



**STUDENT AND  
FAMILY HANDBOOK**

**2024-2025**

Please review with your child the requirements for student conduct, attendance, acceptable computer use, technology device usage, and other information contained in the handbook.

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## **Purpose and Intent**

The New Kent County School Board establishes expectations for student conduct so that public education is conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights (JFC). The New Kent County Code of Student Conduct is designed to protect the health, safety, and welfare of students and to ensure rights of all students to an orderly, civil, and caring environment. The New Kent County School Board expects a high standard of student conduct and recognizes that the schools must balance individual rights with civic obligations. This will ensure a respectful environment conducive to teaching and learning, free of disruption and threat to persons or property; an environment supportive of individual rights where the potential of each student may be realized.

The Code of Student Conduct policies and regulations will apply to students while on school property, when at school-sponsored activities and when going to and returning from school. The Code of Student Conduct may also apply to acts committed away from school property and outside school hours, if the conduct is (i) detrimental to the safety of the school, the well-being of students and staff, or adversely affects the school environment or discipline; or (ii) leads to an adjudication of delinquency or a conviction for an offense listed in §16.1-260 of the Code of Virginia, or a charge that would be a felony if committed by an adult. School personnel, parents, and students share the responsibility to create and maintain this environment.

In the interests of harmony, efficiency, uniformity of interpretation, coordination of effort, and in fairness to all concerned, the Board makes the School Division Policy Manual available to all who are affected by its policies. A hard copy is available for viewing in the Superintendent's Office. The School Division Policy Manual can also be found at <http://newkentschools.org> under the "School Board" tab.

## **Beliefs about Students, Learning, and Discipline**

- All students are granted an orderly, respectful environment and will be treated fairly, equitably, and consistently.
- An open, engaging, and challenging atmosphere is most conducive to the educational experience of all members of the school community.
- It is the role of the school community in partnership with families to create and maintain the conditions whereby students may self-regulate and be motivated to succeed.

## **Rights and Responsibilities of School Community Stakeholders**

### **Students**

The student has the right to:

- ◇ attend school where his/her parent or legal guardian lives and receive a free and appropriate public education.
- ◇ be in a school that is safe and orderly.
- ◇ express his/her ideas verbally and/or in writing in accordance with NKCPS policies and procedures.
- ◇ be respected as an individual and treated fairly with dignity by other students and school faculty and staff .
- ◇ be a part of a supportive school community.

The student is responsible for:

- ◇ attending school regularly and being on time.
- ◇ performing to the best of his or her ability and completing high quality work in every subject.
- ◇ being aware of behavioral expectations and conducting him/herself in accordance with these guidelines.
- ◇ reporting the unsafe behavior or conduct of others or any mistreatment to students or staff.
- ◇ conducting him/herself in a safe and orderly manner.
- ◇ respecting the rights of others during both curricular and extracurricular school programs.
- ◇ dressing appropriately and responsibly and in accordance with the code of conduct.
- ◇ refraining from inappropriate behavior or conduct, including disruptive actions such as: the use of profanity; obscenity; and/or demeaning remarks.
- ◇ safeguarding the property of the school and protecting the community's investment in it
- ◇ allowing others to feel safe within the school community.

### **Parents/Guardians/Caregivers**

The parent, guardian, and/or caregiver has the right to:

- ◇ be treated fairly and respectfully by faculty and staff.
- ◇ be actively involved in his/her student's education.
- ◇ access information regarding the School Board policies and procedures.
- ◇ receive information about his/her student's academic and behavioral progress.
- ◇ receive communication regarding conduct consequences including in-school-suspension and out-of-school suspension.

The parent, guardian, and/or caregiver is responsible for:

- ◇ reading and supporting the student code of conduct.

- ◇ helping to ensure the student has been provided basic needs to be successful in school.
- ◇ actively participating in his/her student's educational planning.
- ◇ ensuring the student attends school regularly and on time.
- ◇ communicating to a teacher or administrator any information that may prevent possible conflict within the school setting.

### **Faculty, Staff and Administration**

The faculty, staff and administration have the right to:

- ◇ work in a classroom/school free of disruption.
- ◇ be respected and treated as professionals by students, parents, and school community.
- ◇ receive professional development and training.
- ◇ receive resources necessary to deliver quality instruction.
- ◇ work in a supportive and engaging environment.

The faculty, staff, and administration are responsible for:

- ◇ supporting and participating in the school community.
- ◇ maintaining a safe and orderly classroom/school.
- ◇ respecting and being courteous to students and their families.
- ◇ communicating policies, expectations, and concerns in a timely manner.
- ◇ maintaining and encouraging a climate of mutual respect and dignity for all students.
- ◇ confronting issues of discrimination and harassment in situations that threaten the emotional or physical health/safety of any student or member of the New Kent school community who is lawfully on school property or at a school function.
- ◇ providing information and resources available to the community.
- ◇ actively engaging in professional development.

## **Behavior Interventions and Responses**

Behavior modification is a useful tool for staff and parents in helping students to change an undesired behavior in order to start a desired behavior. While supporting students who exhibit undesired behavior, New Kent County Public Schools considers the ABC's of behavior in an effort to provide the student with Positive Behavior Interventions and Supports, also known as PBIS.

### **The ABCs of behavior are:**

*Antecedent* - what is triggering or going on prior to the behavior?

*Behavior* - what behavior is actually occurring?

*Consequences* - what consequence or event is occurring following the behavior?

The positive proactive behavioral approach of New Kent County Public Schools is based on the premise that student behavior can be changed by focusing on the positives. NKCPs staff members are encouraged to reduce negative behavior by using positive reinforcement; which can be done by employing appropriate interventions and responses. The strategies and interventions that are implemented in NKCPs are based on information from collected data and should decrease the number of negative behavior incidents through prevention. Below is a list of some interventions and responses that are available to students, as well as, examples of interventions that may be implemented to support students who are exhibiting behaviors that violate this Code of Student Conduct.

NKCPs is committed to implementing positive behavior support systems and interventions for the successful development of all students at any grade levels. Positive behavioral supports may include, but are not limited to: positive referrals; individual praise and recognition, positive behavioral reward systems, and communication with parents or guardians.

### **Interventions and Consequences**

To determine the appropriate disciplinary intervention and consequence to impose, and to address the inappropriate, unacceptable, and unsuccessful behaviors, it is necessary to evaluate the totality of the circumstances surrounding the incident. The following specifics are to be considered to determine the appropriate assignment of the intervention and/or consequence:

- student's age and maturity
- student's cumulative and school disciplinary record
- previous disciplinary interventions and consequences applied
- student's response to previous interventions and consequences
- nature, severity, and scope of the incident
- frequency and duration of the behavior
- number of persons involved in the incident
- the student's IEP, BIP (Behavioral Intervention Plan), or 504 Plan, if applicable
- the student's response to initial interventions

### **Behavioral Responses for Students in Grades PreK-2**

Different levels of development warrant different levels of interventions and consequences based upon the needs of the students. Steps are taken to align the developmental needs of the students in grade Kindergarten through 2<sup>nd</sup> grade to the consequences and interventions assigned to the specific behavior. All students in New Kent must adhere to the policies regulating student conduct; however, discretion from the principal may be taken. If a student in grades K-2 engages in pervasive or serious aggressive acts that cause injury or threaten the safety of students or staff, the principal may determine the most appropriate interventions including, but not limited to out-of-school suspension.

## **Out of School Suspension Restrictions for Students in Grades PreK-3**

Prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being suspended for more than three consecutive school days or expelled from attendance at school unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

## **Interventions and Responses**

The following list of interventions and responses does not encompass all options or strategies to change or support student behavior.

<b>Intervention Response</b>	<b>Description of Intervention or Response</b>
Administrative Conference	Meeting with the administrator to address wrong doing and its consequences
Verbal Correction	Verbal reprimand from teacher or administrator to acknowledge and correct behavior
Warning	Warnings should be used, when appropriate, to assist a student in understanding that his/her conduct interferes with the educational process, threatens the rights of others, and is contrary to school policy and needs to be corrected
Seat Change or Class Change	The student's seat placement is changed within the classroom or the student's schedule or class is changed
In-Class Separation from Peers	Predetermined consequence for breaking classroom rules of short duration - five minutes or less, usually separated from the whole group, but remains within the class
Parent/Guardian Conference	Teacher communicates with student's parent/guardian by phone, email, written notes, or in person about behavior
Behavior Checklist	Teacher documents student behaviors daily on predetermined format which includes both positive and corrective notation
School/Home Plan	Parent(s) and teacher plan and utilize a consistent approach. The plan should be consistent, emphasizing teaching, rewarding of appropriate behaviors, and shared with the student by the teacher and guardian
FBA/BIP	Functional Behavioral Assessments determine the root causes of student behavior followed by a Behavior Intervention Plan to address root causes and outline clear, measurable action steps for teaching alternative behaviors
Daily Check	Daily contact with an assigned adult on campus. The student reports to the adult before school starts or ends each day.



After School Detention	The student is detained for a reasonable period of time after the closing of the last scheduled class. Any student who has been assigned detention shall promptly inform his/her guardian. Except in certain circumstances, a student shall be given at least one day's notice of assigned detention
Exclusion from Class	A student may be removed from a single class or several classes for a set period of time
Daily Behavior Progress Sheet	Teacher documents student behaviors daily on a predetermined format, including both positive and corrective notation
Reflective Activity	Student composes a reflective essay in order to reflect as to why his/her misbehavior was inappropriate
Lunch Detention	Loss of social time during lunch in an alternative location or within the cafeteria
Community Service	Predetermined community service within or outside of school
After Class Detention	Student remains in class for a brief time after class dismisses – 1 to 2 minutes in order to be separated from his/her peers
Buddy Teacher System	Assigned teacher whom the student may seek assistance, with permission from the teacher, during the school day
Think Sheet	A series of questions provided to the student to reflect on his/her actions
Driving Privileges Revoked	The high school administration may suspend a student's privilege to drive to and from school as a general response to any disciplinary category
Restitution	Student completes a task that compensates for the negative action and triggers a desire not to revisit the negative behavior
Suspension of Extracurricular Privileges	A student's privilege to participate in all or certain extra-curricular activities and/or school-sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. May be combined with other disciplinary responses
Behavior Contract	Predetermined long and short range goals that are tracked in order to intrinsically or extrinsically reward student if he/she attains the specific goal(s)
Alternative School Placement	Student placed in an alternative setting that may include virtual instruction or small group instruction off-campus
Homebased Online Course	Student placed on an online course to complete for credit
Refer to School Counselor	Refer to school counselor to assist with conflict resolution and other strategies to improve behavior
Verbal or Written Letter of Apology	Student(s) apologize for their actions verbally or written to parties that have been impacted by the offense
Discipline Essay	Student writes a description of the incident and includes solutions to prevent the behavior from reoccurring
Conflict Resolution	Two or more parties find a peaceful solution to a disagreement among them

Change of Schedule	Student's daily classroom schedule is changed
Short Term Suspension	Any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days
Long Term Suspension	Disciplinary action whereby a student is not permitted to attend school for more than ten school days but cannot exceed 45 calendar days. A long term suspension is permitted if the offense involves weapons, drugs, or serious bodily injury or if the school board or division superintendent or designee finds aggravating circumstances exist to include consideration of a student's disciplinary history.
Expulsion	Any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the expulsion date

## **Levels of Interventions and Responses for Grades 3-12**

The following levels of interventions and responses are aligned with the behavioral infractions listed on the chart that defines the range of consequences and responses on page 12. Depending on the severity of the infraction, the nature and scope of the incident, previous disciplinary responses, and other factors, the level of intervention will differ. The chart on page 11 serves as a guide for the assignment of the intervention(s) or consequence(s).

