary school students and 170 minutes/week for middle and high school students) for the entire school year. All physical education will be taught by a certified physical education teacher. Student involvement in other activities involving physical activity

(*e.g.*, interscholastic or intramural sports) will not be substituted for meeting the physical education requirement. Students will spend at least 50 percent of physical education class time participating in moderate to vigorous physical activity.

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

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

Physical Activity Opportunities Before and After School. All elementary, middle, and high schools will offer extracurricular physical activity programs, such as physical activity clubs or intramural programs. All high schools, and middle schools as appropriate, will offer interscholastic sports programs. Schools will offer a range of activities that meet the needs, interests, and abilities of all students, including boys, girls, students with disabilities, and students with special health-care needs.

After-school enrichment programs will provide and encourage – verbally and through the provision of space, equipment, and activities – daily periods of moderate to vigorous physical activity for all participants.

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

Use of School Facilities Outside of School Hours. School spaces and facilities should be available to students, staff, and community members before, during, and after the school day, on weekends, and during school vacations. These spaces and facilities also should be available to community agencies and organizations offering physical activity and nutrition programs. School policies concerning safety will apply at all times.

V. Monitoring and Policy Review

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

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

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

Policy Review. To help with the initial development of the district's wellness policies, each school in the district will conduct a baseline assessment of the school's existing nutrition and physical activity environments and policies. The results of those school-by-school assessments will be compiled at the district level to identify and prioritize needs.

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

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

Legal Refs.: 42 U.S.C. § 1751 Note

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

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

FOOD ALLERGY MANAGEMENT

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

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

A. Parent/Family Responsibilities

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

B. School Responsibilities

1. Review health records submitted by parents and physicians and identify students with allergies.
2. Share information pertaining to a student's allergies with the appropriate faculty and staff that have contact with the student, but otherwise will be kept as confidential as possible.
3. Provide emergency training to staff annually and as needed, including, but not limited to administrator, teacher and bus driver.
4. Designate school personnel who are properly trained to administer medications in accordance with the State Nursing and Good Samaritan Laws governing the administration of emergency medications.
5. Ensure a trained person attends all functions where the student is present, i.e. field trips.
6. Parents and students may obtain lists of ingredients for any food served by contacting the school nutrition supervisor.
7. Food Services will provide food that all students may enjoy. In the case of a student with multiple or unusual allergies, New Kent Schools may require the student/family to provide lunch and snacks to ensure the student's safety.
8. Enforce a "no-eating" policy on school buses with exceptions made only to accommodate special needs.
9. Provide instruction to faculty and staff on how to recognize symptoms of an allergic reaction and to respond appropriately.
10. Provide seating accommodations at meal times as needed, i.e. designate a table in the cafeteria "peanut free" and/or "allergy aware", allow student to eat meals in office.
11. Ensure that cafeteria tables are cleaned appropriately between meals.
12. Code students appropriately in our food service "point of service" system, so that students with food allergies can be easily identified as they move through the cafeteria line.
13. New Kent Schools will attempt to avoid serving food with nuts, but cannot guarantee that products with nuts will never be present on campus or at school events. Likewise, New Kent Schools cannot monitor products sold at athletic events or special student sales, products brought for celebrations, or served on off campus trips. Therefore, persons with severe food allergies must carefully monitor their food in these situations.

C. Student Responsibilities

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

References:

Food Allergy and Anaphylaxis Network. www.foodallergy.org

Henrico County Public Schools. Managing Allergies 2010

Hampton Roads Regional Schools. Life Threatening Allergy Management Policy

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

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

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

Committee members for adopting policy:

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

Adopted: January 5, 2011

Revised: April 8, 2013

Revised: September 21, 2015



Student's Photo

Name: _____ DOB: _____

Allergy to: _____

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

Extremely reactive to the following foods: _____

Therefore: If checked, give epinephrine immediately for ANY symptoms if the allergen was likely eaten.
 If checked, give epinephrine immediately if the allergen was definitely eaten, even if no symptoms are noted.

