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SECTION K: School-Community Relations

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SECTION K: School-Community Relations

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## GOALS FOR SCHOOL-COMMUNITY RELATIONS

The school board recognizes that good school-community relations are essential to securing public input and public support for educational programs. The school board sets goals and standards for school-community relations and regularly evaluates its relationship with the public. The school board also regularly evaluates its programs for maintaining open channels of communication and good relations with parents, community organizations, other governmental organizations, non-profit organizations, businesses and industries, and the community at large.

Through its school-community relations program, the board encourages the community to

- take an active interest in the schools and participate in school activities,
- place a high priority on education and make funds available for an educational system that supports learning for all children, and
- establish partnerships with the schools to enhance learning opportunities.

Adopted: July 1, 1998  
Revised: September 4, 2002  
Revised: June 2, 2003  
Revised: August 2, 2004  
Revised: November 3, 2008  
Revised: April 2, 2012  
Revised: May 19, 2014

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.C.4.

Cross Refs : AF Comprehensive Plan  
KBC Media Relations  
KB Public Information Program  
KF Distribution of Information/Materials  
KG Community Use of School Facilities  
KMA Relations with Parent Organizations  
KNAJ Relations with Law Enforcement Authorities  
KQ Commercial, Promotional, and Corporate Sponsorships and Partnerships  
IGBC Parental Involvement

## PUBLIC INFORMATION PROGRAM

The New Kent County School Board recognizes the importance of providing information regarding the school division to the community. The board will utilize all appropriate means and media in order to

- explain the programs, achievements, and needs of the school division;
- keep students, parents/guardians, and staff members fully informed about board policies and procedures as well as their own rights and responsibilities;
- communicate factual information regarding the school division: and
- involve students, parents/guardians, and the community in discussions regarding education programs, student activities, and board policy.

Adopted: July 1, 1998  
Revised: June 3, 2002  
Revised: April 2, 2012  
Revised: August 5, 2019

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

Cross Refs.: KA Goals for School Community Relations  
KBA Requests for Public Records  
KBC Media Relations

## REQUESTS FOR PUBLIC RECORDS

New Kent County School Board complies with the Virginia Freedom of Information Act (FOIA). Except as otherwise specifically provided by law, all public records are open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. All requests for information are processed in accordance with KBA-R Requests for Public Records.

Officers, employees, and members of the school board who fail to provide public records as required by FOIA because they altered or destroyed the requested records with the intent to avoid the provisions of FOIA are subject to penalties in their individual capacity of up to \$100 per record altered or destroyed.

The name(s) and contact information for the person(s) New Kent County School Board has designated as its Freedom of Information Act (FOIA) Officer(s) is listed in regulation KBA-R Requests for Public Records and posted at the school board office and on the division's website. The FOIA Officer(s) serves as a point of contact for members of the public in requesting public records and coordinates the school board's compliance with FOIA. The FOIA officer(s) receives training at least once during each consecutive period of two years beginning on the date on which the FOIA Officer last completed a training session by the school board's legal counsel or the Virginia Freedom of Information Advisory Council.

Adopted: May 1999  
Revised: June 3, 2002  
Reviewed: April 22, 2013 – no changes  
Revised: July 18, 2016  
Revised: August 7, 2017  
Revised: April 15, 2019  
Revised: August 5, 2019  
Revised: August 31, 2020

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Legal Ref.: Code of Virginia 1950, as amended, sections §§ 2.2-3704, 2.2-3704.2, 2.2-3714.

Cross Ref.: KBA-R Requests for Public Record

## **RIGHTS AND RESPONSIBILITIES**

### **The Rights of Requestors and the Responsibilities of New Kent County Public Schools under the Virginia Freedom of Information Act**

The Virginia Freedom of Information Act (FOIA), located at § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials and public employees.

A public record is any writing or recording – regardless of whether it is a paper record, an electronic file, an audio or video recording or record in any other format – that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open to the public and may only be withheld if a specific statutory exemption applies.

The policy of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

#### **FOIA Rights**

- A citizen of the Commonwealth has the right to request to inspect or receive copies of public records, or both.
- A citizen of the Commonwealth has the right to request that any charges for the requested records be estimated in advance.
- If a citizen of the Commonwealth believes that their FOIA rights have been violated, the citizen may file a petition in district or circuit court to compel compliance with FOIA. Alternatively, they may contact the FOIA Council for a nonbinding advisory opinion.

#### **Making a Request for Records from New Kent County Public Schools**

- A citizen of the Commonwealth may request records by U.S. Mail, fax, e-mail, in person or over the phone. FOIA does not require that a request be in writing, nor that it specifically state that records are being requested under FOIA.
- As a practical matter, it may be helpful to both the requestor and the person receiving the request to put the request in writing. This creates a record of the request. It also gives us a clear statement of what records are requested, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to a FOIA request if it is not put in writing.
- A request must identify the records sought with “reasonable specificity.” This is a common-sense standard. It does not refer to or limit the volume or number of records requested; instead, it requires the requestor to be specific enough so that we can identify and locate the records that are requested.
- A request must ask for existing records or documents. FOIA creates a right to inspect or copy records; it does not apply to general questions about the work of New Kent County Public Schools, nor does it require New Kent County Public Schools to create a record that does not exist.

- A requestor may choose to receive electronic records in any format used by New Kent County Public Schools in the regular course of business. For example, if requested records are maintained in an Excel file, the requestor you may elect to receive those records electronically, via e-mail or on a computer disk or to receive a printed copy of those records.
- If we have questions about a request, please cooperate with staff's efforts to clarify the type of records sought, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss a request to ensure that we understand what records are being sought.

**To request records from New Kent County Public Schools, direct your request to New Kent County Public Schools' designated Freedom of Information Act Officer (FOIA Officer) who is responsible for serving as a point of contact for members of the public who wish to request public records. The New Kent County Public Schools FOIA Officer is:**

**Johanna Davis**  
**(804) 966-9649 or nkcpinfo@nkcps.k12.va.us**

**In addition, the FOIA Advisory Council is available to answer questions about FOIA. The Council may be contacted by e-mail at foiacouncil@dls.virginia.gov or by phone at (804) 225-3056 or 1-866-448-4100.**

### **New Kent County Public Schools' Responsibilities in Responding to Your Request**

New Kent County Public Schools must respond to a request within five working days of receiving it. "Day One" is considered the day after the request is received. The 5-day period does not include weekends or holidays.

The reason behind a request for public records from New Kent County Public Schools is irrelevant and a requestor does not have to state why they want the records before we respond to the request. FOIA does, however, allow New Kent County Public Schools to require a requestor to provide their name and legal address.

FOIA requires that New Kent County Public Schools make one of the following responses to a request within the 5-day time period:

1. We provide the records requested in their entirety.
2. We withhold all of the records requested, because all of the records are subject to a specific statutory exemption or exemptions. If all of the records are being withheld, we must send a response in writing. That writing must identify the volume and subject matter of the records withheld and state the specific section(s) of the Code of Virginia that allows us to withhold the records.
3. We provide some of the records requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide the remainder of the record.

We must provide the requestor a written response stating the specific section(s) of the Code of Virginia that allows portions of the requested records to be withheld.

4. We inform the requestor in writing that the requested records cannot be found or do not exist (we do not have the records requested). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response.
5. If it is practically impossible for New Kent County Public Schools to respond to the request within the 5-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us 7 additional working days to respond to the request, giving us a total of 12 working days to respond to the request.

If a request is made for a very large number of records and we feel that we cannot provide the records within 12 working days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to the request. However, FOIA requires that we make a reasonable effort to reach an agreement with the requestor concerning the production of the records before we go to court to ask for more time.