Code Violation Categories, Interventions, and Responses			
<div>Level</div> <div>1</div>	<b><u>Classroom Interventions and Responses</u></b> The following interventions are appropriate to use in order to interrupt unsuccessful behaviors to facilitate a safe and respectful school climate. Teachers are encouraged to attempt a variety of classroom management strategies. Faculty and staff are expected to collaborate with each other, administration, and families.		
	<ul style="list-style-type: none"> <li>- Positive directives that state expectations</li> <li>- Reteach procedure</li> <li>- Verbal correction</li> <li>- Move to separate instructional area in classroom</li> <li>- Behavior checklist</li> <li>- After class detention</li> <li>- Reminders/Redirection</li> <li>- Warning</li> </ul>	<ul style="list-style-type: none"> <li>- Contact parent via telephone, email, or text to discuss concerns</li> <li>- Daily behavior progress sheet implemented</li> <li>- Lunch detention</li> <li>- Establish buddy teacher system</li> <li>- Verbal or written apology</li> <li>- Community service</li> <li>- Family conference</li> </ul>	<ul style="list-style-type: none"> <li>- Positive directives that state expectation</li> <li>- In-class separation from peers</li> <li>- Reflective activity</li> <li>- Teacher/Student conference</li> <li>- Loss of classroom privileges</li> <li>- Increase teacher proximity</li> </ul>
	<b><u>Student Support Team Interventions and Responses</u></b> The following interventions often involve school-based support staff and resources within the broader community that aim to engage the student's support systems to change the conditions that contribute to the student's unsuccessful behaviors.		
	<ul style="list-style-type: none"> <li>- Parent/Guardian notification by administrator</li> <li>- Family conference</li> <li>- Discipline essay</li> <li>- Refer to school counselor</li> <li>- Conflict resolution</li> </ul>	<ul style="list-style-type: none"> <li>- Restitution</li> <li>- After school detention</li> <li>- Mentoring program</li> <li>- Check-in with faculty</li> <li>- Verbal or written apology</li> <li>- Community service</li> <li>- Short-term detention</li> </ul>	<ul style="list-style-type: none"> <li>- Develop behavior contract</li> <li>- Referral to community resources</li> <li>- Behavior checklist</li> <li>- Restorative conference</li> <li>- Refer to school counselor</li> </ul>

<u>Level</u> <b>2</b>	<b><u>Support Staff Team Interventions and Responses</u></b> The following interventions involve the teacher teams with the support of the administration to correct behavior while stressing the seriousness of the incident to keep the student in school. These interventions would include a team approach involving support staff and administration.		
	- Family conference with administrator and teacher - Daily progress sheet - Teacher mentor - Student conference - Peer mediation	- Collect and review progress data - Review cumulative folder - Verbal or written apology	- Restorative conference - Peer or administrative review of setting - Refer to school counselor - Mediation - Restitution plan
	<b><u>Administrative Interventions and Responses</u></b> These responses are more intensive and are designed to correct the behavior. In-school-suspension may be issued for up to 3 days.		
	- Parent/Guardian notification by administrator - Exclude from extracurricular activities - Exclude from class - Service to the school community	- Change of schedule or class - Refer to school-based health work/nurse - Review of IEP or 504 - Driving privileges revoked	- Community service assignment - In-School-Suspension up to 3 days - Suspension of privileges - Administrative conference
<u>Level</u> <b>3</b>	<b><u>Intensive Administrative Interventions</u></b> Interventions at this level may include short-term removal from the school environment for up to 5 days.		
	- In-School-Suspension - Short-term out-of-school suspension for 1-5 days - Saturday detention - Impact Program	- Referral to community-based agencies, mental health services, substance abuse counseling, etc.	- Conduct Functional Behavioral Assessment / Behavior Intervention Plan FBA/BIP

<u>Level</u>  4	<b><u>Intensive Administrative Responses</u></b> These interventions include, but are not limited to the removal of students for an extended period due to the severity and/or frequency of the behavior. Some Level 4 behaviors require a report to the superintendent or superintendent’s designee as outlined in the Code of Virginia § <a href="#">22.1-279.3:1</a> . Local school board policy may require additional reporting. A referral to the superintendent or superintendent’s designee does not automatically result in a long-term suspension, change of placement or expulsion. After a review of the incident in context, the superintendent or designee may return students to the comprehensive setting with additional supports and/or responses to be implemented		
	- Alternative school placement for an extended time	- Placement in home based online course(s) - Placement in the King William IMPACT	- Short-term suspension for 5-10 days
<u>Level</u>  5	<b><u>School Division Level Response</u></b> These interventions include, but are not limited to the removal of students for an extended period due to the severity and/or frequency of the behavior to include long-term suspension, expulsion, or an alternative setting. Level 5 responses are reserved for those behaviors that require a referral to the superintendent or designee. For preschool to grade three students, any suspension beyond three days must be referred to the superintendent or designee. A referral to the superintendent or designee may not automatically result in an expulsion, alternative placement, school reassignment, or long-term suspension.		
	- Long-term suspension in excess of 10 consecutive days but less than 45 days	- Expulsion hearing before the Superintendent, Designee, or School Board	- Referral to law enforcement when required - Placement in an alternative school setting

## Behavior Violations - Interventions and Responses

The Code of Student Conduct specifically outlines fifteen major categories. Code Violation Categories offer administrators guidance when determining the appropriate interventions, supports, and/or responses for student misconduct. Each category represents the range of consequences permitted for specific code violations; however, depending on the circumstances, administrators may provide an intervention, support, or consequence from a lesser category. The consequence level is directly related to the severity of the infraction and is determined during the disciplinary process. Differentiation of Sanctions by Grade Level Options for corrective disciplinary action for misconduct may be differentiated by grade level. Violations marked under SRO (Security Resource Officer) are required to be reported to law enforcement. The maximum disciplinary response is expulsion from school (Virginia Code §22.1-277.06).

SBAR	Category of Behaviors	Levels					Notify Law Enforcement
A	Behaviors that impede the Academic Progress (BAP) of the student or of other students	1	2	3	4	5	SRO
BAP1	Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	X	X				
BAP2	Interfering with learning outside of the classroom (excessive noise, interrupting a class, etc.)	X	X				
BAP3	Scholastic dishonest (cheating, plagiarism)	X	X				
BAP4	Unexcused tardiness to class	X	X				
BAP5	Unexcused tardiness to school	X	X				
B	Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures	1	2	3	4	5	SRO
BSO1	Altering an official document or record	X	X				
BSO2	Giving false information to staff	X	X	X			
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	X	X	X			
BSO4	Failure to be in one's assigned place	X	X				
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)	X	X				
BSO6	Bringing unauthorized persons to school or allowing unauthorized persons to enter the school building	X	X	X			

BSO7	Dress Code Violation	X	X				
BSO8	Gambling (games of chance for money or profit)	X	X				
BSO9	Possessing items that are inappropriate for school	X	X				
BSO10	Possessing stolen items	X	X	X			
BSO11	Unauthorized use of school electronic or other equipment	X	X	X	X	X	
BSO12	Violation of Acceptable Use of Technology/internet policy	X	X	X			
BSO13	Violation of school board policy regarding the possession or use of portable communication devices	X	X	X			
BSO14	Vandalism, graffiti or other damage to school or personal property	X	X	X			
C	Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)	1	2	3	4	5	SRO
RB1	Bullying with no physical injury <a href="#">(See Link: Model Policy to Addressing Bullying in Virginia's Public Schools)</a>	X	X	X	X		
RB2	Cyberbullying <a href="#">(See Link: Model Policy to Addressing Bullying in Virginia's Public Schools)</a>		X	X	X		
RB3	Posting, distributing, displaying, or sharing material or literature that is libelous, including using electronic means to post such material	X	X	X	X		
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	X	X	X			
RB5	Stealing money or property without physical force	X	X	X			
RB6	Speaking to another in an uncivil, discourteous manner	X	X	X			
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	X	X	X			
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	X	X	X			
RB9	Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability	X	X	X	X		

RB10	Failure to respond to questions or requests by staff	X	X	X			
RB11	Unwanted or inappropriate physical contact	X	X	X	X		
<b>D</b>	<b>Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>SRO</b>
BSC1	Alcohol: Possessing or using alcohol	X	X	X			X
BSC2	Alcohol: Distributing alcohol to other students		X	X	X		X
BSC3	Drugs: Possessing drug paraphernalia	X	X	X	X		X
BSC4	Drugs: Violating school board non-prescription (Over the counter) medication policy	X	X	X			
BSC5	Tobacco: Possessing/Using tobacco products, electronic cigarettes, vaping equipment  <b>Note:</b> Possession of vaping products and/or equipment that contains tetrahydrocannabinol (THC) in any form, are marketed as containing THC, or are designed for delivery, ingesting, inhaling, or otherwise introducing THC into the human body will be coded at Level 4.		X	X	X	X	X
BSC6	Bullying Behavior without physical injury that continues after intervention ( <a href="#">See Link: Model Policy to Addressing Bullying in Virginia's Public Schools</a> ) Bullying that leads to physical injury should be classified as Assault and Battery.			X	X		
BSC7	Cyberbullying that continues after intervention ( <a href="#">See Link: Model Policy to Addressing Bullying in Virginia's Public Schools</a> ) Cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences.			X	X	X	
BSC8	Harassment: Repeatedly annoying or attacking a student or a group of students or personnel creating an intimidating or hostile educational or work environment	X	X	X			
BSC9	Bus: Distracting the bus driver	X	X	X			
BSC10	Bus: Endangering the safety of others on the bus	X	X	X			
BSC11	Fire alarm: Falsely activating a or other disaster alarm		X	X			
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	X	X				
BSC13	Engaging in reckless behavior the creates a risk of injury to self or others	X	X	X			
BSC14	Fighting that results in no injury as determined by the school administration	X	X	X			



BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students	X	X	X			
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	X	X	X			
BSC17	Shoving, pushing, striking a student with no visible injury	X	X	X			
BSC18	Exposing body parts, lewd or indecent public behavior	X	X	X			
BSC19	Physical contact of a sexual nature – patting body parts, pinching, tugging clothing,	X	X	X	X		
BSC20	Physical sexual aggression and/or forcing another to engage in sexual activity; Sexual assault					X	X
BSC21	Stalking as described in the Code of Virginia section 18.2-60.3			X	X	X	X
BSC22	Stealing money or property using physical force (no weapon involved)		X	X	X	X	
BSC23	Stealing money or property or attempting to steal money or property using weapons or dangerous instruments			X	X	X	X
BSC24	Leaving school grounds without permission	X	X				
BSC25	Trespassing	X	X	X			
BSC26	Possessing dangerous instruments/substances that could be used to inflict harm upon another		X	X	X	X	X
BSC27	Weapons: Possessing any weapon (other than a firearm) as defined by § 18.2-308.1.			X	X	X	X
E	Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.	1	2	3	4	5	SRO
BESO1	Assault: Intending to cause physical injury to another person	X	X	X	X		
BESO2	Assault and Battery: Causing physical injury to another person			X	X	X	X
BESO3	Fighting: The use of physical violence between students or on another person where there is minor injury as determined by the school administration	X	X	X			
BESO4	Striking Staff: The use of force against a staff member when no injury is caused	X	X	X	X		X

BESO5	Drugs: Possessing controlled substances, illegal drugs or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
BESO6	Drugs: Being under the influence of controlled substances, illegal drugs, or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
BESO7	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications			X	X	X	X
BESO8	Drugs: Distributing controlled substances or prescription medications or illegal drugs or synthetic hallucinogens or alcohol to another student(s)					X	X
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire		X	X	X	X	X
BESO10	Gang-Related: Engaging in threatening or dangerous behavior that is gang-related as defined in <a href="#">§18.2-46.1</a>	X	X	X	X	X	X
BESO11	Hazing as defined in <a href="#">§18.2-56</a> and noted in <a href="#">§ 22.1-279.6</a> .		X	X	X	X	
BESO12	Threatening or instigating violence, injury or harm to a staff member	X	X	X	X	X	X
BESO13	Threatening or instigating violence, injury, or harm to another student	X	X	X	X	X	
BESO14	Possession of a firearm or destructive device as defined in <a href="#">§ 22.1-277.07</a> .					X	X
BESO15	Using any weapon to threaten or attempt to injure school personnel, students, or others					X	X
BESO16	Using any weapon to threaten or attempt to injure student(s) or other(s)					X	X
BESO17	Bomb threat-Making a bomb threat	X	X	X	X		X

In incidents involving the possession or use of drugs, look-alike drugs, drug paraphernalia, weapons or look-a-like weapons, the student may be recommended to the School Board for expulsion according to Virginia Code §22.1-277.07 and §22.1-277-08. Section 22.1-277.08 of the Code permits, but does not require school boards to expel students who bring a controlled substance, imitation controlled substance, or marijuana onto school property or to a school-sponsored event. In incidents involving the use or distribution of alcohol, the student may be recommended to the School Board for expulsion. "Possession or control of shall be interpreted to mean on the student's person or belongings, in the student's locker, in the student's vehicle parked on school grounds or at a school-sponsored event. Attendance on school property or at a school-sponsored event under the influence of alcohol or drugs or look-alike drugs shall be considered possession and/or control of such substances.