Any SEVERE SYMPTOMS after suspected or known ingestion:
 One or more of the following:
LUNG: Short of breathe, wheeze, repetitive cough
HEART: Pale, blue faint, weak pulse, dizzy, confused
THROAT: Tight, hoarse, trouble breathing/ swallowing
MOUTH: Obstructive swelling (tongue and/or lips)
SKIN: Many hives over body

OR combination of symptoms from different body areas:
SKIN: Hives, itchy rashes, swelling (e.g., eyes, lips)
GUT: Vomiting, crampy pain



1. **INJECT EPINEPHRINE IMMEDIATELY**
2. Call 911
3. Begin monitoring (see box below)
4. Give additional medications.*
 - Antihistamine
 - Inhaler (bronchodilator) if asthma

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

MILD SYMPTOMS ONLY:

MOUTH: Itchy Mouth
 SKIN: A few hives around mouth/ face, mild itch
 GUT: Mild nausea/ discomfort



1. **GIVE ANTIHISTAMINE**
2. Stay with student; alert healthcare professionals and parent
3. If symptoms progress (see above), USE EPINEPHRINE
4. Begin monitoring (see box below)

DOSAGE
Epinephrine: inject intramuscularly (check one)
 EpiPen®
 EpiPen® Jr.
 Twinject ® 03. Mg
 Twinject ® 0.15 mg

Antihistamine: give _____
 Medication, dose, route

Other: give _____
 Medication, dose, route

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

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

INSTRUCTIONS FROM PHYSICIAN:

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

Physician Signature _____ Phone Number _____ Date _____

PARENT PERMISSION:

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

Parent Signature _____ Date _____ RN Signature _____ Date _____

CONTACTS:
Call 911
Doctor: _____ Telephone: _____
Parent/ Guardian: _____ Telephone: _____
Parent/ Guardian: _____ Telephone: _____

Other Emergency Contacts:
Name/ Relationship: _____ Telephone: _____
Name/ Relationship: _____ Telephone: _____

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

Trained Staff Members:

1. _____ 2. _____
3. _____ 4. _____



Student: _____ Date of Birth: _____

School: _____ Homeroom Teacher: _____ Grade: _____

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

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

Parent's Name: _____

Parent's Signature: _____

Date: _____

School Nurse's Name: _____

School Nurse's Signature: _____

Date: _____

Reviewed: 4/8/13



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

Name: _____ DOB: _____
School: _____ Grade: _____

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

- Self-Carry
- Self-Administer

Healthcare Provider Signature Print Healthcare Provider Name Date

Parent/Guardian Response

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

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

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

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

Parent/Guardian Signature Date

Student Signature Date

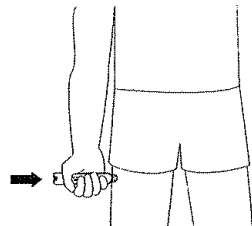
Reviewed: 4/8/13

EPIPEN Auto-Injector and EPIPEN Jr Auto-Injector Directions

- First, remove the EPIPEN Auto-Injector from the plastic carrying case
- Pull off the blue safety release cap



- Hold orange tip near outer thigh (always apply to thigh)



- Swing and firmly push orange tip against outer thigh. Hold on thigh for approximately 10 seconds. Remove the EPIPEN Auto-Injector and massage the area for 10 more seconds



DEY® and the Dey logo, EpiPen®, EpiPen 2-Pak®, and EpiPen Jr 2-Pak® are registered trademarks of Dey Pharma, L.P.

Twinject® 0.3 mg and Twinject® 0.15 mg Directions



Remove caps labeled "1" and "2."

Place rounded tip against outer thigh, press down hard until needle penetrates. Hold for 10 seconds, then remove.



SECOND DOSE ADMINISTRATION:
If symptoms don't improve after 10 minutes, administer second dose:

Unscrew rounded tip. Pull syringe from barrel by holding blue collar at needle base.



Slide yellow collar off plunger.

Put needle into thigh through skin, push plunger down all the way, and remove.



Adrenaclick™ 0.3 mg and Adrenaclick™ 0.15 mg Directions



Remove GREY caps labeled "1" and "2."



Place RED rounded tip against outer thigh, press down hard until needle penetrates. Hold for 10 seconds, then remove.

A food allergy response kit should contain at least two doses of epinephrine, other medications as noted by the student's physician, and a copy of this Food Allergy Action Plan.

A kit must accompany the student if he/she is off school grounds (i.e., field trip).