### **Costs**

New Kent County Public Schools may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying or searching for the requested records. New Kent County Public Schools will not impose any extraneous, intermediary or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the schools. Any duplicating fee charged by New Kent County Public Schools will not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the requestor as set forth in subsection Va. Code § 2.2-3704.F.

The requestor may have to pay for the records requested from the New Kent County Public Schools. FOIA allows us to charge for the actual costs of responding to FOIA requests. This includes items like staff time spent searching for the requested records, copying costs or any other costs directly related to supplying the requested records. It does not include general overhead costs.

If we estimate that it will cost more than \$200 to respond to a request, we may require the requestor to pay a deposit, not to exceed the amount of the estimate, before proceeding with the request. The five days that we have to respond to the request does not include the time between when we ask for a deposit and when the requestor responds.

A requestor may request that we estimate in advance the charges for supplying the records requested. This will allow the requestor to know about any costs upfront, or give the requestor the opportunity to modify the request in an attempt to lower the estimated costs.

If a requestor owes us money from a previous FOIA request that has remained unpaid for more than 30 days, New Kent County Public Schools may require payment of the past-due bill before it will respond to a new FOIA request.



## **Types of Records**

The following is a general description of the types of records held by New Kent County Public Schools:

- Personnel records concerning employees and officials of New Kent County Public Schools
- Scholastic records
- Business and finance records
- Operational records involving support departments such as Technology, Transportation, Facilities, Food Services, etc.
- Agendas, minutes and other records of the meetings of the School Board and committees appointed by the School Board (which are also available on the New Kent County Public Schools website at [newkentschools.org](http://newkentschools.org))
- Records of contracts to which New Kent County Public Schools is a party

## **Commonly Used Exemptions**

The Code of Virginia allows any public body to withhold certain records from public disclosure. New Kent County Public Schools commonly withholds records subject to the following exemptions:

- Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
- Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
- Vendor proprietary information (§ 2.2-3705.1 (6))
- Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
- Records related to critical incident response (§ 2.2-3705.2 (14))
- Scholastic records (§ 2.2-3705.4(1) and 20 U.S.C. § 1232g)

## **Policy Regarding the Use of Exemptions**

The general policy of New Kent County Public Schools is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of New Kent County Public Schools.

The general policy of New Kent County Public Schools is to invoke the contract negotiations exemption whenever it applies in order to protect New Kent County Public Schools bargaining position and negotiating strategy.

The general policy of New Kent County Public Schools is to invoke the scholastic records exemption in those instances where it applies in order to protect the privacy of students and comply with other state and federal laws governing the privacy of student records.

## REQUESTS FOR PUBLIC RECORDS

New Kent County School Board is committed to full compliance with the Virginia Freedom of Information Act (FOIA) and processes all requests for public records in accordance with the following procedures.

Mila Hall is New Kent County School Board's FOIA Officer. The FOIA Officer serves as a point of contact for members of the public in requesting public records and coordinates the school board's compliance with FOIA. The FOIA Officer may be reached at (804) 966-9649 or nkcpinfo@nkcp.k12.va.us.

### Access to Records

1. When practicable, the following records are available on request at the central office: *School Board Minutes*
2. Unless otherwise specified by the FOIA Officer, inspection of records takes place at the central office of New Kent School Board during its regular office hours and records are not removed from that site. Copies requested in lieu of or at the time of inspection, subject to the charges listed below. Nonexempt records maintained in an electronic database are produced in any tangible medium or format identified by the requester that is regularly used in the ordinary course of business by New Kent School Board, including posting the records on a website or delivering the records through an electronic mail address provided by the requester.
3. Requesters must provide their legal name and address and verification that the requester is a citizen of the Commonwealth, a representative of a newspaper or magazine with circulation in the Commonwealth, or a representative of a radio or television station broadcasting in or into the Commonwealth.
4. The FOIA Officer or designee is present during inspection or copying of records. A record of each inspection is made, using form KBA-F2 Records of Inspection and/or Delivery of Copies.

### Request Procedures

1. Requests for access to records shall be made with reasonable specificity.
2. Requests shall be directed to the New Kent Public Schools FOIA Officer at:  
**New Kent County Public Schools**  
**P.O. Box 110**  
**New Kent, VA 23124**  
**Phone: 966-9649      Fax: 966-8556**
3. Requesters should make their requests using Form KBA-F1 Request for Public Records. Requests received via telephone are transcribed onto Form KBA-F1 Request for Public Records by School Board staff. Written requests other than on Form KBA-F1 Request for Public Records are appended to a copy of the form by staff, who fill out as much of the form as possible.
4. School board staff provides Form KBA-F1 Request for Public Records and a copy of this regulation upon request to any person interested in obtaining access to records, and instruct the requester to direct the request to the FOIA Officer. Telephone inquiries are redirected to the FOIA Officer. Any written requests received by building personnel are immediately forwarded to the FOIA Officer with a notation indicating the date and time the request was received.

## Responding to Requests

1. Promptly, but in all cases within five working days of receiving the request, the school division provides the requested records to the requester, or makes one of the following responses in writing:
  - (a) The requested records are being entirely withheld. The response will identify with reasonable particularity the volume and subject matter of the withheld records, and, with respect to each category of withheld records, cite the specific Virginia Code(s) or other law section that authorizes the withholding of the records.
  - (b) The requested records are being provided in part and are being withheld in part. The response will identify with reasonable particularity the subject matter of the withheld portions and cite, with respect to each category of withheld records, the specific Virginia Code section(s) or other law which authorizes the withholding of the records.
  - (c) The requested records could not be found or do not exist. If the school division knows that another public body has the requested records, the response includes contact information for the other public body.
  - (d) It is not practically possible to provide the records or to determine whether they are available within the five-day period. Such response specifies the conditions which make a response impossible. If the response is made within five working days, one of the preceding responses is provided within an additional seven-day period.

No public record is withheld in its entirety on the grounds that some portion of the public record is excluded from disclosure by law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion may be withheld, and all portions of the public record that are not so excluded are disclosed.

The school division may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response within the time outlined above will prevent the school division from meeting its operational responsibilities. Before proceeding with the petition, the school division will make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

2. The five-day period begins on the first working day following the day the request is received by the school division. Any time that elapses between the time the requester is notified of an advance cost determination pursuant to the procedures detailed below and the time that the requester responds to that notice is not counted in calculating the five working days.

## Processing of Requests

1. The FOIA Officer, after receiving a request, promptly makes an initial determination as to whether the requested records will be provided to the requester, will be withheld, either completely or in part, or if it is practically impossible to provide the requested records or to determine whether they are available within five days.

2. If the FOIA Officer is unsure whether the requested documents should be provided to the requester, legal advice is promptly sought.
3. If the FOIA Officer is uncertain whether the requested records exist or where they may be located, efforts are promptly initiated to locate the records or determine whether they exist.
4. If the requested records will be made available either in whole or in part, the FOIA Officer promptly consults with school board staff to determine the cost involved to assemble the records for inspection and copying. Where portions of individual records must be redacted prior to inspection and copying, the cost of doing this is taken into account. The following costs are charged at the rates indicated, not to exceed actual cost:
  - Staff member search time, charged by the quarter hour. Depending on the staff member(s) involved in the search, rates of \$2.75 to \$6.00 per quarter hour may apply.
  - Computer search time, charged at the rate of \$2.75 to \$6.00 per quarter hour.
  - Computer printouts, charged at the rate of \$.25 cents per page.
  - Photocopies (including those necessary to perform redactions), charged at the rate of \$.25 cents per page.
  - Incidental out-of-pocket costs necessary to assemble the records (for example: phone, postage, or courier charges).
5. If the requester has asked for an advance determination of the cost, or if the cost is expected to exceed \$200, the requester shall be notified in advance of the cost associated with the request. If the cost of the request is determined to exceed \$200, the School Board may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. No further action shall be taken until the requester responds, and the requester must agree to pay the estimated amount before any further processing of the request is performed.
6. Before processing a request for records, the FOIA Officer may require the requester to pay any amounts owed to the school board for previous requests for records that remain unpaid 30 days or more after billing.
7. If school division records have been transferred to any entity, including any other public body, for storage, maintenance, or archiving, the school division remains the custodian of the records for purposes of responding to requests and is responsible for retrieving and supplying the records to the requester.
8. Any records to be disclosed are assembled for inspection and copying by school board staff, under the direction and supervision of the FOIA Officer.
9. School board staff are responsible for recording the date the request was received, verifying identification and recording and assembling additional information about the request as indicated on Form KBA-F1 Request for Public Records.