The schools are served by four School Resource officers who are members of the New Kent Sheriff's Department. The specially trained SROs may interview students to gather information about a possible crime. They are also authorized to enforce laws and make arrests, if necessary.

## **Behavior Violation Definitions**

OFFENSE	DEFINITION
Alcohol	Violating laws or ordinances, prohibiting the manufacture, sale, purchase, transportation, possession, or consumption of intoxicating alcoholic beverages or substances represented as alcohol. Suspicion of being under the influence of alcohol may be included if it results in disciplinary action.
Altercation	Confrontation, tussle or verbal / physical aggression that does not result in injury.
Arson (Actual / Attempted)	Unlawfully and intentionally damaging or attempting to damage any school or personal property by fire or incendiary device. Firecrackers, fireworks, and trash can fires would be included in this category if they were contributing factors to a damaging fire.
Assault / Battery with Firearm or Other Weapon Against Staff	An actual offensive, forceful, violent and intentional touching or striking of a staff member against his/her will that intentionally causes bodily harm through the use of a firearm or other weapon.
Assault / Battery with No Firearm or Weapon Against Staff	An actual offensive and intentional attack of a staff member that intentionally causes bodily harm without the use of a firearm or weapon.
Assault / Battery with Firearm or Other Weapon Against Student	An actual offensive, forceful, violent and intentional touching or striking of a student against his/her will, or mutual participation in a fight that intentionally causes bodily harm through the use of a firearm or other weapon.
Assault / Battery with No Firearm or Weapon Against Student	An actual offensive and intentional touching or striking of a student against his/her will or mutual participation in a fight that intentionally causes bodily harm without the use of a firearm or weapon.
Assault / Battery Malicious Wounding Without a Weapon	Maliciously causing bodily injury to a person (without a weapon) with the intent to maim, disfigure, disable, or kill.
Assault/Battery Without Bodily Injury	The assault or the assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school sponsored event.
Breaking and Entering (Burglary)	Unlawfully entering or attempting to enter a building or other structure with the intent to commit a crime.
Battery	Any bodily attack, however slight, done to another person in an angry, rude or vengeful manner.
Bullying	Section § 22.1-276.01 of the Code defines bullying as any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. This includes cyberbullying. It does not include ordinary teasing, horseplay, argument, or peer conflict. School boards are expected to include bullying as a prohibited behavior in their student code of conduct.

Confiscation	To hold and/or take away a student's belongings in an effort to reduce/limit distractions in the school setting.
Disorderly Conduct / Insubordinate	Unwillingness to submit to authority or refusal to respond to any reasonable request. Any act that intentionally disrupts the orderly conduct of a school function. Any behavior that substantially disrupts the orderly learning environment.
Disruptive Conduct	Conduct that interrupts or obstructs the learning environment. The related offense of disorderly conduct is defined as involving the intent to cause public inconvenience, an annoyance or alarm, or recklessly creating risk.
Dress or Grooming Code	Means any practice, policy, or portion of a code of student conduct adopted by a school board that governs or restricts the attire, appearance, or grooming, including hairstyle, of any enrolled student.
Drug Violation Schedule I & II (Anabolic Steroid, Marijuana Use/Possession)	Violation of laws or ordinances prohibiting the manufacture, transportation, possession or consumption of marijuana, Schedule I & II drugs, and anabolic steroid use. Suspicion of being under the influence of marijuana may be included if it results in disciplinary actions
Drug Violation Look-alikes Use/ Possession	Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any substances represented as a drug look-alike.
Drug Violation Inhalants	Unlawfully using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any inhalants.
Drug Violations Prescription (Theft / Attempted Theft)	Unlawfully possessing or attempting to take possession of drugs prescribed for another.
Drug Violation Schedule I & II (Anabolic Steroid, Marijuana Sale / Distribution)	Unlawfully possessing with intent to distribute, sell, or solicit any Schedule I or II drug, marijuana, or anabolic steroid.
Drug Violations Schedule III – VI (Use, Possession, Sale, Distribution, Paraphernalia Possession)	Unlawfully using or possessing with intent to distribute, selling or soliciting any controlled drug or narcotic substance not specified in previous drug categories. Having equipment (paraphernalia), which can be used for consuming illegal drugs, in one's pocket, bag, car or locker.
Drug Violations Over-the- Counter (Use/Possession/Distribution)	Unlawful use, distribution, sale, solicitation, purchase, possession, transportation or importation of over-the-counter medication.
Electronic Cigarettes	Possessing, using, distributing, or selling electronic cigarettes or paraphernalia on school grounds, at school sponsored events, and/or while on school transportation.
Electronic Devices	Using electronic devices that are deemed inappropriate in an educational setting.
Extortion	Unlawfully obtaining or attempting to obtain something of value from another by compelling that person to deliver it by the threat of eventual physical injury and/or other harm to that person or that person's property.

Fighting with No Injury or Minor Injury	Mutual participation in a fight involving physical violence where injuries are minor or not present. Injuries may include, but are not limited to, the following: body scrape(s) or minor bruising.
Gambling	Making, placing, or receipt of any monetary bet or wager of any other item of value, made in exchange for a chance to win a prize, stake or other consideration or thing of value.
Gang Activity	Gang means any ongoing organization, association, or group of three or more persons, whether formal or informal, that has as one of its primary objectives or activities to commit one or more criminal activities or non-criminal (i) which has as one of its primary objectives or activities the commission of one or more activities, (ii) which has an identifiable name or identifying sign or symbol, and (iii) whose members individually or collectively have engaged in the commission of, attempt to commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence, provided such acts were not part of a common act or transaction.” This includes articles of clothing that symbolize association, rituals, or activities identified by groups of students.
Harassment Non-Sexual (Physical, Verbal or Psychological)	Repeatedly annoying or attacking a student, a group of students, or other personnel, which creates an intimidating or hostile educational or work environment.
Hazing	Committing an act(s) against a student or coercing a student to commit an act(s) that creates risk of harm to a person in order to be initiated into a student organization, team, or class.
Homicide Against Staff with Firearm	Any death of a staff member resulting from the use of a firearm (other than accidentally self-inflicted or suicide).
Homicide Against Student With Firearm	Any death of a student resulting from the use of a firearm (other than accidentally self-inflicted or suicide).
Homicide Against Staff With Other Weapon	Any death of a staff member resulting from the use of a weapon (other than accidentally self-inflicted or suicide).
Homicide Against Staff With Other Weapon	Any death of a student resulting from the use of a weapon (other than accidentally self-inflicted or suicide).
Inciting a Riot	Unlawful use of force or violence that seriously jeopardizes the public safety, peace, or order. Three or more people acting together.
Kidnapping	Unlawfully seizing, transporting, and/or detaining a person against his/her will, or a minor without the consent of his/her custodial parent(s) or legal guardian. This category includes hostage-taking.
Other Violations	Violations that are inappropriate for school behavior.
Restitution	Replacing item(s) that were stolen or damaged or providing fair market value by way of compensation or service.

Robbery	Taking, or attempting to take, anything of value owned by another person or organization under confrontational circumstances by force or threat of force or violence and/or by putting the victim in fear.
Stalking	Engaging in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury.
Sexual Assault	Sexual abuse of an individual by the use of force, by threat, or use of intimidation.
Sexual Harassment	Unwelcome sexual advances, requests for sexual favors, or other physical or verbal conduct or communication of a sexual nature, including gender-based harassment that creates an intimidating, hostile, or offensive educational or work environment.
Sexual Battery Against Staff	Sexual battery against a staff member involves an offensive or intentional threat, intimidation or ruse or physical helplessness of sexual abuse. Sexual battery is a Class I misdemeanor.
Sexual Battery Against Student	Sexual battery against a student member involves an offensive or intentional threat, intimidation or ruse or physical helplessness of sexual abuse. Sexual battery is a Class I misdemeanor.
Sexual Offenses Against Staff	Non-consensual sexual penetration (e.g. oral, anal or vaginal) against a staff member.
Forcible Assault Sexual Offenses Against Student	Forcible Assault Sexual Offenses Against Staff also includes statutory rape, which is defined as sexual penetration with or without the consent of a minor.
Attempted Forcible Assault	Attempted sexual penetration (e.g., oral, anal, or vaginal) against a student without consent, including statutory rape, or sexual penetration with or without the minor's consent.
Sexual Offenses Against Students	Lewd behavior, indecent exposure that includes sexual intercourse, sexual contact, or other unlawful behavior or conduct intended to result in sexual gratification without force or threat. Consider age, developmentally appropriate behavior, and disability status before using this category.
Sexual Offense - Offensive Touching Against Staff	Improper physical contact against staff that is offensive, undesirable, and/or unwanted as determined by the victim.
Sexual Offense - Offensive Touching	Improper physical contact against a student that is offensive, undesirable, and/or unwanted as determined by the victim.
School Threat Bomb Threat (Threat of Destruction or Harm)	Any threat (verbal, written, or electronic) by a person to bomb or use other substances or devices for the purpose of exploding, burning, causing damage to school building or school property, or harming students or staff. Intentionally making a false report of potential harm from dangerous chemicals or biological agents.
Technology Use (Violations/Use)	Unauthorized violations of technology use according to the Acceptable Usage Policy.

Threat/Intimidation Against Staff	Unlawfully placing a staff member in fear of bodily harm through physical, verbal, written or electronic threats that immediately creates fear of harm without displaying a weapon or subjecting the person to an actual physical attack. Consider age, developmentally appropriate behavior, and disability status before using this category.
Threat / Intimidation Against Student	Unlawfully placing a student in fear of bodily harm through physical, verbal, written or electronic threats without displaying a weapon or subjecting the person to an actual physical attack. Consider the age, developmentally appropriate behavior, and disability status before using this category.
Theft Offenses (No Force)	Unlawfully taking, carrying, leading, or riding away property from the possession of another person. May include pocket picking, purse snatching, theft from buildings, theft of electronic data, theft from motor vehicles, or theft from coin-operated machines.
Theft Offense of a Motor Vehicle	Unlawfully taking, carrying, leading, or riding away a motor vehicle or the attempted theft of a motor vehicle. This category includes theft of a car, truck, motorcycle, dune buggy, snowmobile, RV, or anything that is self-propelled.
Tobacco (Use, Possession, Sale, Distribution)	Possessing, using, distributing, or selling tobacco products, including smokeless tobacco, on school grounds, at school sponsored events, and/or on school transportation.
Tobacco Paraphernalia	Bringing tobacco paraphernalia to school or to a school event.
Trespassing	Entering or remaining on a public-school campus or school board facility without authorization or invitation and without lawful purpose for entry. This includes students under suspension or expulsion and unauthorized persons who enter or remain on a campus or school board facility after being directed to leave.
Vandalism	Willfully and/or maliciously destroying, damaging, or defacing public or private property without the consent of the owner or person having custody or control of the property. This category includes graffiti.
Weapons (1) Firearm Handgun / Pistol	Possession or bringing a handgun/pistol to school or to a school-sponsored event.
Weapons (2) Firearm Shotgun / Rifle	Possessing or bringing a rifle/shotgun to school or a school-sponsored event.
Weapon (3) Expels or a Projectile	Possessing or bringing to school or a school-sponsored event any weapon designed to expel a projectile or that may readily be converted or modified manufactured guns to expel a projectile by the action of an explosive device.
Weapon (4) Knife	Possessing or bringing to school or a school-sponsored event any sharp-edged instrument that is classified as a knife with a blade of three inches or more.