New Kent County Public Schools

DR. DAVID A. MYERS, SUPERINTENDENT
POST OFFICE BOX 110
NEW KENT, VIRGINIA 23124
(804) 966-9650
Fax (804) 966-8556

LEIGH R. QUICK, CHAIR
SARAH GRIER BARBER, VICE-CHAIR
BRETT C. MARSHALL
DEAN M. SIMMONS
DR. GAIL B. HARDINGE

Dear Parents,

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

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

Sincerely,

Reviewed: 4/8/13

SCHOOL MEALS AND SNACKS

The New Kent 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 hours 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 appropriate quantities and at reasonable prices as required by the Healthy Hunger-Free Kids Act.

The New Kent 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, school stores, and other venues within the division's control. The healthy options should cost the same or less than unhealthy alternatives.

The New Kent 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;
- 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 New Kent 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 National 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.

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.

“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.

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

Adopted: August 5, 2013
Revised: January 7, 2015
Revised: September 21, 2015

Legal Refs: 42 U.S.C. § 1758.

7 CFR 210.10.

7 CFR 210.11.

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

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

LACTATION SUPPORT

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

Adopted: July 7, 2014

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

HUMAN RESEARCH

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

Any other human research involving students must be approved and conducted under the review of a human research committee established by the school division or the school conducting the research. Such research will be conducted or authorized only after the student and the student's parents or legally authorized representative give their informed consent, as evidenced by a signed and witnessed informed consent form in accordance with Va. Code § 32.1-162.18. The human research committee will 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 approval authority over the proposed human research except in connection with his responsibilities as a member of the committee. In deciding whether to approve proposed human research, the committee will consider the factors listed in Va. Code § 32.1-162.19.

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

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

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

Legal Refs.: 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 Refs.: KFB Administration of Surveys and Questionnaires
IIAE Innovative or Experimental Program

CHILD ABUSE AND NEGLECT REPORTING

Reporting Requirement

Every employee of New Kent County Schools 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

- the local department of social services where the child resides or where the abuse or neglect is believed to have occurred;
- to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or
- 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 or 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 posts in each school a notice that

- 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
- all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

Complaints of Abuse and Neglect

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: July 1, 1998
Revised: May 3, 2004
Revised: August 2, 2004
Revised: November 3, 2008
Revised: August 6, 2012
Revised: July 7, 2014
Revised: July 13, 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.D.

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

SUICIDE PREVENTION

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

Duties of Teachers and Administrative Staff

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

Qualified Professional

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

Duties of the Qualified Professional

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

Contacting the Parent/Guardian

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

1. Provide his/her name and position in the school;
2. Tell the parent/guardian that he/she 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. Make recommendation to the parent/guardian to obtain mental health 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.

Abuse or Neglect

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

Inability to Reach Parent/Guardian

If the qualified professional is unable to make contact with the parent/guardian by the end of the school day, then the professional shall follow the school's Suicide Prevention Guidelines (JHH-G).

Additional Concerns

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

Follow-up

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

Required Documentation

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

Adopted: May 1, 2000
Revised: May 3, 2004
Revised: August 7, 2006
Revised: July 11, 2011
Reviewed: November 19, 2012
Revised: November 2, 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: JHG/GAE Child Abuse and Neglect Reporting
EB School Crises, Emergency Management, Medical Emergency Response Plan

SUICIDE PREVENTION GUIDELINES
NEW KENT COUNTY PUBLIC SCHOOLS

Student communicates suicidal intent or ideation:

1. Staff member verbally notifies school administrator (if an administrator is not available, staff member notifies school's qualified personnel without delay)
2. Administrator verbally notifies school's qualified personnel (school counselor, school psychologist, or school social worker)
*****Student should not be left unattended during notification process*****
3. Qualified personnel completes suicide risk assessment and consults with at least one other qualified personnel.

***** All communications regarding student at risk of suicide should be made promptly and in person *****

***** If risk is determined as high through assessment, then the student should remain under direct adult supervision at all times.*****

4. Qualified personnel contacts parent in accordance with school policy JHH.
5. If student is deemed at risk: Recommendation will be made to parent to obtain mental health evaluation/counseling.
 - a) Prior to returning to school, parent will supply school with a letter from the mental health professional indicating that the risk is no longer imminent.
 - b) If parent indicates lack of intent to follow through with mental health intervention, qualified personnel will advise parent that DSS and/or police will be notified. Qualified personnel will then notify social services and/or police.
6. If unable to make contact with parent:
 - a) If no risk is determined: document assessment and attempt at parent contact. Leave message for parent to return call.
 - b) If risk is determined: school personnel will remain with the student until the parent or emergency contact is reached and assumes responsibility for the student.
7. Follow-up and documentation should occur in accordance with policy JHH.