Adopted: May 1999  
Revised: June 3, 2002  
Revised: June 2, 2003  
Revised: September 3, 2003  
Revised: August 6, 2007  
Revised: July 12, 2010  
Revised: April 22, 2013  
Revised: May 8, 2015  
Revised: July 18, 2016  
Revised: August 7, 2018  
Revised: April 15, 2019

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Legal Ref.: Code of Virginia, 1950, as amended, sections 2.2-3704, 2.2-3704.01, 2.2-3704.2.

Cross Ref.: KBA            Requests for Public Records

**REQUEST FOR PUBLIC RECORDS**

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

E-mail address \_\_\_\_\_

Phone \_\_\_\_\_

I am a (check one):

Citizen of the Commonwealth of Virginia

Member of the Press referenced in Va. Code §2.2-3704

News Organization \_\_\_\_\_

Requesters may be asked to provide verification that they are citizens of the Commonwealth or a member of the press referenced in Va. Code §2.2-3704.

**STAFF USE ONLY**

Date Request Received: \_\_\_\_\_

Request was made (check one)

by requester on this form

by telephone

in writing other than on form  
(attach original request)

Date Response Sent: \_\_\_\_\_

(attach copy)

Identification Verified

Type: \_\_\_\_\_

Number: \_\_\_\_\_

Itemized Cost Estimate Attached

I am requesting access to the following records (please be as specific as possible, and attach additional paper if necessary):

Reasonable costs may be assessed in connection with this request. A current schedule of costs appears in Regulation KBA-R Requests for Public Records. If the costs associated with this request are expected to exceed \$200, the requestor will be asked to pay the estimated costs before the request is processed.

In addition, the requestor may ask for an advance determination of the cost of the request. Please indicate here if you would like an advance determination of cost. Yes \_\_\_ No \_\_\_

If you are requesting copies, please specify the format in which you would like to receive them. New Kent County school division will provide the record(s) in the requested format if that medium is used by it in the regular course of its business.

Specify format desired (if available):

Photocopies

E-mail (give address): \_\_\_\_\_

Website posting

Other (please specify): \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**RETURN COMPLETED FORM TO:**  
NEW KENT COUNTY PUBLIC SCHOOLS  
P.O. BOX 110  
NEW KENT, VA 23124

**RECORD OF INSPECTION and/or  
DELIVERY OF COPIES**

**Inspection of Public Records**

Date \_\_\_\_\_ Time In \_\_\_\_\_ Time Out \_\_\_\_\_

Person Inspecting Records  
Name \_\_\_\_\_ Signature \_\_\_\_\_

Staff Person in Attendance  
Name \_\_\_\_\_ Signature \_\_\_\_\_

Records Reviewed (describe)

**Copies of Public Records**

<u>Record</u>	<u>No. Pages</u>	<u>Delivery Method</u> <u>(mail, e-mail,</u> <u>etc.)</u>	<u>Date of Delivery</u>	<u>Cost (if any)</u>	<u>Date and</u> <u>Method of</u> <u>Payment</u>
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Staff Person Providing Copies \_\_\_\_\_  
Name \_\_\_\_\_ Signature \_\_\_\_\_

## MEDIA RELATIONS

Media releases by the schools are encouraged as a means of informing the public of programs, activities, and accomplishments. Staff members are encouraged to participate in activities that inform the public about school programs and activities.

News and information concerning personnel and students is released only with the approval of the principal and in accordance with state and federal laws regarding confidentiality.

Adopted: July 1, 1998  
Revised: August 2, 2004  
Revised: August 6, 2007  
Revised: November 3, 2008  
Revised: April 2, 2012  
Revised: April 12, 2021

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-287, 22.1-287.1.

Cross Refs.: JO Student Records  
KA Goals for School-Community Relations  
KB Public Information Program



## INTERNET PRIVACY

The New Kent County School Board is committed to complying with the Government Data Collection and Dissemination Practices Act and the Virginia Freedom of Information Act. The New Kent County School Board does not collect unnecessary personal information by means of its website, and collects only appropriate personal information to the extent necessary to serve its constituents and the community.

The New Kent County School Board collects the following information through its website: None

The following information is collected automatically by accessing the website: None

Our website does not place any “cookies” on your computer.

Information collected through the division’s website is used as follows: N/A

The superintendent is responsible for creating and updating, as necessary, an internet privacy policy statement. The statement is available on the division’s website in a conspicuous manner.

Adopted: January 8, 2001  
Revised: June 3, 2002  
Revised: July 2, 2012  
Revised: May 19, 2014  
Revised: August 5, 2019

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Legal Refs.: Code of Virginia, 1950, as amended, section 2.2-3803(B).

## COMMUNITY INVOLVEMENT IN DECISION MAKING

The New Kent School Board calls meetings of the people of the school division for consultation in regard to school interests thereof when it deems such meetings to be necessary.

The board may appoint a committee of not less than three nor more than seven members for each public school in the school division. The committee's duty will be to advise the members of the school board with reference to matters pertaining to the school and to cooperate with the school board in the care of the school property and in the successful operation of the school. Such committees serve without compensation.

Adopted: July 1, 1998  
Revised: May 21, 2012  
Revised: April 12, 2021

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-86, 22.1-253.13:7.

Cross Ref.: AF Comprehensive Plan  
BCF Advisory Committees to the School Board  
BDDH/KD Public Participation at Board Meetings  
CA Administration Goals

## PUBLIC PARTICIPATION AT SCHOOL BOARD MEETINGS

Members of the community are invited and encouraged to attend meetings of the New Kent County School Board to observe its deliberations. Any member of the community may address the board on matters related to the New Kent County Public Schools at any regular meeting as follows:

Those wishing to address the board are requested to contact the superintendent, the school board chair, or their designee for placement on the agenda prior to the meeting or should sign up on the list provided at the meeting and, when called to speak, limit their comments to three minutes. It is customary for the school board to not make comment during "Citizen Comment" periods. The superintendent will provide response to comments and questions during the next regular monthly meeting. Individual problems and concerns are best handled through administrative channels, with the board acting as the source of appeal beyond the level of the superintendent.

The chair is responsible for the orderly conduct of the meeting and rules on such matters as the appropriateness of the subject being presented and length of time for such presentation. Upon recognition by the chair, the speaker shall address the chair and if, at the conclusion of the speaker's remarks, any member of the school board desires further information, the member addresses the speaker only with the permission of the chair. No one is allowed to make additional presentations until everyone who wishes to speak has an opportunity to make an initial presentation.

