

## **ARTICLE II: PUBLIC INFORMATION**

### TABLE OF CONTENTS

#### Policy

- 2-2.1 ACCESS TO SCHOOL BOARD RECORDS
- 2-2.2 SEX OFFENDER REGISTRY NOTIFICATION
- 2-2.3 ADVERTISING/SALES/SOLICITATION
- 2-2.4 STAFF DIRECTORIES
- 2-2.5 MEDIA RELATIONS
- 2-2.6 SCHOOL PUBLICATIONS
- 2-2.7 INFORMATION FOR HEARING OR VISUALLY IMPAIRED STUDENTS

## **POLICY 2-2.1 ACCESS TO SCHOOL BOARD RECORDS**

### **Generally**

Official records of the Poquoson City School Board are available for inspection by any citizen, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth as authorized by applicable law and will be made available for review upon request in the division superintendent's office during regular office hours. The Superintendent is hereby designated as the Freedom of Information Act officer for the School Board. A request for public records of the School Board shall identify the requested records with reasonable specificity.

The School Board will make available the following information on the homepage of its official public government website:

1. A plain English explanation of the rights of a requester under FOIA, the procedures to obtain public records from the School Board, and the responsibilities of the School Board in complying with the FOIA;
2. Contact information for the FOIA Officer;
3. A general description, summary, list, or index of the types of public records maintained by the School Board;
4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;
5. Any policy the School Board has concerning the type of public records it routinely withholds from release as permitted by FOIA or other law; and
6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall 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 public body. Any duplicating fee charged by a public body shall 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 citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."

### **Fee for Search Time and Copying**

Except with regard to scholastic records requested pursuant to subdivision A1 of § 2.2-3705.4 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, an "at cost" fee shall be charged to the requestor for the actual cost incurred in accessing, duplicating, supplying, or searching for the requested School Board records and shall make all reasonable efforts to supply the requested records at the lowest possible cost. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The public body shall provide the requester with a cost estimate if requested. Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records.

In any case where the School Board determines in advance that charges for producing the requested records are likely to exceed \$200.00, 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. The period within which the School Board is required to respond under applicable law shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester. Before processing a

request for records, the division superintendent or his/her designee 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.

The following costs shall be charged at the rate indicated, not to exceed the actual cost:

- Staff time spent accessing or searching for requested records is charged by the quarter hour and will be assessed based on the hourly rate(s) of the staff member(s) involved in the search, rates of \$23.63 to \$91.66 per quarter hour may apply. When contracted services are required, an average market rate will be quoted. Actual costs will be billed. Charges for the first 60 minutes of personnel time and the first 20 photocopies per request are generally waived.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3700, et seq.; Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), et seq; 34 C.F.R. § 99.1, et seq.

*Adopted: November 2002*

*Revised: July 2003, August 2017, September 2022, August 2023*

## **POLICY 2-2.2 SEX OFFENDER REGISTRY NOTIFICATION**

### **Sex Offender Registry Notification**

The Poquoson City School Board recognizes the danger sex offenders pose to student safety. Therefore, to protect students while they travel to and from school, and attend school or school-related activities, the School Board shall request automatic electronic notification of registered sex offenders in the same or contiguous zip codes as any school within the school division as permitted by applicable law. Such request and notification shall be made according to the procedure established by the Virginia Department of State Police (State Police). The division superintendent shall serve as the contact person with the State Police for receipt of the registered sex offender information.

### **Annual Notification**

At the beginning of each school year, the School Board shall notify parents and employees of the school division's policy on the dissemination and use of sex offender registry information.

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

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

1. school bus drivers;
2. employees responsible for visitor registration;
3. employees responsible for bus duty;
4. security staff;
5. coaches;
6. playground supervisors; and
7. maintenance personnel.

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

The School Board recognizes that it is the responsibility of local law enforcement officials to notify the community of potential public danger. Therefore, the School Board and its employees will not disseminate registry information to parents.