Weapon (5) Other Firearms	Possessing or bringing any other weapon to school or a school event that is designed to expel a projectile by the action of an explosive. This includes firearms not mentioned previously (operable or inoperable, loaded or unloaded) such as, but not limited to a zip or starter gun.
Weapon (6) Other Weapon	Possessing or bringing any weapon, instrument, or object to school or to a school event that may inflict harm on another person. (i.e., golf club, baseball bat, chains, nunchakus, or batons/nightsticks/Billy clubs)
Pneumatic Weapon (BB Gun)	Possessing or bringing any pneumatic gun or air powered rifle to school or a school event. A pneumatic gun or rifle includes BB, paintball and pellet guns.
Possession of Explosive Device	Possessing or representing any weapon that explodes or designed to or may readily be converted to explode.
Use of Bomb or Explosive Device	Using any weapon that is designed to explode with the use of a triggering device or by a chemical reaction that causes an explosion.
Possession of Ammunition	Possession of any type of ammunition. Ammunition means ammunition or cartridges, cases, primers, bullets, or propellant powder designed for use in any firearm.
Weapon / Look-alike	Any device that looks like a real gun or that is a toy gun (i.e., water pistols). This category also includes look-alike weapons.
Weapon / Chemical Substance	Possessing or bringing to school or a school-sponsored event any substance used as a weapon. Substances include mace, tear gas, and pepper spray.
Possible Weapons	Possessing a knife that is less than three inches, razor blades, box cutters, fireworks, firecrackers, or stink bombs at school or a school event.
Possession of Taser Gun	Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or another charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person.
Possession of Stun Gun	Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or another charge that exceeds the equivalency of five milliamp 60 hertz shock and used for the purpose of temporarily incapacitating a person.



## **Student Discipline: Due Process Safeguards (Policy JGD, JGE-R)**

### **Suspensions and Expulsion Defined**

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

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

“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for 11-45 school days. Long-term suspension is permitted if the school board, superintendent, or the designee finds that aggravating circumstances exist including consideration of the student’s disciplinary history.

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

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

### **Short-Term Suspensions**

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

#### **Informal Hearing**

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

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

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

## **Notice of Suspension**

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

The assistant principal or principal will attempt to notify the parent/guardian as soon as possible by telephone, and shall notify the parent/guardian and student in writing, of the suspension and the reasons thereof. The written notice shall also state any conditions of the suspension, e.g., required parental conference, prohibition on coming onto school property, and the date that the student may return to school. Except in an emergency, a student is not to be dismissed during the school day without prior oral notice and oral permission from the parent/guardian.

The assistant principal or principal shall also inform the parent/guardian in writing that the suspension may be subject to review or appeal as provided in Section 3, Appeal of Short-Term Suspension, below.

A copy of the written notice of a suspension requiring a hearing shall be transmitted by the assistant principal or principal to the superintendent or designee within two school days and shall indicate any recommendation for additional disciplinary actions.

If there is an unexpected school closure students will return on the designated date as assigned. The dates of the suspension will remain on the student's record.

## **Appeal of Short-Term Suspension**

If a student is short term suspended, as defined, "whereby a student is not permitted to attend school for a period not to exceed ten school days", by the assistant principal, the student and/or parent/guardian have the right of appeal in writing to the principal within 5 administrative days of the suspension. If the principal imposed the suspension or upholds the suspension, the principal's decision may be appealed in writing within 5 administrative days to the superintendent or designee for a decision, which appeal shall be decided solely upon the record. The decision of the superintendent or designee is final on short-term suspensions. The failure to appeal the suspension in writing within the prescribed times will constitute a waiver of the right to appeal the short-term suspension.

## **Long-Term Suspensions**

### **Procedures Governing Long-Term Suspensions**

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

The principal shall notify the student's parent/guardian and the student in writing of the recommendation for long-term suspension and the reasons therefore.

A copy of the written notice of the recommendation for long-term suspension shall be transmitted to the Superintendent's designee within two school days.

The superintendent's designee will conduct a hearing within ten days of the recommendation, unless the student and his/her parent/guardian requests an extension in writing and the extension is granted by the superintendent's designee.

The superintendent's designee may uphold the recommendation or recommend various forms of other disciplinary action, including, but not limited to disciplinary probation and placement in alternative education programs. Agencies that provide services to the student may submit reports of participation to appropriate school personnel. Violation of a disciplinary probation contract may be cause for long-term suspension.

The Parent/Guardian will be provided a copy of the Appeal Process at the conclusion of the hearing.

The superintendent's designee will notify the Parent/Guardian in writing of the outcome of the hearing and will include any conditions, such as drug testing or satisfactory progress in an alternative educational program, placed on the student as a result of the hearing.

### **Appeal of Long-Term Suspension**

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

## **Expulsion**

### **Procedures Governing Expulsion**

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

The principal shall notify the student's parent/guardian and the student in writing of the recommendation for expulsion and the reasons therefore.

A copy of the written notice of the recommendation for expulsion shall be transmitted to the superintendent or designee within two school days.

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

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

Recommendations of expulsion shall be heard by the full School Board or a committee thereof. A student will only be expelled upon vote of the School Board, or a committee thereof. Any such committee shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his parents may appeal the decision to the full School Board. The School Board shall decide such an appeal within thirty days.

### **The procedure for the hearing before the School Board, or the committee thereof, shall be as follows:**

The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be closed unless otherwise specified by the School Board.

The School Board may ask for opening statements from the principal or his representative and the student or his parent or their representatives and, at the discretion of the School Board, may allow closing arguments.

The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. When available, witness statements regarding the incident will be provided to the School Board

and the student/parents/representative. Any student names in the witness statement, with the exception of the student who is before the School Board will be redacted. At its discretion, the School Board may alter this part of the process if such action is necessary to protect student witnesses.

The parties shall produce such other evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence.

Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made a part of the record.

The School Board may, by majority vote, uphold, reject or alter the recommendation.

The School Board shall transmit its decision to the student, his/her parents, the principal and the superintendent.

A student who has been expelled from school by the School Board may file for readmission with the superintendent no fewer than 300 and no more than 320 days after the effective date of the expulsion. The School Board will consider and act upon such a petition prior to the expiration of 365 days from the effective date of the expulsion. If the petition is denied, subsequent petitions for readmission may be filed a year later unless a different time period is set by the School Board when ruling on the initial petition for readmission.

### **Admission of Expelled, Long-Term Suspended or Withdrawn Students**

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

Failure to file a written appeal within the prescribed time will constitute a waiver of the right to appeal the decision to the School Board. In the event of a timely appeal, the School Board will decide the appeal upon the record within thirty days of the appeal.

### **Disciplinary Authority of the School Board under Certain Circumstances**

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

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

## **Assignment of a Student to an Alternative Education Program**

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

## **Disciplining Students with Disabilities (Policy JGDA)**

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

### **Long-Term Suspensions, Expulsions or Short-Term Suspensions Which Constitute a Pattern are Long Term Removals and Considered a Disciplinary Change in Placement**

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

the removal is for more than 10 consecutive school days at a time; or

Pattern analysis: there is a series of removals during the school year, each of which is for 10 days or less and they cumulate to more than 10 days in a school year and constitute a pattern because of:

the length of each removal,

the proximity of the removals to each other,

the total time the student is removed,

the child's behavior is substantially similar to the child's behavior in the series of removals for previous incidents in the school year, and

the pattern analysis determination is made and documented by the administration.

If the disciplinary action will result in a long term removal, the student's parents must be sent notice of the recommendation of discipline the same day as the decision is made for the disciplinary change in placement and must be provided with a copy of the procedural safeguards. The procedures outlined in Section IV must also be followed.

A parent may request a due process hearing to challenge the pattern analysis determination. For any disciplinary change in placement, a Manifestation Determination Review ("MDR") must be held and the Individualized Education Program (IEP) team must meet to determine the educational services to be provided during the long-term removal.

## **Short-Term Suspensions**

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

School authorities may remove a student with a disability from the student's current educational setting for 10 school days cumulative in a school year to the extent that such removals would be applied to students without disabilities and for additional short-term suspensions during the school year provided no pattern exists. Short term suspensions which constitute a pattern will be handled through long term removal procedures.

No MDR or IEP meeting is required for a short term removal, although an IEP meeting may be held if needed. Educational services are provided for each day of removal after the first ten days of removal in a school year. Educational services should also be provided during the first ten days of removal if services are provided to a student without disabilities in the same circumstances.

## **Functional Behavior Assessments and Behavior Intervention Plans**

If the MDR team members determine that a manifestation exists, the IEP team must:

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

If a manifestation is found, the school division and the parent may still agree to a change in placement made through the IEP process. Without this agreement, the student must return to the placement from which the student was removed. Nothing in this section limits the authority of the school division for the first ten days of removal in a school year or for applicable forty-five school day removals.

If the MDR team members determine that there is no manifestation, then the IEP team should decide whether there is a need to conduct or review an FBA and BIP.

## **Educational Services While Disciplined**

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

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

continue to progress in the general curriculum, although in another setting, and  
make progress toward meeting the goals set out in the student's IEP.

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

## **Manifestation Determination Review**

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

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

considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and

determines that:

- the conduct in question was not caused by, or did not have a direct and substantial relationship to, the student's disability; and
- the conduct in question was not the direct result of the school division's failure to implement the IEP.

### **Disciplinary Action Following MDR Determination that there is No Manifestation**

If the behavior is not a manifestation of the student's ability, the disciplinary procedures will be applied in the same manner as applied to students without disabilities. The student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student must be made available to the person who makes the final decision regarding the imposition of discipline.

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

### **Disciplinary Action Following MDR Determination that there is a Manifestation**

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

### **Interim Alternative Educational Settings for Weapons, Drugs and Infliction of Serious Bodily Injury**

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

Weapons, controlled substance and serious bodily injury have the meaning given under state regulations in 8 VAC 20-81-10.

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

### **Change of Placement by Hearing Officer**

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

#### **Placement During Appeals**

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

## **Students Not Yet Identified as Disabled**

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

A school division will be found to have knowledge of the student's disability if, before the behavior that precipitated the disciplinary action occurred, one of the following occurred:

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

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

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

If a request for an initial evaluation is made during the period a student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities which placement can include suspension or expulsion without services.

## **Disciplining Certain Section 504 Students Who Violate Alcohol and Drug Policies**

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

## **Reporting of Crimes**

Nothing in these procedures prevents the reporting of a crime to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities.

## **Discipline of Students with Disabilities for Infliction of Serious Bodily Injury (Policy JGDB)**

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

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



## **Academic Offenses**

Academic offenses include cheating or plagiarism. Cheating or plagiarism includes working with another student or individual in a collaborative fashion when consent is not given by the teacher to do so.

### **Secondary Level Disciplinary Response**

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

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

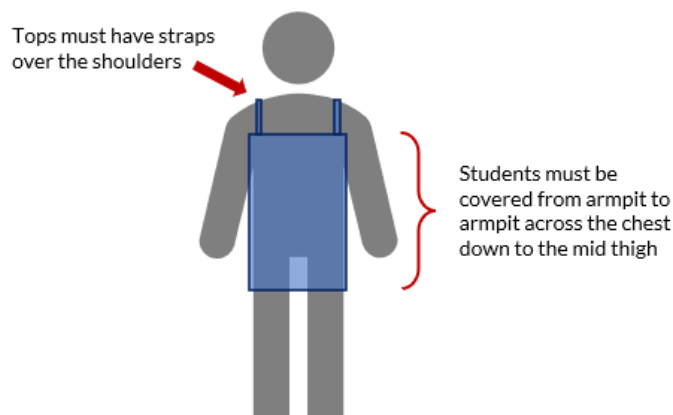
If the academic offense also involves the use of school technology and involves a violation of the NKCPs Acceptable Use Policy, additional disciplinary consequences may apply.

## **Dress Code**

New Kent County Public Schools respects students' rights to express themselves through their choice of clothing. All students attending New Kent County Public Schools are also expected to respect their peers, teachers, administrators, and the broader school community by dressing in a manner appropriate to facilitate their education. Student attire should enable their participation in learning as well as the health and safety of their peers and the adults that supervise them. This policy is intended to provide guidance for students, staff, and parents in matters of student dress.

### **Minimum Dress Requirements:**

1. Clothing must cover the area from armpit to armpit across the chest and back down to the mid-thigh.
  - a. Tops must have straps that go over the shoulders.
  - b. Rips or tears in clothing must be below the mid-thigh.
2. Shoes must be worn at all times and should be safe for the school environment
  - a. Shoes may be open or closed toe but may not be bedroom slippers.
3. Garments made of see-through or mesh material may only be worn with appropriate coverage underneath that meets the criteria in #1 above.
4. Headgear, including hats, hoodies, and baseball caps are not permitted except for religious or medical reasons.
  - a. Principals may make exceptions to this rule for spirit days.
5. Specialized courses and activities may require specialized attire, such as safety gear and sport uniforms.