Adopted: July 1, 1998  
Revised: August 2, 2004  
Revised: November 3, 2008  
Revised: July 2, 2012  
Revised: May 19, 2014  
Revised: July 18, 2016  
Revised: April 12, 2021

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

Cross Ref.: BDDE Rules of Order

## DISTRIBUTION OF INFORMATION/MATERIALS

The New Kent County School Board seeks to minimize intrusions on the time of students and employees by communications from sources other than the school division. Approval must be obtained from the superintendent, or superintendent's designee, before any materials may be distributed or made available at the request of non-school organizations. Approval will be granted only for materials from governmental organizations and nonprofit community organizations regarding activities related to the educational mission of the New Kent County School Division.

Approval will not be given for materials which

- are likely to cause substantial disruption of, or a material interference with, school activities;
- endorse or encourage the use of alcohol, tobacco products, nicotine vapor products, or any illegal substance or action;
- endorse or encourage any violation of the standards of Student Conduct (see Policy JFC-R)/ or
- are obscene, pornographic, or defamatory.

Materials from nonprofit community organizations approved for distribution must clearly indicate their source and must include the following statement: "These materials and the activity described herein, are not sponsored or endorsed by the New Kent County School Board."

The superintendent, by regulation, will establish the time, place, and manner of distribution of approved materials. No distribution will be permitted during class time.

### Political Communications

Students are required to convey or deliver any material that advocates (1) the election or defeat of any candidate; (2) the passage or defeat of any referendum question or (3) the passage or defeat of any matter pending before a local school board, local governing body, the General Assembly or Congress.

This Policy shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects.

Adopted: March 5, 2007

Reviewed: April 22, 2013 – no changes

Revised: July 1, 2015

Revised: August 5, 2019

Legal Refs.: U.S. Constitution amend. I.

Child Evangelism Fellowship of Maryland, Inc vs Montgomery County Public Schools, 457 F.3d376(4<sup>th</sup> Cir. 2006)

Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79.3, 22.1-79.5, 22.1-131, 22.1-279.6 and 22.1-293.

Act 2016, c. 647.

Cross Refs.:	JFC-R	Standards of Student Conduct
	JOB	Administration of Surveys and Questionnaires
	KG	Community Use of School Facilities
	KQ	Commercial, Promotional, and Corporate Sponsorships and Partnerships

DISTRIBUTION OF INFORMATION/MATERIALS  
GENERAL LITERATURE POSTING, DISTRIBUTION OR  
AVAILABILITY TO STUDENTS

The school system permits the posting and/or distribution to students of approved information that will contribute significantly to the instructional program or promote educational or recreational activities for students. Only information sponsored by non-commercial and nonprofit groups and information about programs sponsored by New Kent Public Schools will be considered for approval. Organizations must be prepared to document their not-for-profit status and must notify the school should that status change. Approval will not be granted for literature that is sponsored by private interests, for-profit organizations, religious groups for the purpose of proselytizing, or commercial organizations; or that promotes or opposes political candidates, promotes gambling, or is obscene, libelous or prejudicial in nature. The fact that information may be approved for posting or distribution to students does not mean or imply sponsorship of, support of, or endorsement of the activity or organization by the school system.

Building principals shall have the authority to approve materials prepared by an individual school, a school official or the school division for distribution to students. Sponsorship must be clearly identified, and a telephone number or web address must be provided. All other materials shall be referred to the superintendent's office for approval and, once approved, may be posted and/or distributed.

I. General Literature

- A. Only advertising and promotional materials that contribute to instruction or general community betterment may be posted, made available in the schools, or distributed to students.
  
- B. Materials being considered for distribution may not:
  - 1. make reference to alcohol, drugs, or weapons;
  - 2. attack ethnic, religious or racial groups;
  - 3. promote hostility, disorder, or violence;
  - 4. proselytize (convert from one religion, belief, or party to another) a particular religious or political belief;
  - 5. exclusively advertise a product or service for sale or rent (use of a logo is permissible);
  - 6. be libelous, invade the rights of others, or inhibit the functioning of the school, or advocate interference with the rights of any individual or with the normal operation of the school;
  - 7. favor or oppose any political candidate, any bond issue, or any other question to be decided at an election;
  - 8. promote gambling; and
  - 9. be obscene, vulgar or pornographic.

- C. Materials being considered for distribution should be received in the superintendent's office at least two weeks prior to the intended distribution date to schools.
- D. Materials being considered for distribution approval must include the following information:
  - 1. Complete name of organization or event
  - 2. Date, time, place of the event, and areas and schools involved
  - 3. Contact person, mailing address, and telephone number or website address
- E. Once the materials have been reviewed, the superintendent's office will notify the organization of the approval or denial.

## II. Literature for Nonschool-Sponsored Contests and Competitions

- A. Contests and competitions must be directly related to curricula taught in the designated subject area according to the program of studies in order for materials to be distributed to students.
- B. Requests for distribution of literature sponsoring contests or competitions should be forwarded to the superintendent's office at least two weeks prior to the event.
- C. Any fliers related to contests or competitions must meet the guidelines as outlined in section I above.

## III. Literature from Nonprofit Community Organizations

Nonprofit community organization materials being considered for distribution must clearly indicate their source and must include the following statement: "These materials, and the activity described herein, are not sponsored or endorsed by the New Kent County School Board."

Reviewed: November 19, 2012

## COMMUNITY USE OF SCHOOL FACILITIES

The school board may permit use of school property under its control when such use will not impair the efficiency of the school. The superintendent shall develop guidelines and applications for use of school property. Requests for the use of any school facilities shall be made to the superintendent or his/her designee.

If the school board permits the use of its facilities by members of the community or the distribution of literature on school property or at school functions, it will permit such use or such distribution by the Boy Scouts of America and the Girl Scouts of the USA to the same extent and in the same manner as all other persons or groups.

Adopted: July 1, 1998  
Revised: November 5, 2001  
Revised: September 3, 2003  
Revised: April 22, 2013  
Revised: April 28, 2017  
Revised: August 5, 2019

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Legal Refs.: Code of Virginia, 1950, as amended, sections 22.1-79.3, 22.1-130.1, 22.1- 131, 22.1-132.

20 U.S.C. 4071 et. seq.

Acts 2016, c. 647.

Cross Refs.: GBEC/JFCH/KGC                      Tobacco Products and Nicotine Vapor Products  
                  IGDA                                      Student Organizations  
                  KF    Distribution of Information/Materials



## SALES AND SOLICITATIONS IN SCHOOLS

No one may sell or offer for sale, within the schools, on school grounds, or at school-sponsored activities, any product or service except when the sale will benefit the educational program of the schools.

Solicitations for contributions to charitable organizations, dues for employee organizations, contributions for the benefit of professional organizations, or for school organizations may only be made outside school hours. Individual discussions between school division employees during school hours are not prohibited.

Adopted: July 1, 1998  
Revised: June 2, 2008  
Revised: July 2, 2012  
Revised: April 15, 2019

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

Cross Refs.: DJG Vendor Relations  
GAH School Employee Conflict of Interests  
GCQAB Tutoring for Pay  
JHCH School Meals and Snacks  
JL Fund Raising and Solicitation  
KG Community Use of School Facilities  
KJ Advertising in the Schools  
KK Visitors to the Schools

PUBLIC CONDUCT ON SCHOOL PROPERTY

All visitors must register at the school office on arrival.

No one may possess or consume any alcoholic beverage in or on the grounds of any public school during school hours or school or student activities. In addition, no one may consume, and no organization shall serve, any alcoholic beverage in or on the grounds of any public school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

In accordance with Policy KGC Tobacco Products and Nicotine Vapor Products, use of tobacco products and nicotine vapor products is not permitted in schools, at school-sponsored events, or in school vehicles.

Any person found to be engaged in or advocating illegal activity while on school property, including school buses, is reported by the principal to the local law enforcement authorities.

Any person who willfully and maliciously damages, destroys or defaces any school district building, or damages or removes any school property from a school building, is required to compensate the school division and may be prosecuted.