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

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

Registered Sex Offender Sighted. If a notified employee sees a registered sex offender on or near School Board property, around any Poquoson City student, or attending any school division activity, he/she shall notify the division superintendent or his/her designee immediately. The division superintendent or his/her designee may, at his/her discretion, notify local law-enforcement officials.

School Volunteers and Student Teachers. Each staff member shall submit to his principal the name and address of each volunteer the staff member is or may be using as soon as the person is identified. The principal shall screen each student teacher and volunteer's name and address against the registry information. If a match is found, the principal shall notify the division superintendent, who shall confirm the match. If the match is confirmed, the division superintendent shall inform the individual, by mail, that he/she may not be on School Board property without permission of the division superintendent. The notice

shall provide the reason with reference to this policy. The division superintendent shall also inform the principal and employees that the individual may not be used as a volunteer.

Contractors' Employees. The division superintendent shall include the following language in all school division contracts that may involve an employee of the contractor having any contact with a student. "The contractor shall not send any employee or agent who is a registered sex offender to any school building or school property. Monthly, the contractor shall check the registry to determine if the employee is registered."

School Division Employees. Each time sex offender registry information is received, the division superintendent shall review it to determine if a school division employee is registered. If a match is found, the division superintendent shall confirm or disprove the match with local law enforcement officials. If the match is confirmed, the division superintendent shall notify the School Board. The School Board will take the appropriate action to comply with state law which may include termination of employment.

Applicants for Employment. Before hiring any person, the division superintendent shall determine whether the prospective employee is a registered sex offender. If the prospective employee is a registered sex offender, he shall not be hired by the school division.

Students and Parents of Students. A sex offender registrant who is the parent or guardian of a student shall be permitted to participate in appropriate parent or guardian activities, unless prohibited by court order. Students who are registered sex offenders may not be precluded from attending school.

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

### **Requests for Registry Information**

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

### **Sex Offender Presence**

No adult who has been convicted of a sexually violent offense, as defined in Virginia Code Section 9.1-902 may enter upon the premises of or be present during school hours or during school-related or school-sponsored activities, at any school, unless:

1. he or she is a lawfully registered and qualified voter, and is coming upon such property solely for the purposes of casting his vote;
2. he or she is enrolled at the school; or
3. he or she has obtained a court order allowing him 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.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 9.1-900, et. seq.; 19.2-298.1; 19.2-390.1; 19.2-390.2 and 22.1-79.3..

*Adopted: November 2002*

*Revised: August 2006; June 2010*

## **POLICY 2-2.3 ADVERTISING/SALES/SOLICITATION**

### **Distribution of Outside Communications/Materials**

Any outside communications or materials that are distributed or made available in the Poquoson City Public Schools or on school property shall be approved in advance by the division superintendent or his/her designee. The division superintendent or his/her designee may regulate the time, place and manner of such distribution consistent with applicable law. Non-instructional materials may not be distributed during instructional time. If doubt exists at this level as to whether distribution should be made, permission shall be denied until disposition of the matter is made by the Poquoson City School Board. Any decision by the School Board shall be final.

The distribution of materials or information which publicly endorses or support groups or organizations involved in a commercial endeavor for profit or political campaigns is prohibited. Further, expressions which are libelous, slanderous, or defamatory are prohibited. The division superintendent or his/her designee shall regulate the distribution of material where there is a reasonable basis for the belief that such publication or expressive activity would create a clear and present danger of the commission of unlawful acts, or the violation of School Board policies, regulations, or Code of Student Conduct, or would materially disrupt classes or classwork, or orderly operation of the school or which violates the privacy rights of others.

Communications to parents from parent organizations affiliated with the school or other communications of a significant educational value may be distributed when approved by the relevant school principal.

Subject to the provisions of School Board Policy 2-4.1, youth-oriented, community organizations including, but not limited to, the Boy Scouts of America and Girl Scouts of the USA, and their volunteers and staff shall have reasonable and appropriate access to school property to distribute and provide instructional materials in order to encourage participation in such organizations and their activities. Any such access provided during the school day shall not conflict with instructional time.