**Certain Restrictions:**

1. Clothing may not depict, imply, advertise, or advocate illegal, violent, or lewd conduct, weapons, or the use of alcohol, tobacco, marijuana or other controlled substances.
2. Clothing may not depict or imply pornography, nudity, or sexual acts.
3. Clothing may not display or imply vulgar, discriminatory, or obscene language or images.
4. Clothing that may cause a serious disruption to the school environment or violate another student's rights with regard to race, ethnicity, gender, sexual orientation, gender identity, religious affiliation, or any other protected classification is prohibited.
5. Sunglasses may not be worn inside any school building.
6. Clothing and accessories that endanger student or staff safety may not be worn.
7. Apparel, jewelry, accessories, tattoos, or manner of grooming that, by virtue of its color, arrangement, trademark or any other attribute, denotes membership in a gang that advocates illegal or disruptive behavior is prohibited.

*The administration at each school reserves the right to determine what constitutes appropriate dress within the bounds of the minimum requirements and restrictions stated above.* Students who do not adhere to these guidelines will not be allowed to attend class. Parents/guardians will be called if appropriate clothing is not available or the student refuses dress-code appropriate clothing. If parents/guardians are unable to supply appropriate clothing, the student will remain at school but will be assigned to in-school suspension for the remainder of the school day.

**Portable Electronic Communication Devices****Generally**

Students are prohibited from using any electronic device, cell phone, and/or wireless earbuds during the instructional day to include class changes and lunches. All electronic devices, cell phones, and/or wireless earbuds must be powered off and out of sight during the instructional day. This begins when a student enters the school building and does not end until the dismissal bell rings.

Students must store their electronic device, cell phone, and wireless earbuds in their backpacks for the entirety of the instructional day.

Students who require access to their electronic device or cell phone for health-related reasons must have this documented on file with school-health professionals and will be granted an exemption and their teachers will be notified. However, these students are not exempt from disciplinary action(s) per this policy if privileges are abused.

If an elementary student is not meeting electronic device/wireless earbuds expectations, an elementary teacher will provide the student with a verbal warning, document the warning, and notify the parent/guardian. If a secondary student is not meeting electronic device/wireless earbuds expectations, a secondary teacher will first notify school administration using a Google Form, and will communicate this noncompliance with guardian(s). For subsequent offenses, administration will notify guardian(s). Failure to attend or non-comply with assigned discipline will result in further disciplinary action per New Kent County Public Schools' Code of Conduct. More details regarding consequences are outlined below.

**Disciplinary Responses to Portable Electronic Communication Devices**

The use or possession of portable electronic communication devices by students in violation of these regulations may result in the following consequences:

### Elementary Consequences Table

First Offense	Staff members will provide a verbal warning to the student individually, document the warning and notify the parent/guardian.
Second Offense	Administrator will confiscate the portable communication device, document the offense and require a parent/guardian to pick up the phone during business hours.
Third Offense	Administrator will confiscate the portable communication devices, document the offense, contact the parent/guardian and require them to pick up the phone during business hours. The device will not be allowed on campus for the remainder of the school year.

### Secondary Consequences Table

First Offense	<ul style="list-style-type: none"> <li>Electronic devices, cell phones, and/or wireless earbuds will be collected by the teacher and securely stored by administration, school security, or administrative designee until the end of school day.</li> <li>The teacher calls the guardian(s) confidentially and notifies that the device is now securely stored in the main office. The device will be released to the student at the end of the school day.</li> <li>The teacher logs this collection on a schoolwide Google Form for documentation.</li> </ul> <p><i>*If the student does not comply with the teacher request in cell phone collection, an administrator or security officer will be notified, and discipline will automatically tier up for noncompliance to staff requests and school rules.</i></p>
Second Offense	<ul style="list-style-type: none"> <li>Electronic devices, cell phones, and/or wireless earbuds will be collected by the teacher and securely stored by administration, school security, or administrative designee until the end of school day.</li> <li>The teacher logs this collection on a schoolwide Google Form for documentation.</li> <li>An administrator or administrative designee calls the guardian(s) confidentially and notifies that the device is now securely stored in the main office for guardian pick-up. The device will be released to a guardian during normal business hours (7:00 AM-3:30 PM).</li> <li>Discipline: At the high school, the student is issued after-school detention (2:40 PM – 4:45 PM) on an assigned day. Guardian may pick-up student or student may ride NKCPs' activity bus home while buses are in-season.</li> </ul> <p><i>*If the student does not comply with the teacher request in cell phone collection, an administrator or security officer will be notified, and discipline will automatically tier up for noncompliance to staff requests and school rules.</i></p>
Third Offense	<ul style="list-style-type: none"> <li>Electronic devices, cell phones, and/or wireless earbuds will be collected by the teacher and securely stored by administration, school security, or administrative designee until the end of school day.</li> <li>The teacher logs this collection on a schoolwide Google Form for documentation.</li> <li>An administrator or administrative designee calls the guardian(s) confidentially and notifies that the device is now securely stored in the main office for guardian pick-up. The device will be released to a guardian during normal business hours (7:00 AM-3:30 PM).</li> </ul>

	<ul style="list-style-type: none"> <li>● Discipline: The student is issued 1-day of In-School Suspension (7:40 AM – 2:30 PM) on an assigned day. Student will receive a copy of disciplinary referral from administrator. Per NKCPS' Code of Conduct, a "BSO 13: Violation of school board policy regarding the possession or use of portable communication devices" incident will be logged in the student's file.</li> </ul> <p><i>*If the student does not comply with the teacher request in cell phone collection, an administrator or security officer will be notified, and discipline will automatically tier up for noncompliance to staff requests and school rules.</i></p>
Fourth Offense	<ul style="list-style-type: none"> <li>● Electronic devices, cell phones, and/or wireless earbuds will be collected by the teacher and securely stored by administration, school security, or administrative designee until the end of school day.</li> <li>● The teacher logs this collection on a schoolwide Google Form for documentation.</li> <li>● An administrator or administrative designee calls the guardian(s) confidentially and notifies that the device is now securely stored in the main office for guardian pick-up. The device will be released to a guardian during normal business hours (7:00 AM-3:30 PM). Guardian and student notified of next offense resulting in out-of-school (OSS) suspension.</li> <li>● Discipline: The student is issued 3-days of In-School Suspension (7:40 AM – 2:30 PM) on assigned days. Student will receive a copy of disciplinary referral from administrator. Per NKCPS' Code of Conduct, a "BSO 13: Violation of school board policy regarding the possession or use of portable communication devices" incident will be logged in the student's file.</li> </ul> <p><i>*If the student does not comply with the teacher request in cell phone collection, an administrator or security officer will be notified, and discipline will automatically tier up for noncompliance to staff requests and school rules.</i></p>
Fifth or More Offense	<ul style="list-style-type: none"> <li>● Electronic devices, cell phones, and/or wireless earbuds will be collected by the teacher and securely stored by administration, school security, or administrative designee until the end of school day.</li> <li>● The teacher logs this collection on a schoolwide Google Form for documentation.</li> <li>● An administrator or administrative designee calls the guardian(s) confidentially and notifies that the device is now securely stored in the main office for guardian pick-up. The device will be released to a guardian during normal business hours (7:00 AM-3:30 PM). Guardian and student notified of out-of-school (OSS) suspension.</li> <li>● Discipline: The student is issued Out-of-School Suspension (tiered 1 day, 3 days, and 5 days by subsequent offenses) on an assigned day(s). Student will receive a copy of disciplinary referral from administrator. Per NKCPS' Code of Conduct, a "BSO3: Refusal to comply with requests of staff in a way that interferes with the operation of school" incident report will be logged in the student's file.</li> </ul>

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

## **Bullying**

### **Generally**

Bullying is intentional, repeated, aggressive, and unwanted behavior (physical, psychological, or emotional). Its purpose is to harm, intimidate, or embarrass the victim and typically involves a power imbalance between the aggressor(s) and the

victim. The behavior persists over time or results in significant emotional distress. Bullying includes cyberbullying. It is important to note that ordinary teasing, horseplay, arguments, or peer conflicts are not classified as bullying.

Bullying is different from conflict.

- Conflict is defined as a disagreement or argument where both parties express their opinions.
- Bullying is negative behavior directed by someone exerting power and control over another person.

Ways to report bullying:

- In person to any staff member or trusted adult
- Anonymous reporting at individual schools
- Silence Hurts reporting system

In all cases of bullying, the parent or guardian of the student displaying the behavior and the target of the behavior will be notified of the alleged incident as quickly as possible, preferably the same day. Notification of finding will be provided at the conclusion of the investigation.

#### Conflict vs. Rude/Mean Actions vs. Bullying

The chart below was designed to help identify the behavior.

<b>Conflict</b>	<b>Rude/Mean Actions</b>	<b>Bullying</b>
Refers to a situation caused by disagreement or argument between two or more individuals. It can arise due to differences in opinions, values, or interests.	Involves intentionally disrespectful or hurtful behavior towards others. It may include continuous verbal or non-verbal displays of rudeness or discourtesy such as inappropriate gesturing, arguing, name-calling, teasing, or physical aggression, etc.	A form of aggressive and unwanted behavior (physical, psychological, or emotional) that involves repeated and intentional harm towards someone who is perceived as weaker or vulnerable. It often involves a power imbalance between the bully and the victim.
Occurs infrequently	Occurs occasionally	REPEATED behavior
Not planned; in the heat of the moment	Spontaneous	Planned; intentional
All parties are upset	Can cause hurt feelings; upsetting	The target of the bullying is upset or scared and the bully feels in control.
An effort is made by all parties to solve the problem	An effort is made to apologize	The bully does not stop behavior and is unwilling to solve the problem
Can be resolved through mediation	Student may benefit from social skill building and/or mediation may be appropriate	NOT resolved through mediation; could be resolved through restorative practices

#### Cyberbullying

Cyberbullying is a form of bullying that involves using information and communication technologies like email, cell phones, text messages, instant messaging, social media, defamatory websites, or polling sites to engage in intentional hostile behavior aimed at harming others. Any cyberbullying incidents through the NKCPs network, NKCPs computers, or other wireless communication devices within schools, on school premises, or during school-related events will lead to disciplinary measures being taken.

Cyberbullying that occurs off school grounds and/or does not include the use of the NKCPS network or computers may also result in disciplinary action if it causes or is likely to cause a substantial disruption to the school environment or violate the rights of students, staff, or teachers.

## **Student Walkouts**

### **Generally**

New Kent County Public Schools respects the rights of students to hold and express their opinions and acknowledges that those opinions are protected by the First Amendment to the United States Constitution. Students may express those opinions verbally, in writing, or through peaceful protest; however, any such expression is limited so as not to create a significant disruption to the school climate and/or learning environment. Large-scale and/or planned student walkouts as a means of protest have a significant impact on the school's climate, student safety, and the learning environment and are therefore prohibited.

### **Disciplinary Responses to Student Walkouts**

Students involved in large-scale and/or planned walkouts will receive a disciplinary referral under SBAR code BSO4: Failure to be in one's assigned place and may receive any of the disciplinary consequences at Level 1 or Level 2 with the exception of in-school suspension.

## **Tobacco Products and Nicotine Vapor Products (Policy JFCH)**

### **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 school sponsored event.

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.

### **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. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et. seq.) of the Federal Food, Drug, and Cosmetic Act.

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

## **Drugs in School (Policy JFCF)**

### **Generally**

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

- on the property, including building or grounds, of any public school;
- on public property or any property open to the public use within 1,000 feet of the property, including building or grounds, of any public school;
- on any school bus; or

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

### Expulsion

A student who is determined to have brought a controlled substance or imitation controlled substance onto school property or to a school-sponsored activity shall be expelled in accordance with Policy JGD/JGE. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the School Board authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Any disciplinary action imposed pursuant to such a review must be taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

### Prevention and Intervention

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

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

### Required Reporting to Parents and Local Law Enforcement

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

### Students with Disabilities

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

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

In addition to the authority granted in subsection above, a student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

For purposes of this forty-five (45) school day removal, "illegal drugs" and "controlled substance" are defined as follows:

Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in section 202© of the Controlled Substances Act at 21 U.S.C. section 812©.