Any person who willfully interrupts or disturbs the operation of any school or, being intoxicated, disturbs the same, whether willfully or not, may be ejected and/or prosecuted.

- Adopted: July 1, 1998
- Revised: November 5, 2001
- Revised: November 3, 2008
- Revised: April 22, 2013
- Revised: May 19, 2014
- Revised: July 1, 2015
- Revised: August 5, 2019
- Revised: April 12, 2021

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Legal Ref.: 20 U.S.C., §§ 6083, 7973.

Code of Virginia, 1950, as amended, §§ 4.1-309, 18.2-415, 18.2-128, 18.2-138, 22.1-78, 22.1-79.5.

Cross Refs.:	ECAB	Vandalism
	GBEC/JFCH/KGC	Tobacco Products and Nicotine Vapor Products
	KK	School Visitors
	KN	Sex Offender and Crimes Against Minors Registry Information

## TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS

### Generally

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

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

The superintendent is responsible for developing a regulation which contains

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

### Definitions

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

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

Adopted: July 1, 1998  
Revised: June 5, 2001  
Revised: September 4, 2002  
Revised: June 2, 2003  
Revised: June 2, 2008  
Revised: August 3, 2009  
Revised: November 19, 2012  
Revised: July 1, 2015  
Revised: August 19, 2019

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Legal Ref.: 20 U.S.C. §§ 6083, 7183.

Code of Virginia, 1950, as amended, §§ 18.2-371.2, 22.1-79.5, 22.1-279.6.

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

## PUBLIC GIFTS TO THE SCHOOLS

The school board acts on offers of gifts to schools or to the school division. The school board may impose reasonable conditions on donations.

When any real or personal property is given to and accepted by the board, vests in the board unless inconsistent with the terms of the gift, devise or bequest, and is managed by the board, according to the wishes of the donor or testator. The board, in addition to the regular settlement it is required to make of all school funds, settles annually before the commissioner of accounts so far as the management of the property bequeathed or devised is concerned.

In the case of any change in the boundaries of the division, the board shall make provision for continuing the fulfillment of the purposes of the donor as far as practicable and settlement shall be made as provided for above.

Adopted: July 1, 1998  
Revised: September 4, 2002  
Revised: May 6, 2013  
Revised: January 7, 2015  
Revised: August 5, 2019

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Legal Refs.: Code of Virginia, 1950, as amended, sections 22.1-126.

Cross Ref.: FFA Naming School Facilities  
KJ Advertising in the Schools  
KQ Commercial, Promotional, and Corporate Sponsorships and Partnerships

PUBLIC SOLICITATIONS IN THE SCHOOLS

Per VSBA recommendation and NKSB 11/19/12 action, this policy has been removed.

## ADVERTISING IN THE SCHOOLS

Individual schools may not endorse or imply endorsement of any product. All requests for endorsement must be directed to the superintendent or superintendent's designee.

School organizations must secure approval from the principal before soliciting advertisements for school publications. If there is need for policy clarification, the principal consults with the superintendent.

Commercial establishments whose primary source of revenue is the sale of intoxicants may not advertise in school publications.

Adopted: July 1, 1998  
Revised: September 4, 2002  
Revised: June 2, 2008  
Reviewed: April 22, 2013 – no changes  
Revised: May 19, 2014  
Revised: August 5, 2019

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

Cross Ref.: DJG Vendor Relations  
JP Student Publications  
KF Distribution of Information/Materials  
KGA Sales and Solicitations in Schools  
KQ Commercial, Promotional, and Corporate Sponsorships and Partnerships

## SCHOOL VISITORS

### Generally

Visitors are welcome in the schools as long as their presence is not disruptive. Upon arriving at a school, all visitors must report to the administrative office. Potential visitors, including parents, who are registered sex offenders, should consult Policy KN Sex Offender and Crimes Against Minors Registry Information before arriving at school property or school-sponsored activities. The school division expects mutual respect, civility, and orderly conduct from all individuals on school property and at school events. All visitors are expected to adhere to School Board Policy KGB – Public Conduct on School Property and shall not engage in unlawful, disrupting, threatening, or harassing behavior. Unauthorized persons, including suspended and expelled students, will be requested to leave school grounds by the building administrator. Unauthorized persons who fail to leave the school grounds or school activity as requested will be considered trespassers. The school board authorizes the superintendent to take all necessary actions regarding the safety, order and preservation of the educational environment on school board property or at school division sponsored activities. Law enforcement may be called to enforce this policy. In addition to arrest, failure to vacate school grounds after being directed to do so orally or in writing by any school administrator may lead to further restriction or prohibition from school grounds as authorized by law.

Anyone, including students, who enters a school at nighttime without the consent of an authorized person except to attend an approved meeting or service or who enters or remains on any school property, including school buses, in violation of (i) any direction to vacate the property by an authorized individual or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen may be prosecuted.

### Parents

Parents are encouraged to visit the schools on scheduled days for conferences with teachers, assemblies, PTO and PTSO meetings, volunteer service, and other school programs. Non-custodial parents are not denied, solely on the basis of their non-custodial status, the opportunity to participate in any of the student's school activities in which such participation is supported or encouraged by the policies of the school board.

### Board Members

Periodically, board members may visit schools within the division. The purpose of these visits is to assist in fulfilling their responsibilities and increase understanding of actual educational practices. School board members follow the same procedures applicable to all other visitors when visiting a school.



## Participation in Meetings

All parties who attend meetings on school board property are expected to exhibit mutual respect, civility, orderly conduct, and adhere to School Board Policy KGB – Public Conduct on School Property. Parent/legal guardians, students, and representatives should communicate in an open, timely, and polite manner with school personnel. Parties to a school-related meeting or other communications are expected to display respectful, cooperative, and non-threatening behaviors. If communications between parties becomes non-productive, disparaging, or threatening, the party causing the disruption will be asked to leave the meeting and/or building or will be terminated from the communication. The remaining parties may continue with the meeting or communication if an adequate record of the meeting or communication is made. Any party who has unreasonably disrupted a meeting or other form of communication may be prohibited from participation in future meetings, telephone conferences, or other communications, or may be asked to participate by telephone or other means. Any visitor restricted or prohibited from school grounds by a school administrator may request that the school administrator remove the restriction or prohibition six months from the date the restriction or prohibition was imposed.

Notice of any prohibition under this section beyond a single day will be provided to the prohibited person in writing and shall include (i) the scope and length of the prohibition; and (ii) a description of the conduct that led to the prohibition; and (iii) notice that the prohibited person may request that visitation privileges be restored six months after the date the prohibition was imposed.

Adopted: July 1, 1998  
Revised: November 3, 2008  
Revised: October 4, 2010  
Revised: April 22, 2013  
Revised: May 8, 2015  
Revised: August 7, 2017  
Revised: August 7, 2018  
Revised: April 12, 2021

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 18.2-128; 18.2-415, 22.1-4.3, 22,1-79.

Cross Refs.: DJG Vendor Relations  
ECA Inventory and Reporting of Loss or Damage  
GAB/IIBEA Acceptable Computer System Use  
IGBC Parental Involvement  
KGB Public Conduct on School Property  
KN Sex Offender and Crimes Against Minors Registry Information  
KP Parental Rights and Responsibilities

## SERVICE ANIMALS IN PUBLIC SCHOOLS

### A. Service Animals

An individual with a disability is permitted to be accompanied by the individual's service animal on school property when required by law, subject to the conditions of this policy.

A "service animal" means a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. (See, however, Section D regarding miniature horses.) The work or tasks performed by a service animal must be directly related to the individual's disability.

School officials can ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person's disability and may not require documentary proof of certification or licensing as a service animal.