### **Use of School Mail and Messenger Services**

The use of the school division mail and messenger distribution services shall be limited to official Poquoson City Public Schools business.

### **Prohibition on Distribution of Political Materials**

No Poquoson City Public Schools student shall be required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before the School Board, the Poquoson City Council, the Virginia General Assembly, or the United States Congress. This policy does not prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects and does not prohibit the delivery of informational materials.

### **Administration of Surveys and Questionnaires**

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

## **Advertising in Schools**

Individual schools may not endorse or imply endorsement of any product. All requests for endorsement should be directed to the division superintendent.

In order to solicit advertisements from merchants and business establishments for school publications, school organizations must secure approval from the relevant school principal. If there is need for policy clarification, the principal shall consult with the division superintendent. Commercial establishments whose source of revenue is the sale of intoxicants may not advertise in school publications. Neither the staff, nor the students (in their capacity as students) of any Poquoson City public school may be employed in any manner for advertising or otherwise promoting the interests of any commercial or other non-school organization.

In general, the School Board does not approve of commercialism within the public schools. However, the School Board recognizes and approves of the use of materials developed by commercial organizations when, in the judgment of the division superintendent or his/her designee, the educational value of the materials to be used far outweighs their commercialism, when the advertising is in good taste, and when the materials used are not available elsewhere at a reasonable cost. This prohibition shall not apply to civic and cultural entertainments or exhibits, in which case permission to advertise must be obtained from the division superintendent or his/her designee.

The principal of the high school may permit advertising on any outdoor athletic field in accordance with a regulation consistent with this policy. No advertising shall promote or display any of the following products or activities:

1. Drugs
2. Alcohol
3. Tobacco
4. Sexual activities
5. Violence
6. Gangs or gang-related activities
7. Racial or ethnic discrimination
8. Weapons
9. Tattoo Parlors
10. Body piercing
11. Promotion or endorsement of political campaigns
12. Other products or activities that are prohibited in the school.

Nor shall any advertisement convey or contain any message that, in the discretion of the principal, would be likely to disrupt the safe and orderly operation of the school, or materially and substantially disrupt the education process or be vulgar, lewd, or plainly offensive.

In providing for the use of any outdoor athletic field for advertising, no preference shall be given to one advertiser over another; space designated for advertising shall be made available on a first-come, first-served basis. The regulation for this policy shall not unlawfully discriminate against any advertiser or against any person or persons.

Proceeds from advertising shall be accounted for in accordance with applicable law and policy.

Nothing in this policy shall be deemed to prohibit a principal from permitting a plaque or sign to be displayed in recognition of sponsorship of an activity or event, or of the donation of an item or funding for an item, approved by the principal in conjunction with an educational or extracurricular program. Further, this policy is not intended to apply to announcement of, or publicity for, activities sponsored by school clubs or extracurricular programs approved by the principal.

### **Public Solicitation in the Schools**

No employee of the school division may sell or offer for sale, within the school or school grounds, any article or service to employees or students, except for the regularly established school cafeteria and textbook programs. This does not prevent solicitation for the United Way, dues for employee organizations, contributions for the benefit of professional organizations, or for school organizations at regularly scheduled extracurricular events after school hours. Exception: It is permissible for schools to sell certain specialized merchandise pertaining to the individual school, such as caps and sweaters bearing the school name, within the school building or at a school sponsored activity.

### **Public Sales on School Property**

Sales on Poquoson City School Board property by outside vendors may only be made as outlined in Poquoson City School Board Policy 3-3.6.

### **Soliciting Funds from School Personnel and Students**

The direct solicitation of funds from school personnel and students by outside organizations must be approved by the Poquoson City School Board. The School Board permits the solicitation of voluntary contributions from employees for the United Way. The division superintendent or his/her designee may develop and from time-to-time revise regulations necessary to affect the purpose of this policy.

### Emergencies and Disasters

The division superintendent or his designee may approve the solicitation of voluntary contributions to local fund drives when these drives are of an emergency nature or are for disasters that have a strong emotional effect on the community.