Illegal drug means a controlled substance, but does not include a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

### **Weapons in School (Policy JFCD)**

### Generally

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

Such weapons include, but are not limited to:

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

### Expulsion for Possession of Firearms

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

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

### Students with Disabilities

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

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

In addition to the authority granted in subsection above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a



manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.

For purposes of this forty-five (45) school day removal, the weapon must meet the following definitions:

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

### **Search and Seizure (Policy JFG)**

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

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

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

#### **Personal Searches**

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

All individual searches of students must be based on reasonable suspicion. In order to be permissible, the search must be:  
Justified at its inception and  
Reasonably related in scope to the circumstances justifying the search.

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

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

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

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

prior approval of the superintendent or superintendent's designee, unless the health or safety of the student is endangered by the delay.

#### Locker and Desk Searches

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

#### Automobile Searches

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

#### Computer Searches

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

#### Consent Searches

If a student gives a school official consent for a search the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning of consent.

Students should be told of their right to refuse to be searched, and students must not perceive themselves to be at risk of punishment for refusing to grant permission for the search.

#### Seizure of Illegal Materials

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

### **Teacher Removal of Students from Class (Policy JFCA)**

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

#### Criteria for Removal

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

removal of the student from the class must be necessary to restore a learning environment free from interruptions and obstructions caused by the student's behavior,

interventions by the teacher and/or administrators have been attempted and failed to end the student's disruptive behavior, and

notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators must have been provided to the student's parents as described below.

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

### **Requirements for Incident Reports**

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

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

### **Procedures for Written Notification of Student and Parents**

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

### **Guidelines for Alternative Assignment and Instruction of Removed Students**

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

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

### **Procedure for the Student's Return to Class**

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

- the teacher and principal shall discuss the teacher's objection to returning the student to class and the principal's reason for returning the student.
- the teacher, after meeting with the Principal, may appeal the Principal's decision to the Superintendent or designee within one school day. The incident reports and removal form must accompany the appeal. After discussion with the Principal and teacher or receiving their written comments, the decision of the Superintendent or designee shall

be final. The decision shall be made within forty-eight hours of the teacher's appeal. During the appeal process, the student shall not be returned to class and the Principal will determine an appropriate placement for the student.

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

#### Other Provisions

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

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

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

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

#### **Restraint and Seclusion of Students (Policy JM)**

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

As used in this policy,

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

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

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

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

- as needed to protect an individual from his or her own actions;
- as needed to protect others from injury by the restrained person;
- as needed to gain possession of weapons or other dangerous objects on the person or within the control of a student;
- as needed for self-defense;
- as needed to escort a student safely from one area to another;
- when using seat belts or other safety restraints to secure a student during transportation;
- as authorized by the Code of Virginia, or

- as authorized by a student's IEP, Section 504 plan or behavior intervention plan.

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

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

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

#### Documentation and Notice to Parents

A parent or guardian will be verbally notified within 24 hours of an incident occurring. Written notification will be provided within a reasonable period of time, not to exceed 5 school days, after any use of

- physical restraint; or
- seclusion.

The staff member who utilizes restraint or seclusion will be responsible for making a record of information regarding its use including the date, time, duration, precipitating behavior, outcome and other pertinent observations. Documentation is not required when using mechanical devices that are authorized and utilized for the student's safety or physical support such as bus harnesses, lap belts, rifton chairs and similar devices. This policy does not permit the use of a restraining device to limit a student's mobility when that device is not ordinarily used with the student.

#### **General Instructions for School Bus Riders**

These instructions are designed to assist in providing safe transportation, good citizenship training, and economical bus operation for the pupils of the New Kent County Public Schools. The School Board is requesting the cooperation of students, parents, and teachers in carrying out these instructions and rules.

To maintain the bus schedule, students must be at the stop at least 5 minutes before the bus is due to arrive. The driver is not permitted to wait for late students. Students are to stand at the edge of the roadway away from traffic lanes.

When approaching the stopping place for the bus, walk toward the traffic.

It is essential we respect people and their property while waiting at the bus stop. Also, do not play on the street, sidewalk, or highway.

When the bus arrives, students must be ready to board the bus in an orderly manner. Avoid crowding and disturbing others.

Students may not ride a bus other than their own, unless they have a note from a parent or guardian and signed by a school administrator or the transportation director.

The rear door is designed to be used for exit in emergency only. It must remain closed at all other times.

Pupils are required to pay for any willful damage and vandalism to the school bus and its equipment. Payment must be made immediately in accordance with rates set by the School Board.

Live animals of any type, glass containers, inflated balloons, weapons of any type and water guns are not allowed on the bus or at the bus stop.

Musical instruments and school projects too large to be carried on a student's lap or placed under the seat may not be transported on a school bus.

Our established traffic control program at each school involves signs directing that there be "no through traffic when buses are loading or unloading" in front of schools. The driveway directly in front of each school building is considered a state maintained roadway and traffic patterns and violations of the same will be enforced by the local authorities. Students driving vehicles will be released in between periods of movement of buses. In response to safety regulations from the State Board of Education, a request is being made that parents (or their designee) accompany their young children to and from the bus stop.

The Transportation Director or designee will notify the New Kent Sheriff's Department if they know of any reason students will be late getting to their stops on the activity buses. The Sheriff's Department will have the mobile and home phone numbers of these individuals.

If parents have left the pick-up area due to the bus being late, the school bus driver will be responsible for keeping the student on the bus and not allowing him/her off in an unsupervised area. Drivers will then contact the Transportation Director or Service Manager by radio.

New Kent County Public Schools makes every effort to provide safe and efficient transportation for students to and from school. Due to the student rider population, most buses are nearly filled to capacity. Because of this, bus passes to ride alternate buses must be seriously restricted. We are asking that requests to ride another bus in order to attend parties, "sleep-overs", competitions, scout meetings, piano or dance lessons, etc. not be made.

A parent or an authorized person must be present at the bus stop for drop-off of students in Pre-K through 1st grade. If a parent/authorized person is not present, the child will be returned to his/her school for parent pickup. If the student is returned to school 3 or more times the student will be removed from the bus and the parent will be required to meet with the principal and the Transportation Director before the student is allowed to ride the bus again.

Requests for students to ride a bus other than their regularly assigned bus must be made in writing and turned into the front office before homeroom. Request forms are available at each school and on the school division's website. Approval is dependent upon bus capacity. If such a request should be denied, school personnel will immediately notify the student and the parent/guardian.

The Transportation Department will not accept phone calls to change a student's stop location. If for any reason a parent cannot be at the bus stop or at home, the student will be brought back to school for parent pick-up.

Loading – anytime students need to cross in front of the bus to load, they must wait until the bus has come to a complete stop, ensure that all traffic has stopped, and receive a hand signal from the driver alerting them that it is safe to cross. Students should remain visible to the driver at all times and should **never** cross behind the bus.

In addition to the rules on the bus, students must also comply with the following:

- Show respect at all times and follow all directions from the driver and/or bus assistant
- No eating or drinking
- No profanity or abusive language
- No smoking or lighting anything on the bus
- No spitting or chewing tobacco
- Do not litter or throw objects
- Students must stay seated until the bus comes to a complete stop
- Keep hands and arms inside the vehicle at all times

As a general reminder, students must follow all rules as outlined in the Student Code of Conduct as a bus stop is considered to be property of New Kent County Public Schools. In addition, all rules must be enforced from door-to-door which means, the moment that the student leaves home until the student returns to the home location.

Please be advised that it is unlawful for unauthorized persons to board a school bus. Violations of this policy are considered trespassing and will be dealt with as such.

### **Bus Discipline (Policy JFCC-R)**

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

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

Audio-video cameras will be used on buses to assist in monitoring behavior.

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

### **Bus Discipline Offenses**

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

### **Disciplinary Responses to Bus Misconduct**

Referral Number	<u>Response PreK-3</u>	<u>Response 4-12</u>
1	Verbal correction or warning by bus driver. Report files report with the Director of Transportation. Parent(s)/guardian(s) are notified. Report filed with school.	Verbal correction or warning by bus driver. Report files report with the Director of Transportation. Parent(s)/guardian(s) are notified. Report filed with school.
2	School administrator or designee conferences with the student and notifies parent(s)/guardian(s). Recess privileges may be withheld	School administrator or designee conferences with the student and notifies parent(s)/guardian(s). Bus suspension may be issued for one day.
3	Recess privileges are withheld and a warning letter is sent to parent(s)/guardian(s).	The Student is suspended from the bus for 1-3 days.
4	The student is suspended from the bus for 1-3 days.	The student is suspended from the bus for 3-5 days.
5	Student is suspended from the bus for 3-5 days and notified that the next offense will result in another bus suspension and	Student is suspended from the bus and a conference is held with the Division Hearing Officer.

	conference with the Division Hearing Officer.	
For additional offenses within the same category, principals will administer appropriately escalating consequences.		

## **Compulsory School Attendance**

The following information regarding school attendance is excerpted from the Code of Virginia.

§ 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § 22.1-254.1.

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection of § 22.1-253.13:1 and in § 22.1-254.01. The requirements of this section shall not apply to (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing the achievement of a passing score on a high school equivalency examination approved by the Board of Education but is not enrolled in an individual student alternative education plan pursuant to any child who has obtained a high school diploma or its equivalent, a certificate of completion, or has achieved a passing score on a high school equivalency examination approved by the Board of Education, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

### **A school board shall excuse from attendance at school:**

Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and

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

Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or



opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.

A school board may excuse from attendance at school:

On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or

On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.

Local school boards may allow the requirements to be met under the following conditions:

For a student who is at least 16 years of age, there shall be a meeting of the student, the student's parents, and the principal or his designee of the school in which the student is enrolled in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

Career guidance counseling;

Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;

Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment;

Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;

Counseling on the economic impact of failing to complete high school; and

Procedures for re-enrollment to comply with the requirements.

A student for whom an individual student alternative education plan has been granted pursuant to this subsection and who fails to comply with the conditions of such plan shall be in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

A school board may, in accordance with the procedures set forth in Article 3 (§ 22.1-276.01 et seq.) of Chapter 14 and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection of § 16.1-260; (iii) suspended pursuant to § 22.1-277.05; or (iv) expelled from school attendance pursuant to § 22.1-277.06 or 22.1-277.07 or subsection of § 22.1-277, require the child to attend an alternative education program as provided in § 22.1-209.1:2 or 22.1-277.2:1.

Whenever a court orders any pupil into an alternative education program, including a program preparing students for a high school equivalency examination approved by the Board of Education, offered in the public schools, the local school board of the school division in which the program is offered shall determine the appropriate alternative education

placement of the pupil, regardless of whether the pupil attends the public schools it supervises or resides within its school division.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ 22.1-277.04, 22.1-277.05, 22.1-277.06, 22.1-277.07, and 22.1-277.2. As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

### **Attendance Regulations (Policy JED-R)**

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

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

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

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

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

#### **Excused absences *will be* considered for:**

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

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

### **Division Wide Procedures for School Absences**

#### **Excused Absences**

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

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

#### Unexcused Absences

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

#### Regulations for Elementary Schools

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

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

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

- 3<sup>rd</sup> Unexcused Absence – Letter sent to parents by principal advising parents of the number of absences.
- Prior to the 10<sup>th</sup> Unexcused Absence – A parent conference will be required and be scheduled by the school social worker or designee. An Attendance Intervention Plan (AIP) will be developed by the school's attendance committee. This plan will identify the steps parents, the student, and the school will take to avoid any future unexcused absences or attendance concerns by the student. (Virginia Code §22.1-258) If a parent fails to participate in the Attendance Intervention Plan conference, a court referral by the school social worker may result.
- If the student accumulates additional unexcused absences after this conference, the school social worker may refer the matter to the court services unit according to Virginia Code §22.1-258

#### Procedures for Submitting Assignments Due to Absences

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

#### Regulations for Middle/High School

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

- 3<sup>rd</sup> Unexcused Absence – Letter sent to parents by principal advising parents of the number of absences.
- Prior to the 10<sup>th</sup> Unexcused Absence – A parent conference will be required and an Attendance Intervention Plan (AIP) will be developed. This plan will identify the steps parents, the student, and the school will take to avoid any future unexcused absences by the student. (Virginia Code §22.1-258) If a parent fails to participate in the Attendance Intervention Plan conference, a court referral by the school social worker may result.
- If the student accumulates additional unexcused absences after this conference, the school social worker may refer the matter to the court services unit according to Virginia Code §22.1-258.