### B. Requirements that Must be Satisfied before a Service Animal will be Allowed on School Property

Vaccination: The service animal must be immunized against diseases common to that type of animal.

Health: The service animal must be in good health.

Control: A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack or vest identifying the dog as a trained service dog, a leash (blaze orange in color) for hearing dogs, a harness for guide dogs, or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

### C. Service Dogs in Training

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

Use of Harnesses, Vests, etc. A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.

A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.

The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.

All requirements of this policy which apply to service animals, such as health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training.

#### D. Miniature Horses

The school division will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school division considers the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, also apply to miniature horses.

#### E. Extra Charges

The owner or handler of a service animal is not required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

#### F. Supervision and Care of Service Animals

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up.

#### G. Damages to School Property and Injuries

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

H. Damages to School Property and Injuries

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

I. Removal of Service Animals from School Property

A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

1. The animal is out of control and the animal’s handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others; or
4. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

J. Denial of Access and Grievance

If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school division’s Section 504 Coordinator.

Adopted:	March 1, 2010	Revised:	January 7, 2015
Revised:	May 2, 2011	Revised:	September 7, 2018
Revised:	October 3, 2011	Revised:	July 13, 2020
Revised:	April 22, 2013	Revised:	April 12, 2021

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Legal Refs.: 28 C.F.R. Part 35.104, 35-136.

Code of Virginia, 1950, as amended, § 51.5-44.

Cross Refs.:	DJG	Vendor Relations
	GB	Equal Employment Opportunity/Nondiscrimination
	JB	Equal Educational Opportunities/Nondiscrimination
	JBA	Section 504 Hearing Procedures
	JFHA/GBA	Prohibition Against Harassment and Retaliation
	KK	School Visitors
	KGB	Public Conduct on School Property
	KN	Sex Offender and Crimes Against Minors Registry Information

## PUBLIC COMPLAINTS

Complaints involving a particular school are handled within the school through the established channel of responsibility. If the complaint cannot be resolved at the level of the principal, it is referred to the superintendent or superintendent's designee. If the central office staff and complainant cannot reach a satisfactory solution, the matter may, at the school board's discretion, be heard at a regular board meeting. The superintendent shall promulgate a written procedure for receiving and processing such complaints.

Any parent, custodian, or legal guardian of a pupil attending the New Kent County Public Schools who is aggrieved by an action of the school board may, within thirty days after such action, petition the local circuit court to review the action of the school board. The court will sustain the action of the school board unless the school board exceeds its authority, acted arbitrarily or capriciously or abused its discretion.

Adopted: July 1, 1998  
Revised: August 7, 2006  
Reviewed: July 2, 2012  
Revised: May 19, 2014

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Legal Refs.: Code of Virginia, 1950, as amended, sections 22.1- 87, 22.1-253.13:7.

Cross Refs.: GB Equal Employment Opportunity/Nondiscrimination  
GBA/JFHA Prohibition Against Harassment and Retaliation  
GBLA Third Party Complaints Against Employees  
JB Equal Educational Opportunities/Nondiscrimination

## PROCEDURE FOR RECEIVING PUBLIC COMPLAINTS

All complaints regarding the school system or individuals employed by the school board are to be directed to the principal of the school involved, to the appropriate next level supervisor based on the current chain of command. School principals or next level supervisors should forward any unresolved complaints to the superintendent. The individual making such complaints shall expect a courteous and prompt reply after an investigation. The board shall be informed of such complaints when, in the opinion of the superintendent, they are of such magnitude as to cause undue criticism of the schools.

Adopted: July 2, 2012

## PUBLIC COMPLAINTS ABOUT LEARNING RESOURCES

Despite the care taken in selecting suitable learning resources, and despite the qualifications and expertise of persons involved in that selection process, it is recognized that occasional objections to materials will be made by the public. It is, therefore, the policy of the school board to provide channels of communication and a fair procedure for members of the community to follow in expressing and resolving concerns about learning resources, including instructional materials, used in teaching the curriculum.

Complaints about learning resources should be presented in writing using KLB-E, "Request for Reconsideration of Learning Resources" form, which may be obtained from the principal or the central office. The standards and procedure for review shall be consistently applied in recognition of the respective rights and responsibilities of all concerned. Materials shall be considered for their educational suitability and shall not be proscribed or removed because of partisan or doctrinal disapproval. Challenges which are not resolved at the building level may be submitted to the superintendent or superintendent's designee. The decision of the superintendent may be appealed to the school board or reviewed at the school board's request. The decision of the school board will be final.

Adopted: February 1, 1999  
Revised: May 1, 2006  
Revised: November 3, 2008  
Revised: April 22, 2013  
Revised: May 19, 2014  
Revised: November 2, 2015

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Legal Refs: Code of Virginia, 1950, as amended, § 22.1-253:13:7.C.2;  
8 VAC 20-720-160.

Cross Refs.: IIA Instructional Materials  
IGAH Family Life Education  
INB Teaching About Controversial Issues  
KL Public Complaints  
KQ Partnerships

**NEW KENT COUNTY SCHOOL DIVISION  
REQUEST FOR RECONSIDERATION OF LEARNING RESOURCES**

Request By	_____
Representing	_____
	Organization or Group (please identify)
Address	_____
Telephone	_____
How do you prefer to be contacted?	_____
Title or Description of Item	_____
Author or Editor	_____
Type of Material (book / film / record / speaker / software / other (specify))	_____

1. Did you examine, review, or listen to this learning resource or presentation in its entirety?

- YES                       NO

2. Have you discussed this material with school staff who ordered it or who use it?

- YES                       NO

If yes, please identify the staff person(s) with whom you had the discussion:

Print name of staff person(s) \_\_\_\_\_

3. Are you aware of evaluations of this material by professional critics?

- YES                       NO

If no, would you be interested in receiving this information?

- YES                       NO

4. Describe what prompted your concern about the material. Please cite page numbers and/or specific information from the material to support your concerns (attach additional material, if necessary).



5. Does the general purpose for the use of the material, as described by the school staff or in the New Kent school division's program objectives, seem a suitable one for you?  
 YES                       NO

If not, please explain (attach additional material, if necessary)

6. What action[s] would you like to see the school take regarding this material?

Do not assign it to my child               The school should reevaluate the material

Other—Explain: \_\_\_\_\_  
\_\_\_\_\_

7. Are there other materials of the same subject and format that you would suggest for consideration in place of this material?       YES       NO

If yes, please identify your suggestions.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

**RETURN COMPLETED FORM TO SCHOOL PRINCIPAL**

RELATIONS WITH COMMUNITY ORGANIZATIONS

This policy deleted by May 19, 2014 New Kent School Board action and 2/14 VSBA recommendation.

## RELATIONS WITH PARENT ORGANIZATIONS

The New Kent School Board encourages the establishment of parent-teacher organizations that seek to advance programs that improve educational opportunities for all students consistent with state and federal law. The school board requests that parent-teacher organizations maintain a close relationship with the board, administration, and staff, and that they consider school board and school policies when planning activities.

Adopted: July 1, 1998  
Revised: November 3, 2008  
Reviewed: April 22, 2013 – no changes  
Revised: May 19, 2014  
Revised: July 7, 2014

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-253.13:7.C.4.

Cross Ref.: IGBC Parental Involvement  
KF Distribution of Information/Materials

## SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY INFORMATION

### Generally

Each school in the division registers with the Department of State Police to receive electronic notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry (the Registry) within the division.

The superintendent establishes procedures regarding the use and distribution of information received from the Registry. Information received from the Registry may not be used to intimidate or harass.