NKSB Review – 11-19-12

STUDENT-ATHLETE CONCUSSIONS DURING EXTRACURRICULAR ACTIVITIES

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

Definitions

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

Licensed Health Care Provider: *a physician or physician assistant, licensed by the Virginia Board of Medicine; a neuropsychologist licensed by the Board of Psychology; an Athletic Trainer Certified by the National Athletic Trainers' Association, or a nurse practitioner licensed by the Virginia State Board of Nursing.*

Return 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. New Kent Concussion Management Team

- a. The New Kent Concussion Management Team ("CMT") shall be appointed by the Superintendent and shall consist of a school administrator, an athletic administrator, a licensed health care provider, and any such other person or persons the Superintendent or designee determines will assist the CMT in its actions.
- b. The CMT shall provide 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 Certified Athletic Trainer will maintain records regarding all identified or suspected concussions in student-athletes including assessment, removal from practices or games, treatment, and compliance of return-to-play protocol. These records will be maintained during the entire high school career of each involved student-athlete.
- c. The CMT shall meet annually and shall evaluate the division's training materials, concussion reporting, management, and review protocols to ensure alignment between School Board Policy and VHSL guidelines and recommendations.

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 and having continuous interaction with a team and NKCPSS student athletes 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 regularly 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.

IV. Removal from Extracurricular Physical Activities

- a. A student athlete participating in contact sports and cheerleading will be tested using a standardized concussion sideline assessment instrument (e.g., Sideline Concussion Assessment Tool (SCAT-II, SCAT III, ChildSCAT3), ImPACT (Immediate Post-Concussion Assessment and Cognitive Testing), The Standardized Assessment of Concussion (SAC), or the Balance Error Scoring System (BESS)) to provide baseline testing for brain related injuries. ~~with ImPACT (Immediate Post-Concussion Assessment and Cognitive Testing) computer software to provide baseline testing for brain related injuries.~~ These results will be referred to during assessment in the case a concussion is suspected.
- b. A student-athlete suspected by a student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice, game, or competition shall be removed from the activity immediately, evaluated, and if necessary referred for further treatment. A student-athlete who has been removed from play, evaluated, and suspected to have sustained a concussion shall not return to play that same day.
- c. 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), ImPACT (Immediate Post-Concussion Assessment and Cognitive Testing), the Standardized Assessment of Concussion (SAC), or the Balance Error Scoring System (BESS)).

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

V. Return To Play Protocol

- a. No student-athlete shall be allowed to return to extracurricular physical activities, which includes the student-athlete's practices, games, or competitions, until the student presents a written medical release from the student-athlete's licensed health care provider who has followed the VHSL recommended suggested Return-to-Play protocol. 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 full participation program shall be determined by the student-athlete's licensed health care provider but shall last a minimum of five calendar days. It will be the Athletic Trainer's responsibility to inform parents, teachers, administrators, the school nurse and the student athlete if classroom or mental performance may be compromised during the healing process.
- b. The athletic trainer, athletic administrator, or 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 a student-athlete 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.

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

The school division may provide this policy and the Board of Education's Guidelines for Policies on Concussions in Student-Athletes to organizations sponsoring athletic activity for student-athletes on school property. The school division does not enforce compliance with the policy or Guidelines by such organizations.

Adopted: August 1, 2011
Revised: August 5, 2013
Revised: July 7, 2014
Revised: July 13, 2015

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

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

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

FUND RAISING AND SOLICITATION

All fund-raising activities conducted for the benefit of New Kent 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 benefit of students and their schools.

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

Each principal shall develop and maintain a list of all approved fund-raising activities and report all activities to the Superintendent pursuant to procedures issued by the 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: July 1, 1998
Revised: September 4, 2002
Revised: June 2, 2008
Revised: April 8, 2013
Revised: May 19, 2014

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 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

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

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

- as needed to protect an individual from his or her own actions;
- as needed to protect others from injury by the restrained person;
- as needed to gain possession of weapons or other dangerous objects on the person or within the control of a student;
- as needed for self-defense;
- as needed to escort a student safely from one area to another;
- when using seat belts or other safety restraints to secure a student during transportation;

- as authorized by the Code of Virginia, or
- as authorized by a student's IEP, Section 504 plan or behavior intervention plan.