#### Procedures for Submitting Assignments due to Absences

### Excused Absences

Understandably there are times when a student is unable to attend school. When a student is absent it is important that he/she complete the work in a timely manner to ensure continuity of the course. Students with an excused absence will be able to make up the work within two days of attending school to receive full credit. After the first two days, there will be a 10 point deduction per day, for the next three consecutive school days. After 5 total days, the work will not be accepted for credit.

Extensions for excused absences may be granted due to extenuating circumstances. An extended illness of three days or more may be considered an extenuating circumstance where additional time may be allotted.

### Unexcused Absences

Students with an unexcused absence will be allowed to turn in the work on the day of return utilizing class time, IE, or the afterschool program. The student will receive a 10-point deduction for work turned in the day of his/her return. There will be a 10 point deduction for 3 consecutive school days. The student may turn in the work on the fourth day of his/her return with a 10 point deduction after which the assignment will not be accepted for credit.

All students have the opportunity to make arrangements to attend the after-school program if they cannot complete the assignment on the day of return (excused absences) otherwise the 10 point deduction is held.

Note:

For any work or assessments assigned or announced prior to a student's absence, it is expected the work be turned in or made up on the day\* of return, regardless of which type of absence (Unexcused or Excused). Excused absences will earn full credit and Unexcused Absences will receive a 10-point deduction each day thereafter.

\*Days means actual days in school- not class periods. Therefore, if a student missed a class on an A day, and returns on a B day- the work is still due on the day of return.

\*It is the student's responsibility to make every effort to meet with the teacher to make up work/tests/etc.

### Absence for an Extended Period of Time

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

### Late Arrival to School

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

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

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

### Disciplinary Response

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

### Early Dismissal

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

### **Parental Responsibility**

The following information regarding parental responsibilities is excerpted from the Code of Virginia § 22.1-279.3.

#### Parental Responsibility and Involvement Requirements:

Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

A school board shall provide opportunities for parental and community involvement in every school in the school division.

Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section and (ii) a copy of the school board's standards of student conduct. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct and the notice of the requirements of this section. Each school shall maintain records of such signed statements.

The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress.

In accordance with the due process procedures set forth in this article and the guidelines required by § 22.1-279.6, the school principal may notify the parents of any student who violates a school board policy when such violation could result in the student's suspension, whether or not the school administration has imposed such disciplinary action. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior; and (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials.

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

Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior, as follows:

If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or

If the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection, or upon the student's receiving a second suspension or being expelled, it may order (i) the student or his parent, or both, to participate in such programs or such treatment as the court deems appropriate to improve the student's behavior, including participation in parenting counseling or a mentoring program, as appropriate or (ii) the student or his parent, or both, to be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

### **Acceptable Computer System Use (Policy IBEA/GAB)**

The school board provides a computer system, including the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and internal or external networks. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

All use of the division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Inappropriate use may result in cancellation of those privileges, disciplinary action, and/or legal action. Any communication or material generated using the computer system, including electronic mail, social media posts, instant or text messages, tweets, and other files, including communications and materials deleted from a user's account may be monitored, read and/or archived by division staff.

This policy applies to all users of the division's computer system. By using or accessing the computer system, the user agrees to abide by this policy and the Technology Use Guidelines established by the superintendent.

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocols for use of the computer system. The superintendent is also responsible for reviewing and updating, as necessary, the Guidelines at least every two years. It is the user's responsibility to know and follow this policy and the Technology Use Guidelines.

Guidelines include:

a prohibition against use by division employees and students of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the Internet:

provisions, including the selection and operation of a technology protection measure for the division's computers having Internet access to filter or block Internet access through such computers, that seek to prevent access to:

- child pornography as set out in Va. Code §18.2-374.1:1 or defined in 18 U.S.C. §2256;
- obscenity as defined by Va. Code §18.2-372 or 18 U.S.C. §1460; and
- material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2- 390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors;

provisions establishing that the technology protection measure is enforced during any use of the Division's computers;

provisions establishing that all usage of the computer system may be monitored;

provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites and in chat rooms and cyber bullying awareness and response;

provisions designed to prevent unauthorized online access by minors, including “hacking” and other unlawful online activities;

provisions prohibiting the unauthorized disclosure, use and dissemination of photographic and/or personal information of or regarding minors; and

a component of Internet safety for students that is integrated in the division’s instructional program.

Use of the school division’s computer system shall be consistent with the educational or instructional mission or administrative function of the division as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

The division’s computer system is not a public forum.

Users of the division’s computer system have no expectation of privacy for use of the division’s resources or electronic devices including non-division owned devices while connected to division networks or computer resources.

Software and/or services may not be installed or downloaded on the division’s computer system without the prior approval of the superintendent or superintendent’s designee.

The failure of any user to follow the terms of this policy or the Technology Use Guidelines may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The school board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, the school board will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

The school board reviews and amends, if necessary, this policy every two years.

### **Technology Use Guidelines**

All use of the New Kent County School Division’s computer system shall be consistent with the school board’s goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, multimedia devices, workstations, the internet and other electronic services and any other internal or external network. This includes any device that may be connected to or used to connect to the school division’s network or electronically stored division material.

### **Computer System Use-Terms and Conditions:**

**Acceptable Use.** Access to the Division’s computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the Division or (2) for legitimate school business.

**Privilege.** The use of the Division’s computer system is a privilege, not a right.

**Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:

- using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
- sending, receiving, viewing or downloading illegal material via the computer system.
- unauthorized downloading of software.
- using the computer system for private financial or commercial purposes.
- wastefully using resources, such as file space.
- gaining unauthorized access to resources or entities.
- posting material created by another without his or her consent.
- submitting, posting, publishing, or displaying any obscene, profane, threatening, illegal, or other inappropriate material.
- using the computer system while access privileges are suspended or revoked.
- vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
- intimidating, harassing, bullying, or coercing others.
- threatening illegal or immoral acts.

**Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:

- be polite.
- users shall not forge, intercept or interfere with electronic mail messages.
- use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
- users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
- users shall respect the computer system's resource limits.
- users shall not post chain letters or download large files.
- users shall not use the computer system to disrupt others.
- users shall not modify or delete data owned by others.

**Liability.** The school board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The school division is not responsible for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the School Board for any losses, costs, or damages incurred by the School Board relating to or arising out of any violation of these procedures.

**Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.

**Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.

**Charges.** The School Division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.

**Electronic Mail.** The School Division's electronic mail system is owned and controlled by the School Division. The School Division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the School Division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

**Enforcement.** Software will be installed on the division's computers having Internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored



manually. Any violation of these guidelines shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by School Board policy, or legal action.

## **Social Media Guidelines**

### **Overview**

Social media is one tool that NKCPs uses to communicate with staff, students, parents, and community members. Our school division currently has four official accounts on Facebook, Instagram, X, and LinkedIn using the handle @NKCPs. Additionally, each of our five schools has a Facebook and an Instagram account.

Other school-affiliated or -unaffiliated groups and individuals may create social media accounts related to NKCPs, but they are not recognized as official NKCPs-endorsed accounts. Reshares and reposts from unofficial accounts do not signal endorsement. Other school-affiliated or -unaffiliated groups and individuals should not use official division or school logos in their profile photos or any other posts.

Please note that we are unable to monitor NKCPs social media accounts 24/7. If you are a student in crisis, please text HOME to 741741, call 988, or dial 911. [Visit our Student Safety Resources page for more information.](#)

We ask that all comments, messages, and interactions with NKCPs social media accounts be respectful and courteous. We reserve the right to remove or hide content that includes, but is not limited to:

- individually identifiable student information.
- copyrighted material posted without permission.
- confidential material.
- spam, advertising, or commercial solicitations or information.
- obscene, defamatory, harassing, discriminatory, violent, vulgar, hateful, or sexual material.
- advocating the commission of a criminal act.
- personal attacks on a NKCPs staff or faculty member, student, or community members.
- off-topic or disruptive remarks.

We also reserve the right to temporarily block or ban users whose posts or comments on NKCPs social media pages fall within the above categories.

Additionally, any content that violates the user agreement guidelines of a specific platform will be reported for removal.

NKCPs students are asked to remember that school administrators may be notified if a student's online behavior is deemed inappropriate.

All posts and correspondence received by NKCPs may be subject to the Virginia Freedom of Information Act (FOIA) and records retention requirements. As a result, NKCPs may be obligated to retain posts and correspondence in its records and/or to disclose them if requested.

### **Social Media Guidelines for Students**

When using social media to interact with NKCPs, NKCPs offices, individual school accounts, staff and faculty, students are expected to exercise appropriate conduct just as they would offline. The following are recommended guidelines:

- Please be polite. Treat people the way you would want to be treated.
- Profanity and racial or ethnic slurs are never acceptable, nor are vulgar comments or media.
- There is no need to shout. Avoid using all capital letters and/or numerous exclamation points in your posts.
- Do not tag @NKCPs, other school handles, or NKCPs staff and faculty in posts that contain vulgar or unacceptable language.
- If you wouldn't want your family, principal, or classmates to see your post, then don't share it. Once it's online, you can't take it back.
- Be truthful.

- The NKCPS social media accounts are not monitored 24/7. If you are a student in crisis, please text HOME to 741741, call 988, or dial 911. [Visit our Student Safety Resources page for more information.](#) If you witness something inappropriate (whether on or offline), tell your teacher, principal, parent, or another trusted adult immediately.
- Be yourself. Don't represent yourself as another person when communicating. Do not create fake NKCPS social media accounts.

Remember: School administrators may be notified if a student acts inappropriately when communicating with the school division via social media. Administrators and/or other NKCPS staff may be notified if it appears that a student may be in crisis.

## **School Health Services**

A school nurse and/or clinic attendant provide daily coverage in each of the school clinics.

### **School Health Functions**

- Provide Emergency first aid
- Perform individual and family medical counseling, education, and guidance for students with chronic and short term health conditions
- Communicate student's medical needs/accommodations to pertinent staff to provide safety for students and staff
- Assist with classroom accommodations to promote inclusion of all students
- Continuous observation for communicable disease
- Perform assessments/screenings: vision, hearing, growth and development, health concerns, and behaviors
- Review of health physicals and immunizations to ensure compliance with Virginia State Law

Clinic staff will follow a doctor's written instruction for minor care. The clinic does not provide emergency room services, physician care, or continued care for sick students.

### **Student Illness**

Sick students heal better at home. Your student should be kept home from school if they are experiencing any of the following conditions.

- If the student has a contagious disease or is experiencing a flu-like illness. Some contagious diseases include Covid-19, Flu, Pinkeye(conjunctivitis), Strep Throat, Chicken Pox, A Cold, Measles, Whooping Cough (pertussis), etc.
- If the student has a fever of 100 degrees or greater before taking fever reducing medication. Your child can return to school when they are fever free for 24 hours without taking fever-reducing medication.
- If the student has vomiting or diarrhea due to illness.
- If the student is experiencing a cough that disrupts normal activity.
- If the student is experiencing wheezing or shortness of breath.
- If the student has an unexplained/new rash. Not all rashes mean your student has to stay home, check with their doctor.
- If the student is unable to focus due to pain, a chronic health condition, or an acute illness.

If your student becomes ill during the school day and must go home, arrangements should be made to pick them up promptly. Please notify the clinic staff of changes in parent/guardian or emergency contact information so they are able to promptly reach someone if there is an emergency.

### **Chronic Conditions**

The school nurse should be informed if your student has a diagnosis of **diabetes, asthma, seizures, a life-threatening allergy, or any health condition that could require school staff action**. Please provide the clinic with an updated medical plan each school year signed by a physician. An updated medical plan and/or medication order is required each school year for any health condition that may require treatment during the school day or during an after-school activity.

### **Medications**

Law governs administration of medication at school. The medication policy is in the school board manual, refer to the manual for questions. When possible, medication should be administered at home, on a schedule other than during school hours. If medication must be given during school hours, adhere to the following guidelines:

- Needed medications, prescription and over-the-counter, must be accompanied by a medication permission form signed by the physician and the parent/guardian. Medication forms can be obtained from the school clinic, or a link can be found on your school's website.
- Medications must be transported to the school by the parent/guardian. **Please do not send medication to school with your student.**
- Prescription medications must be in the pharmacy labeled container. Over-the-counter medications must be in a new, unopened container. Clinic staff will not accept medication brought to school in a different container or baggie.