### Contribution to Charity

School participation in charity projects which involve soliciting/selling in the community (walk-a-thons, read-a-thons, jump rope, etc.) shall be limited during school time. Activities conducted during the school day shall be educational in nature and shall not infringe on required instructional time. All charity projects shall be approved by the division superintendent or his/her designee.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79, 22.1-79.3, 22.1-125, 22.1-126, 22.1-131, 22.1-278.3, 22.1-293; Equal Access Act, 20 U.S.C. 4071, et seq; U.S. Constitution, First Amendment.

*Adopted: November 2002*

*Revised: August 2016*

*Revised: December 2016*



**POLICY 2-2.4 STAFF DIRECTORIES**

The names and addresses of Poquoson City Public Schools' employees may be compiled annually for use within the school division, but no person shall be authorized to release or sell such directories for use by any commercial or profit-making organization. The division superintendent may supply such lists to colleges, universities, and such other organizations as he/she may judge to be of significant educational value to the staff.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-78.

*Adopted: November 2002*

## **POLICY 2-2.5 MEDIA RELATIONS**

The community shall be kept informed regarding the educational programs of Poquoson City Public Schools through the use of available media of communication. The Poquoson City School Board encourages the administration and individual schools to utilize media releases as a means of informing the public of educational programs, activities, and accomplishments. The School Board encourages staff members to participate in activities that inform the public about school programs and activities.

The School Board shall cooperate with the news media in providing the public with pertinent facts concerning the schools. The division superintendent or his/her designee serves as a reliable source to whom the news media may turn for information regarding the division schools. The School Board encourages the attendance of representatives of the news media at all open School Board meetings.

News and information concerning individual school events, personnel, students, and programs shall be released to the press only with the approval of the principal and in accordance with all applicable law regarding confidentiality. All other media representing the official position of the School Board prepared for publication by any of its employees shall be approved by the division superintendent or his/her designee prior to release to the press.

### Interviews

The School Board permits the interviewing of employees and students during the school day when approved by the school principal, appropriate supervisory staff and/or the division superintendent, only when such interviews do not disrupt the educational program or cause undue confusion and under conditions approved by such principal, staff member, or division superintendent. In the case of students, no interviews shall be conducted until a school staff member has contacted the student's parents or guardians. Representatives of the news media who wish to conduct interviews are subject to all policies and regulations governing visitors to school property.

### Broadcasting of Athletic Contests

The division superintendent may permit the broadcasting of home athletic contests by radio or television in accordance with the regulations of the Virginia High School League, provided either that such broadcasting is done as a public service or that the sponsor of such broadcast is appropriate. It shall be communicated during such broadcast that the School Board does not endorse the product or products of any sponsor.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-253.13:7, 22.1-287 through 22.1-287.1; 22.1-293; Family Educational Rights and Privacy Act, 20 U.S.C. § 1232(g), et seq.; 34 C.F.R. § 99.1, et seq.

*Adopted: November 2002*

**POLICY 2-2.6 SCHOOL PUBLICATIONS**

All school publications shall be approved by the relevant principal before distribution.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, §§ 2.2-3700, et seq. (Virginia Freedom of Information Act).

*Adopted: November 2002*

## **POLICY 2-2.7 INFORMATION FOR HEARING OR VISUALLY IMPAIRED STUDENTS**

The School Board shall annually post information on the school division's website regarding packets prepared by the Department of Education describing the educational and other services available through the Virginia School for the Deaf and the Blind, the Virginia Department for the Deaf and Hard-of-Hearing, and the Virginia Department for the Blind and Vision Impaired to students who are identified as hearing impaired or visually impaired. The School Board shall inform the parents of those students who are identified as hearing impaired or visually impaired of its availability and ensure that packets of such information are available in an accessible format for review by parents who do not have Internet access.

**LEGAL REFERENCE:** Code of Virginia, 1950, as amended, § 22.1-217.01.

*Adopted: July 2015*