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

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

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

Documentation and Notice to Parents

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

- physical restraint; or
- seclusion.

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

Adopted: October 4, 2010
Revised: September 24, 2012

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

New Kent County Public Schools

Guidelines for the Management of Student Behaviors in Emergency Situations

Statement of Philosophy

New Kent County Public Schools values every child and his/her right to be treated with dignity, respect, and special care. The New Kent County Public Schools will make ongoing efforts to ensure the safety and well-being of students and staff. When there is a need to manage aggressive and violent student behaviors in emergency situations in the school setting, policies must be in place to include processes and procedures that safeguard the rights and protections of students and staff. Policy JM, as outlined in the New Kent County Public Schools Policy Manual, ensures that students are free from the unreasonable use of physical restraint, seclusion, and any other intervention methods that may not be the least restrictive intervention. The use of abusive interventions are not authorized, permitted, or condoned in New Kent County Public Schools Corporal punishment is expressly prohibited by law.

Purpose

The purpose of these Guidelines is to provide information to all persons working with children within the New Kent County Public Schools on how violent and aggressive student behaviors in emergency situations are to be managed. These Guidelines will focus on the processes to occur when extreme behaviors are presented, and the procedures staff must follow to ensure that incidents are properly documented, recorded, and reported to appropriate school officials and parents.

The use of restraint is only permitted to those individuals that have been properly trained in the appropriate techniques. Annually, the MANDT trainers conduct training sessions to (re)certify individuals in the use of the MANDT relational and technical skills and it is these trained individuals who are permitted to conduct restraints of students.

The purpose of restraint is limited to only incidents in which there is a threat of harm to self or another individual.

Procedures for Managing Behavior/s

Administrators and staff should be knowledgeable of these written Procedures for managing behavior in New Kent County Public Schools. Ongoing training will be provided and Guidelines implementation will be monitored regarding:

- The prevention of student violence, self-injurious behavior, and suicide
- The prohibition of certain behavioral interventions in the New Kent County Public Schools
- The use and applicability of physical restraint
- The use and applicability of other behavioral interventions
- The specific training and staff development to be provided to New Kent County Public Schools faculty and staff on the use and applicability of these Guidelines and its content (Policy JM)
- The documentation and reporting requirements of these Guidelines
- The investigation of injuries and complaints
- The use of the incident forms adopted by New Kent County Public Schools
- The safety and protection of the student during school emergencies and during the implementation of physical restraint

Incident Report Guidelines

1. The Restraint Incident Report Form must be completed and submitted to the building administrator and MANDT trainer by the end of the school day. (Appendix 1)
2. The completed Restraint Incident Report must be reviewed by the MANDT trainer assigned to that building within 24 hours of the incident.
3. The parent/guardian must be notified of the restraint by the end of the day in which the restraint occurred. (Appendix 2)
4. A debriefing session must be conducted within 48 hours of the incident by the building administrator, guidance counselor, building assigned MANDT trainer, and the restraining staff member.
5. If an elementary student is restrained at least 3 times in a 10 day period, or a secondary student is restrained more than 3 times in a 9 week period, then a committee should be convened to discuss the student's behavior. The committee should consist of the student's parent, guidance counselor, teacher, and building administrator. The committee should review the student's IEP or Behavior Intervention Plan, if applicable, to determine if there is a need for an amendment.

If you have any questions regarding these policies and procedures, you may direct them to any of the MANDT trainers.

~~Ross Miller~~
~~Pam Brooks~~
~~Robin McClaine~~
~~Pat Kern~~

Methods and Procedures for Guidelines Implementation

Each principal of a school will ensure that the faculty and staff have been fully trained in the requirements of the Guidelines. These Guidelines will be made readily accessible in each school building for immediate review should incidents arise requiring the management of violent and aggressive student behaviors in emergency situations.

Each principal will maintain a record of all incidents when these Guidelines have been implemented and will make a report to the School Board as requested.