### Visitors to Schools

When the school division learns that a parent, other than a parent who has been convicted of a Tier III offense as defined in Va. Code § 9.1-902, of an enrolled student is required to register with the Registry, the parent is notified in writing that he or she is barred from being present at school or at school functions without the express written approval of the student's principal. Such approval must be obtained in advance of the proposed visit and will state the conditions under which the parent may be present. When such a parent is permitted at school or at school functions, the parent is monitored to ensure that he or she does not come into contact with any children other than the parent's own children.

When the school division learns that any person other than the parent of an enrolled student, who is required to register with the Registry, but who has not been convicted of a Tier III offense, as defined in Va. Code § 9.1-902, seeks to be present at school or at school functions, the person is notified in writing that he or she is barred from being present at school or school functions without the express written approval of the principal of the school the person seeks to visit or which sponsors the event the person seeks to attend. Such approval must be obtained in advance of the proposed visit and, if obtained, will state the conditions under which the person may be present. One of the conditions will be that the person will be monitored to ensure the safety of students, staff, and others.

Principals consider requests to be present at school or at school sponsored activities from all persons who are required to register with the Registry but have not been convicted of a Tier III offense as defined in Va. Code § 9.1-902 in accordance with procedures established by the superintendent.

No adult who has been convicted of a Tier III offense, as defined in Va. Code § 9.1-902, may enter or be present during school hours, and during school-related or school-sponsored activities on any property the person knows or has reason to know is a school or child day center property, school bus, or on any property, public or private, when such property is solely being used by an elementary or secondary school for a school-related or school-sponsored activity unless

- the person is a lawfully registered and qualified voter and is coming upon such property solely to vote;
- the person is a student enrolled at the school; or
- the person has obtained a court order pursuant to Va. Code 18.2-370.5.C allowing the person to enter and be present upon such property, has obtained the permission of the School Board or its designee for entry within all or part of the scope of the lifted ban, and is in compliance with the School Board's terms and conditions and those of the court order.

Adopted:	July 1, 1998	Revised:	January 6, 2010
Revised:	May 3, 2004	Revised:	October 4, 2010
Revised:	August 7, 2006	Revised:	October 3, 2011
Revised:	August 6, 2007	Revised:	June 17, 2013
Revised:	November 3, 2008	Revised:	April 12, 2021

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Legal Ref: Code of Virginia, 1950, as amended, §§ 22.1-79, 22.1-79.3, 9.1-902, 9.1-914, 9.1-918, and 18.2-370.5.

Commonwealth v Doe, 278 Va. 223 (2009)

Cross Ref: BBA School Board Powers and Duties  
DJF Purchasing Procedures  
KK School Visitors  
KNAJ Relations with Law Enforcement Authorities

## RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

### Investigations by Law Enforcement Officers at School

When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the principal is contacted immediately. The principal or principal's designee makes a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the interrogation. If the parent or guardian cannot be present for the interrogation, then the principal or principal's designee is present throughout the interrogation.

### Service of Process at School

Should there be a need to serve a student or school employee with any "legal process", the school board encourages the process server to make all reasonable attempts to serve such documents off school premises; however, if the documents must be served on school premises, they should be served at the principal's office of the school which the student attends or the main office of the facility at which the employee is assigned.

In any case in which custody or visitation of a minor child is at issue and a summons is issued for the attendance and testimony of a teacher or other school employee who is not a party to the proceeding, if such summons is served on school property, it may be served only by a sheriff or his deputy.

### Development of Programs

The superintendent seeks to develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs and procedures to prevent violence and crime on school property and at school-sponsored events. The superintendent obtains and uses Sex Offender Registry information in accordance with Policy KN Sex Offender and Crimes Against Minors Registry Information.

### Report to Law Enforcement Officials

Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal immediately reports to local law-enforcement officials all incidents listed below that may constitute a felony offense:

1. assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting or wounding of any person, abduction of any person as described in Va. Code §§ 18.2-47 or 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; or
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; including the theft of or attempted theft of student prescription medications; or
3. any threats against school personnel while on a school bus, on school property, or at school-sponsored activity; or

4. the illegal carrying of a firearm, as defined by Va. Code § 22.1-277.07, onto school property;
5. 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; or
6. 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.

The principal may report to local law enforcement officials any incident involving 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.

If the local law-enforcement agency employs school resource officers, the school board and the agency have a memorandum of understanding that sets forth the powers and duties of the school resource officers. The memorandum of understanding addresses the use of seclusion and restraint by law enforcement personnel in school settings. The school board and the law-enforcement agency review and amend or affirm the memorandum of understanding at least once every two years or at any time upon the request of either party. The School Board provides notice and an opportunity for public input during each review period for the memorandum of understanding. The current memorandum of understanding is conspicuously published on the division website.

Adopted:	July 1, 1998	Revised:	May 8, 2015
Revised:	November 5, 2001	Revised:	August 7, 2018
Revised:	September 4, 2002	Revised:	August 5, 2019
Revised:	May 3, 2004	Revised:	August 31, 2020
Revised:	August 2, 2004	Revised:	October 5, 2020
Revised:	August 1, 2005	Revised:	April 12, 2021
Revised:	October 3, 2011		
Reviewed:	April 22, 2013 – no changes		

Legal Refs.: Code of Virginia, 1950, as amended, §§ 8.01-47, 8.01-293, 9.1-101, 16.1-264, 22.1-279.3:1, 22.1-279.9, 22.1-280.2:1, 22.1-293.

8 VAC 20-750-70.

Cross Ref.:	JFC	Student Conduct;
	JGD/JGE	Student Suspension/Expulsion
	CLA	Reporting Acts of Violence and Substance Abuse
	KN	Sex Offender and Crimes Against Minors Registry Information

## REPORTS OF MISSING CHILDREN

The New Kent County School Division shall receive reports of the disappearance of any child living within the school division from local law enforcement pursuant to Va. Code § 52-31.1.

Upon notification by a local law-enforcement agency of a child's disappearance, the principal of the school in which the child was enrolled at the time of the disappearance shall indicate, by mark, in the child's cumulative record that the child has been reported as missing. Upon notification by law enforcement that the child is located, the principal shall remove the mark from the record.

Upon receiving a request from any school or person for copies of the cumulative records and birth certificate of any child who has been reported by a local law-enforcement agency to be missing, the school being requested to transfer the records shall immediately notify the law-enforcement agency that provided the report to the school of the child's disappearance of the location of the school or person requesting the cumulative records and birth certificate of the child, without alerting the requestor of such report.

For the purposes of this policy, a "mark" means an electronic or other indicator that (i) is readily apparent on the student's record and (ii) will immediately alert any school personnel that the record is that of a missing child.

Adopted: May 7, 2007  
Reviewed: April 22, 2013 – no changes

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Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-288.1; 52-31.1.



## PARENTAL RIGHTS AND RESPONSIBILITIES

- A. All staff members respect the parental rights of both parents. Unless there is a law, legally binding document, or court order to the contrary, both parents have the right to:
- inspect and review the child’s school records, in accordance with Policy JO Student Records;
  - visit the school in accordance with Policies KK School Visitors and KN Sex Offender and Crimes Against Minors Registry Information
  - receive all notifications required by law
- B. Parent Responsibilities
- The custodial parent has the responsibility to:
- keep the school office informed of the parent’s address and how the parent may be contacted at all times;
  - provide the current address and phone number of the noncustodial parent at registration unless such address is unknown and the custodial parent signs a statement to that effect, or unless a court order restricts the educational or contact rights of the noncustodial parent; and
  - provide a copy of any legal document which restricts the educational and/or contact rights of the noncustodial parent.

The noncustodial parent has the responsibility to keep the school informed of changes in the parent’s phone number and address. At the request of a noncustodial parent, such parent will be included as an emergency contact for the student’s activities unless a court order has been issued to the contrary.