NKSB Review: September 24, 2012

New Kent County Public Schools

Restraint - Incident Report Form

Basic Information						
Name of School					Grade	
Name of Student					Date of Birth	
Events Leading to this Incident						
Where did the incident occur?						
When did the incident occur?	Time		Day of Week		Date	
How did the incident begin?						
Describe the Incident						
What was happening at the time?						
Was anyone else involved?						
Did anyone else see what happened? (give details)						
What behavior was the student presenting that warranted restraint?						
Was there damage to property or an assault on a student or staff during the incident?						
What did you do to try to defuse the situation before restraint?						
How was pupil restrained? (describe)						
Time restraint began			Time restraint ended			
List staff members who were involved in the physical restraint						

Injuries Sustained					
Was anyone injured?	<input type="checkbox"/> Yes or <input type="checkbox"/> No				
If yes, give details					
Was incident reported to the school nurse and documented?	<input type="checkbox"/> Yes or <input type="checkbox"/> No				
Follow-Up Action					
Parent/Guardian was informed by		Date		Time	
Telephone Call: spoke with parent(s)	<input type="checkbox"/> Yes or <input type="checkbox"/> No	Date		Time	
Left Message	<input type="checkbox"/> Yes or <input type="checkbox"/> No	Date		Time	
No answer	<input type="checkbox"/> Yes or <input type="checkbox"/> No	Date		Time	
Face to Face Discussion	<input type="checkbox"/> Yes or <input type="checkbox"/> No	Date		Time	
Letter home with student	<input type="checkbox"/> Yes or <input type="checkbox"/> No	Date		Time	
Incident form completed by					
Position		Date			
Incident form reviewed by					
Administrator		Date			
MANDT Trainer		Date			
Assurance Statement (Any staff member who was physically involved must sign)					
Your signature Indicates:	Physical restraint was implemented in accordance with all school division and/or program policies and procedures for physical restraint and all statements are true to the best of your ability. The force used in the application of physical restraint did not exceed the force that was reasonable and necessary under the circumstances leading to the use of physical restraint.				
Signature					
Signature					
Signature					
Signature					
Signature					

NKSB Review: September 24, 2012

Appendix 2

Date

Mr. and Mrs. New Kent
New Kent Road
New Kent, Virginia 23124

RE: Student Name

Dear Mr. and Mrs. New Kent,

School personnel attempted to contact you at *phone number* at *time of day* today regarding an incident that occurred with your child. Since we could not reach you directly, we wanted to make you aware of a situation that took place at school today. Due to safety concerns, it was necessary to place your child in a physical restraint. The restraint was utilized by staff members trained in the Mandt System.

Your child's safety is important to us. Our goal is to provide a safe, positive, and productive learning environment for all students. Please contact me as soon as possible so that we can discuss the incident and how it can be avoided in the future. I can be reached at (804) 966 _____.

Sincerely,

Mr./Mrs./Ms. School Principal

NKSB Review: September 24, 2012

STUDENT FEES, FINES AND CHARGES

The School Board charges student fees and takes action to recover funds for the loss of or damage to School Board property in accordance with the state and federal law. No fee may be charged unless it has been approved by the School Board.

The School Board provides, free of charge, such textbooks as are required for courses of instruction for each child attending public schools. Consumable materials such as workbooks, writing books, and drawing books may be purchased by the School Board and either provided to students at no cost or sold to students at a retail price not to exceed seven percent added to the publisher's price. If sold, the School Board 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.

STUDENT FEES FOR SCHOOL YEAR 2015 – 2016

HIGH SCHOOL LEVEL:

CLASS DUES:

Junior:	\$10.00
Sophomore:	\$ 5.00
Freshman:	\$ 5.00

CHROMEBOOK FEE: \$40.00

INFORMATION ACCESS FEE: \$ 5.00

STUDENT FEE: \$ 5.00 (for student planners)

BAND FEE: \$40.00 (Sep-Jun equipment rental and percussion)
\$20.00 (Jun-Aug equip rental)

GUITAR FEE: \$20.00 (per semester)

GYM SUIT: \$15.00 (all gym/weight lifting classes)

DRIVERS ED CLASS: \$ 3.00 (for a workbook – 10th grade only)

DUAL ENROLLMENT: \$5.00 (per credit)

PARKING: \$50.00 (½ if purchased after 1st semester)

BEHIND THE WHEEL: \$140.00

LOST LOCKS (PE): \$ 5.00

ART:
Ceramics: \$30.00
Art: \$20.00
Drawing: \$20.00
Crafts: \$20.00
Painting: \$20.00

PHOTOGRAPHY: Film/Processing: \$40.00

THEATRE:
Intro. To Theatre \$10.00
Advanced Acting \$10.00
Drama 3 & 4 \$10.00
Technical Theatre \$15.00

CTE:
CTE class \$10.00
Intro to Culinary \$20.00

TRANSCRIPT FEE: \$ 3.00 (current students receive free transcript)

ATHLETIC FEE: \$30.00 (per season)

FIELD TRIP FEE: \$ 4.00

CLUBS: Determined by individual club by members. Standard fees:

Beta: New member \$22.00 / Returning: \$7.00 (Dues)
DECA: \$ 14.00
FBLA: \$ 10.00
FCCLA: \$ 12.00
FFA: \$ 12.00
Odyssey of the Mind: \$ 25.00
Spanish: \$ 10.00 (T-shirt Cost)
Trojan 100: \$ 100.00 Ind./\$250.00 Fam./\$500.00 Sponsor
TSA: \$ 12.00
Varsity: \$ 5.00

TESTING FEES:
PSAT: \$15.00
AP TEST: \$91.00
SAT: \$52.50

MIDDLE SCHOOL LEVEL:

<u>ATHLETIC FEE:</u>	\$30.00 (per season)
<u>CHROMEBOOK FEE:</u>	\$40.00
<u>CLUBS:</u>	Odyssey of the Mind: \$ 25.00
<u>LOCKER FEE:</u>	\$ 3.00
<u>INFORMATION ACCESS FEE:</u>	\$ 5.00
<u>GYM SUIT:</u>	\$15.00
<u>AGENDA FEE:</u>	\$ 5.00
<u>FIELD TRIP FEE:</u>	\$ 4.00

ELEMENTARY LEVEL:

<u>INFORMATION ACCESS FEE:</u>	\$ 5.00
<u>CLUBS:</u>	Odyssey of the Mind: \$ 25.00
<u>MUSIC FEE (RECORDER):</u>	\$ 5.00
<u>LOST AGENDA:</u>	\$ 5.00
<u>FIELD TRIP FEE:</u>	\$ 4.00

Fees Approved 6/15/15
Fees Revised 11/02/15

Fees may be charged for 1) optional services such as parking or locker rental; 2) student-selected extracurricular activities; 3) class dues; 4) field trips or educationally-related programs that are not required instructional activities; 5) fees for musical instruments, as long as the instruction in the use of musical instruments is not part of the required curriculum; 6) distance learning classes for enrichment which are not necessary to meet the requirements for a diploma; 7) summer school, unless the classes are required for remediation as prescribed by the Standards of Quality; 8) overdue or lost or damaged library books; 9) lost or damaged textbooks; 10) consumable materials such as workbooks, writing books, drawing books and fine arts materials and supplies; however, workbooks, writing books, drawing books and fine arts materials and supplies must be furnished to students who are unable to afford them at a reduced price or free of charge; fees may not be charged to students for instructional materials, textbooks, or other materials that are not directly used by a public school student; 11) the behind-the-wheel portion of the driver's education program; 12) a fee not to exceed a student's pro rata share of the cost of providing transportation for voluntary extracurricular activities; and 13) the preparation and distribution of official paper copies of student transcripts; a reasonable number of copies of official paper copies must be provided for free before a charge is levied for additional official copies; official electronic copies of student transcripts must be provided for free.

Fees may not be charged 1) as a condition of school enrollment, except for students who are not of school age or who do not reside within the jurisdiction; 2) for instructional programs and activities, or materials required for instruction, except as specified in by 8 VAC 20-720-80.H; 3) for textbooks or textbook deposits; however, a reasonable fee or charge for lost or damaged textbooks may be charged; 4) for pupil transportation to and from school; or 5) for summer school programs or other forms of remediation required by the Standards of Quality.

Fees are reduced or waived for economically disadvantaged students and students whose families are undergoing economic hardships and are financially unable to pay them, including but not limited to, families receiving unemployment benefits or public assistance, including Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or Medicaid; foster families caring for children in foster care; and families that are homeless.