Adopted: July 1, 1998  
Revised: November 5, 2001  
Revised: August 1, 2005  
Revised: April 2, 2012  
Reviewed: April 22, 2013 – no changes  
Revised: April 12, 2021

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Legal Refs: 20 U.S.C. §1232g.

34 C.F.R. § 99.4.

Code of Virginia, 1950, as amended, §§ 22.1-4.3, 22.1-78, 22.1-287.

Cross Refs: JO Student Records  
KK School Visitors  
KN Sex Offender and Crimes Against Minors Registry Information

## COMMERCIAL, PROMOTIONAL, AND CORPORATE SPONSORSHIPS AND PARTNERSHIPS

### **Generally**

The New Kent County School Board recognizes that corporate and other private sponsorship of programs and activities related to education can provide valuable enhancement of the educational program offered by the board. For that reason, the New Kent County School Board may enter into commercial, promotional, and corporate sponsorship and partnership arrangements under certain conditions.

### **Definitions**

An “educational partnership” is a mutually beneficial, co-operative relationship in which partners share values, objectives, and/or human or financial resources to enhance learning for students.

An “educational sponsorship” is an arrangement pursuant to which the sponsor provides money, price reductions, equipment, materials, services, or other benefits in exchange for recognition of its products or entity for a specified period of time.

### **Authority to Enter into Agreements**

On behalf of the school board, principals may enter into sponsorships and partnerships for their schools when the sponsorship or partnership does not extend beyond a single school year or exceed \$5,000 in value to the school.

On behalf of the school board, the superintendent may enter into sponsorships and partnerships which will benefit more than one school or the division as a whole. The superintendent may also enter into sponsorships and partnerships when the sponsorship or partnership extends beyond a single school year or exceeds \$5,000 in value.

The school board may create a Sponsorship Review Committee to approve any sponsorship or partnership which the board determines should be considered by the committee. The school board shall establish criteria identifying proposed sponsorships and partnerships which must be approved by the committee rather than by a principal or the superintendent. If the committee’s decision regarding the proposed sponsorship or partnerships is not unanimous, the decision may be appealed to the school board by either the potential sponsor or partner or by a member of the Sponsorship Review Committee.

## Requirements

Any agreement to enter into an educational sponsorship or educational partnership will be in writing.

The written agreement shall include:

- A statement of the educational purpose for the relationship.
- A statement that the school board has the right to terminate the agreement without penalty if it determines that the agreement is having an adverse impact on the educational experience of students.
- A statement that if an agreement is terminated because of an adverse impact on the educational experience of students, no other agreement for an educational partnership or sponsorship will be entered into between the school board and the partner or sponsor whose agreement has been terminated for a specified period of time.
- A statement detailing the specific benefits to the school or school division from the agreement.
- A statement clearly defining the roles, expectations, rights, and responsibilities of all parties to the agreement. This statement shall include a statement of whether the agreement permits the sponsor or partner to advertise in connection with the agreement and if so, the extent of such advertising.
- A statement clearly defining whether the agreement creates any exclusive rights for the sponsor or partner and, if such rights are created, clearly defining those rights. If no exclusive rights are created, the agreement shall include a statement that the existence of the sponsorship or partnership will not limit the discretion of the school board or its personnel in the use of sponsored or non-sponsored materials.
- The duration of the agreement.
- A statement that the school or school board retains the exclusive right to authorize the use of its name, logo, or other similar information.
- A statement that the school or school board must approve its identification as a partner or co- sponsor in all publicity materials.
- A statement of the monetary value to be received by the school or school division pursuant to the agreement.
- A statement defining how the benefits arising from agreement will be distributed.
- A statement of the basis on which students will be permitted to participate in the program or otherwise benefit from the agreement.
- A statement that the sponsor or partner assumes the responsibility for obtaining the consent of any student or school board employee whose likeness may appear in any materials disseminated by the partner or sponsor.
- A statement disclosing any relationship between the sponsor or partner, or any of its employees or major stockholders, and any student, school board employee, school board member, or the superintendent.

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- A statement defining how the benefits arising from agreement will be distributed.
- A statement of the basis on which students will be permitted to participate in the program or otherwise benefit from the agreement.
- A statement that the sponsor or partner assumes the responsibility for obtaining the consent of any student or school board employee whose likeness may appear in any materials disseminated by the partner or sponsor.
- A statement disclosing any relationship between the sponsor or partner, or any of its employees or major stockholders, and any student, school board employee, school board member, or the superintendent.
- A statement that all partnerships and sponsorships will be consistent with all federal and state laws, local ordinances, school division policies and regulations, and all preexisting school board contracts. If the terms of the partnership or sponsorship agreement establish that the employees, contractors, or others acting on behalf of the partner or sponsor will have direct contact with students on school property during regular school hours or during school-sponsored activities, the sponsor or partner must certify that all such persons have not been convicted of any violent felony set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.01; any offense involving the sexual molestation or physical or sexual abuse or rape of a child or any crime of moral turpitude.
- A statement that if the terms of the partnership or sponsorship agreement establish that the employees, contractors, or other acting on behalf of the partner or sponsor will have direct contact with students on school property during regular school hours or during school-sponsored activities, the individuals acting on behalf of the partner or sponsor may have been convicted of any felony or crime of moral turpitude that is not set forth in the definition of barrier crime in subsection A of Va. Code § 19.2-392.02 and does not involve the sexual molestation, physical or sexual abuse, or rape of a child, provided that in the case of a felony conviction, the individual's civil rights have been restored by the Governor.
- A statement that no partnership or sponsorship shall exploit any student or school board employee.
- A statement that no sponsor or partner shall be permitted to collect personal information, including names, addresses or telephone numbers of students or school board employees because of the partnership or sponsorship.
- A statement that any curriculum materials provided pursuant to the agreement will be held to the same standards as other curriculum materials.
- A statement that any participation by any student or school board employee in any activity established pursuant to the agreement will be purely voluntary. If a student or school board employee wants to participate in any sponsored or partnered activity but objects to using the materials provided by the sponsor or partner, the sponsor or partner must supply substantially similar materials to which the student does not object for that student to use in the activity. If a student objects to using materials provided by the sponsor or partner, the school board employee in charge of the activity shall provide for a means by which the student's objections are made known to other students involved in the activity and by which those objections are discussed in an educational manner.

## Prohibitions

No agreement shall be entered into if the sponsorship or partnership involves or gives the appearance of involving any activity which could result in the following:

- promotion of hostility or violence;
- an attack on ethnic, racial, or religious groups;
- discrimination prohibited by any law or school board policy;
- promotion of the use of drugs, alcohol, tobacco products, nicotine vapor products or firearms;
- promotion of sexual, obscene, or pornographic activities; or
- promotion of any image that is not in keeping with the established goals and purposes of the school board.

Adopted: September 4, 2002  
Revised: May 1, 2006  
Revised: November 3, 2008  
Revised: August 3, 2009  
Revised: April 22, 2013  
Revised: May 19, 2014  
Revised: July 1, 2015  
Revised: August 5, 2019  
Revised: August 31, 2020

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Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-79.5, 22.1-89-4; 22.1-296.1, 22.1-279.6.

Cross Refs.: DJF Purchasing Procedures  
DJG Vendor Relations  
DO Non-Locally Funded Programs  
IIAA Textbook Selection, Adoption, and Purchase  
IIAB Supplementary Materials Selection and Adoption  
IICB/IICC Community Resource Persons/School Volunteers  
JFCB Sportsmanship, Ethics and Integrity  
JHCF Student Wellness  
JL Fund Raising and Solicitation  
KA Goals for School-Community Relations  
KH Public Gifts to the School  
KLB Public Complaints about Learning Resources