Each time a fee is charged, notice will be given that a fee waiver may be requested. The notice will include directions as to how to apply for a waiver.

This policy will be provided to parents annually and posted on the division's website.

The consequences for nonpayment of fees include exclusion from the activity related to the fee.

No student's report card, diploma or class schedule will be withheld because of nonpayment of fees or charges. No student will be suspended or expelled for nonpayment of fees or charges.

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

Adopted: July 1, 1998
Revised: November 3, 2008
Revised: July 12, 2010
Revised: November 19, 2012
Revised: May 6, 2013
Revised: July 1, 2013
Revised: July 7, 2014
Revised: October 22, 2014
Revised: November 2, 2015

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

8 VAC 20-7200-80

Cross Ref.: ECAB Vandalism
 IIA Instructional Materials

STUDENT RECORDS

Generally

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

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

Definitions

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

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

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

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

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

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

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

Eligible student - a student who has reached age 18.

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

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

Dissemination and Maintenance of Records About Court Proceedings

Adjudications

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

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

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

Petitions and Reports

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

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

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

Annual Notification

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

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

- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

Procedure to Inspect Education Records

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

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

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

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

Copies of Education Records

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

Fees for Copies of Records

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

Types, Locations, and Custodians of Education Records

The New Kent County Public School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types of records that the New Kent County Public Schools maintain, their locations, and their custodians.

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

Disclosure of Education Records

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

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

A school official is:

- A person employed by the School Board.
- A person appointed or elected to the School Board.
- A person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
- A contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education records.

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

- Performing a task that is specified in his or her position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

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

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

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

Unauthorized Disclosure of Electronic Records

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

Disclosure to Federal Agencies

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

Disclosure of Information Relating to Home Instructed Students

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

Audit or Evaluation of Education Programs

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

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

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

Military Recruiters and Institutions of Higher Learning

The New Kent County Public Schools will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

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

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

Record of Disclosure

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

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

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

Directory Information

The New Kent School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

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

- student's name
- parent's names
- participation in officially recognized activities and sports
- address
- telephone listing
- weight and height of members of athletic teams
- email address
- photograph
- degrees, honors, and awards received
- date and place of birth
- major field of study
- dates of attendance
- grade level
- most recent educational agency or institution attended

Correction of Education Records

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

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

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

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 School Board specifies, by regulation, the deadline and procedure for making such a request. Notice of this provision is provided to parents.

Confidentiality of HIV and Drug and Alcohol Treatment Records

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

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Revised: November 6, 2000	Revised: November 18, 2013
Revised: June 3, 2002	Revised: July 7, 2014
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Revised: November 3, 2008	
Revised: May 18, 2009	
Revised: August 2, 2010	

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

20 U.S.C. §§ 1232g, 7908.

42 U.S.C. § 290dd-2.

34 C.F.R. 99.3, 99.7, 99.10, 99.20, 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, 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, 23-2.1:3, 32.1-36.1.

8 VAC 20-131.90.

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

STUDENT RECORDS AND RELEASE OF INFORMATION
(NOTIFICATION TO PARENTS AND STUDENTS)

The Family Educational Rights and Privacy Acts (FERPA) afford parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

- (1) The right to inspect and review the student's education records within 45 days of the day the Division receives a request for access.

Parents or eligible students should submit to the school principal {or appropriate school official} a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

- (2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask the New Kent County School Division to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the Division decides not to amend the record as requested by the parent or eligible student, the Division will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right of a hearing.

- (3) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the Division as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the Division has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the Division discloses educational records without consent to officials of another school division in which a student seeks or intends to enroll. {NOTE: FERPA requires a school division to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request. }

- (4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the Division to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

FAMILY POLICY COMPLIANCE OFFICE
U.S. DEPARTMENT OF EDUCATION
600 INDEPENDENCE AVENUE, S.W.
WASHINGTON, D.C. 20202-4605

Reviewed by NKCPS Board

August 6, 2012

No Changes

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

Responsibilities of Student Publications Faculty Co-Editor

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

Responsibilities of the School Principal (Editor)

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

- Adopted: July 1, 1998
- Revised: June 6, 2005
- Revised: April 8, 2013
- Revised: July 7, 2014
- Revised: July 1, 2015

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