### **Possession of Prescription or Over-the-Counter Medication**

No student may have in their possession any medication, prescription or over-the-counter, even if recommended or prescribed for student use. "Medication" shall mean any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter medicine such as Tylenol, ibuprofen, cough syrups, gargles, caffeine pills, and the like. Please see School Board Policy JHCD for information on authorized medications and self-administration.

### **Notification of Bloodborne Exposure Guidelines**

Per the Code of Virginia §32.1-45.1, whenever any school board employee is directly exposed to body fluids of any person in a manner which may, according to the then current guidelines of the CDC, transmit HIV or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with HIV or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the School Board employee.

### **Administration of Medication at School - Regulation JHCD-R**

Whenever possible, the parent or guardian should make arrangements so that medication can be administered at home, before and/or after school. When it is necessary that a student take medication during the school day, please adhere to the following guidelines.

Medications are administered by or under the supervision of a Registered Professional School Nurse. A medication permission form signed by the licensed practitioner is required for all medications administered at school, along with written permission from the parent or guardian.

If your student has a chronic medical condition (i.e., headaches, menstrual cramps, seasonal allergies) for which OTC (over-the-counter) medication (i.e. Tylenol, Advil, Benadryl) is taken, the medication permission form can be obtained from the licensed practitioner prior to the start of the school year. The completed form, and an unopened bottle of

medication in its original properly labeled container should be brought to the school clinic by the student's parent or guardian. Medication brought to the school in baggies, plastic wrap, envelopes, etc., will not be accepted.

The licensed practitioner's office can also fax completed medical forms/medication orders to the school nurse at the appropriate school. The fax numbers for the schools are as follows: New Kent Elementary School: (804)966-2506, George W. Watkins Elementary School: (804)932-8459, Quinton Elementary School: (804)557-3136; New Kent Middle School: (804)966-2703; New Kent High School: (804)966-2773.

For prescription medication, ask the licensed practitioner to request (2) bottles on the prescription, one for school and one for home. This will provide both the parent/guardian and the school the labeled containers needed to safely dispense the medication.

Students that have been diagnosed with asthma and are prescribed inhalers should request two (2) inhalers be written on the prescription, one inhaler to remain at home and one to remain at school at all times. This will prevent the medication not being available at school when needed.

If your student has a diagnosis of asthma and must carry their inhaler at all times, a physician's order and written parent/guardian permission is required. The physician's order must state that the student has permission to carry the inhaler while at school (this includes the school bus, field trips, and other school-sponsored activities). Please be advised, it will be the responsibility of the student to make sure they have their inhaler and it is in proper working order (not expired or empty).

If your student has a diagnosis of anaphylactic reaction, and it is advised by the physician that the student carry and self-administer auto-injectable epinephrine, it is required that written notice from the student's physician states:

- Student's name
- That the student has approval to self-administer prescribed auto-injectable epinephrine
- The name and dosage of the medication, the frequency of which it is to be administered, and the circumstances which may warrant the use of epinephrine
- That the student has demonstrated the ability to administer auto-injectable epinephrine safely and effectively.

Please be advised, it will be the student's responsibility to make sure they are in possession of the medication at all times during the school day (this includes field trips, the school bus, and all other school sponsored activities).

Before permission to possess and self-administer auto-injectable epinephrine and/or metered-dose inhaler is granted, a consultation must occur between the school nurse and parent/guardian.

Any enrolled student who is diagnosed with diabetes, with written parent/guardian consent and written approval from the prescriber, is permitted to carry and use supplies to assist in regulating their blood glucose level. Supplies may include carbohydrate snacks, equipment for the immediate treatment of high and low blood glucose levels, an insulin pump, and an electronic device designed to read their blood glucose level. The student is permitted to self-check their blood glucose level on the school bus, on school property, and at school sponsored activities.

Students are not permitted to carry medication or store medication in their belongings during the school day. This does not include emergency, life-saving medication as prescribed by a physician and approved by the physician and parent/guardian for the treatment of asthma or anaphylaxis. Carrying of other emergency medication will be approved on a case-by-case basis between the physician, school nurse, administration/principal, parent/guardian, and student.

Any medication that is intended for use during school hours should be delivered to the school nurse by the parent/guardian in its original container with the prescribed dosage and method of administration clearly indicated.

If you have any questions regarding New Kent County Public Schools' Medication Administration Policy, please contact your student's school nurse. Medication permission forms can be obtained from the school's clinic or website.

## **Food Allergy Management (Policy JHCF-R2)**

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

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

### **Parent/Family Responsibilities**

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

### **School Responsibilities**

- Review health records submitted by parents and physicians and identify students with allergies.
- Share information pertaining to a student's allergies with the appropriate faculty and staff that have contact with the student, but otherwise will be kept as confidential as possible.
- Provide emergency training to staff annually and as needed, including, but not limited to administrator, teacher and bus driver.
- Designate school personnel who are properly trained to administer medications in accordance with the State Nursing and Good Samaritan Laws governing the administration of emergency medications.
- Ensure a trained person attends all functions where the student is present, i.e. field trips.
- Foods that specifically list nut or peanut products on the ingredient label will not be offered on the main serving line in our cafeterias. This does not apply to items sold on the a la carte or snack lines. (Parents and students may obtain lists of ingredients for any food served by contacting the Food Service Director.)
- Food Services will provide food that all students may enjoy. In the case of a student with multiple or unusual allergies, New Kent Schools may require the student/family to provide lunch and snacks to ensure the student's safety.
- Enforce a "no-eating" policy on school buses with exceptions made only to accommodate special needs.
- Provide instruction to faculty and staff on how to recognize symptoms of an allergic reaction and to respond appropriately.
- Provide seating accommodations at meal times as needed, i.e. designate a table in the cafeteria "peanut free" and/or "allergy aware", allow the student to eat meals in office.
- Ensure that cafeteria tables are cleaned appropriately between meals.

- Code students appropriately in our food service “point of service” system, so that students with food allergies can be easily identified as they move through the cafeteria line.
- New Kent Schools will attempt to avoid serving food with nuts, but cannot guarantee that products with nuts will never be present on campus or at school events. Likewise, New Kent Schools cannot monitor products sold at athletic events or special student sales, products brought for celebrations, or served on off campus trips. Therefore, persons with severe food allergies must carefully monitor their food in these situations.

#### Student Responsibilities

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

#### **New Kent Public Schools Video Surveillance (Policy EB-1)**

The board authorizes the use of video cameras on school property to ensure the health, welfare, and safety of all staff, students, and visitors to school property, and to safeguard school facilities and equipment.

The school shall notify staff and students through student/parent and staff handbooks that video surveillance may occur on school property.

Students or staff in violation of board policies, administrative regulations, and building rules, or law shall be subject to appropriate disciplinary action. Others may be referred to law-enforcement agencies.

Video recordings may become a part of a student’s educational record or a staff member’s personnel record. The division shall comply with all applicable state and federal laws related to record maintenance and retention.

#### **Notification Regarding Prosecution of Juveniles as Adults (Policy JFCL)**

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

#### **School Crisis, Emergency Management, and Medical Emergency Response Plan (Policy EB)**

Each school develops a written school, emergency management and medical emergency response plan as defined below. The school board includes the chief law-enforcement officer, the fire chief, the chief of emergency medical services agency, the executive director of the regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. The school board, the chief law-enforcement officer, the fire chief, the chief of emergency medical services agency, and the executive director of the regional emergency medical services council, and the emergency management official of the locality, or their designees, annually review each school’s plan. The Department of Education and the Virginia Center for School and Campus Safety will provide technical assistance to the school division in the development of the plans. In developing these plans, schools may consult the model school crisis, emergency management and medical emergency response plan developed by the Board of Education and the Virginia Center for School and Campus Safety.

The school board designates the superintendent as emergency manager.

Each school annually conducts school safety audits as defined below. The results of such school safety audits are made public within 90 days of completion. The School Board may withhold or limit the release of any security plans, walk-through checklists and specific vulnerability assessment components as provided in the Virginia Freedom of Information Act, Va. Code § 2.-3705.2. The completed walk-through checklist will be made available upon request to the chief law-enforcement officer of the locality or that officer's designee. Each school maintains a copy of the school's safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and makes a copy of such report available for review upon written request.

Each school submits a copy of its school safety audit to the superintendent. The superintendent collates and submits all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available upon request to the chief law-enforcement officer of the locality the results of such audits.

The superintendent establishes a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee reviews the completed school safety audits and submits any plans, as needed, for improving school safety to the superintendent for submission to the school board.

"School crisis, emergency management and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life threatening medical emergencies; student or staff member deaths; explosions, bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan includes a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § Va. Code § 19.2-11.01, as well as current contact information for both.

"School safety audit" means a written assessment of the safety conditions in each public school to (1) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (2) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses will include recommendations for structural adjustments, changes in school safety procedures, and revisions to the School Board's standards for student conduct.

Each school will maintain records of regular safety, health and fire inspections that have been conducted and certified by local health and fire departments. The frequency of such inspections will be determined by the local school board in consultation with the local health and fire departments. In addition, the school administration will:

- equip all exit doors with panic hardware as required by the Uniform Statewide Building Code; and
- conduct fire drills at least once a week during the first month of school and at least once each month for the remainder of the school term. No fire drills will be conducted during periods of mandatory testing required by the Board of Education. Evacuation routes for students shall be posted in each room. At least one simulated lockdown and crisis emergency evacuation activity should be conducted early in the school year.

Each school has contingency plans for emergencies that include staff certified in cardiopulmonary resuscitation (CPR), the Heimlich maneuver, and emergency first aid.

In addition, the school administration ensures that the school has:

- written procedures to follow in emergencies such as fire, injury, illness, allergic reactions and violent or threatening behavior. The procedures include Policy JHCD Administering Medicine to Students. The plan is outlined in the student handbook and discussed with staff and students during the first week of each school year.
- space for the proper care of students who become ill;
- a written procedure, in accordance with guidelines established by the School Board for responding to violent, disruptive or illegal activities by students on school property or during a school sponsored activity; and

- written procedures to follow for the safe evacuation of persons with special physical, medical, or language needs who may need assistance to exit a facility.

## **Retention**

New Kent County Public Schools believes that student promotion/retention should be based on the academic and developmental needs of the child. These decisions are made on a case-by-case basis taking into consideration a holistic view of the child's individual needs.

### **Elementary School**

The decision of retention, placement, or promotion is made as a team decision with teachers, administrators, and support personnel in partnership with parent(s)/guardian(s). Within the third marking period, student support teams will meet to discuss the progress of each child that may not be progressing in the class as expected. The decision of retention, placement, or promotion will be based on the progress in the Standards of Learning, grade level assessments, standardized or norm-referenced assessments, and input from the team. The principal will review the recommendation from the team and make the final determination. Communication between the teacher and the parents will be at the direction of the school principal regarding the child's possible retention.

### **Middle School**

Students who fail one core academic class during the regular school year will receive a student support plan at the beginning of the following year that will outline remediation efforts to include academic supports within the school day or during the after school program. This plan will provide expectations for the student, teacher, parent/guardian, and other school personnel. The plan will also outline goals for the student.

If a student fails two or more core academic classes, the school administration will seek the input of teachers, support personnel, and parent(s)/guardian(s) regarding whether the student should be retained in the current grade level or placed in the next grade level. The final decision will be made at the discretion of the administration and will be based upon progression through the Standards of Learning, grade level assessments, standardized or norm-referenced assessments, and recommendation of the teachers.

### **High School**

Students at New Kent High School will follow the credit and course requirements as set forth in the most current *Regulations Establishing Standards for Accrediting Public Schools in Virginia*.

#### **Requirements for Promotion**

Grade 9 to 10	6 credits
Grade 10 to 11	12 credits
Grade 11 to 12	17 credits or be able to have all required subjects completed by the end of senior year and be taking or have taken English 12.

Note: Information on exam exemptions is available in the most current program of studies.



**10- Point Grade Scales**

<b>Elementary Grades 2-5</b>		
Letter Grade	Percentage	
A	90 and above	
B	80-89	
C	70-79	
D	60-69	
F	Below 60	

<b>Middle &amp; High School Grades 6-12</b>		
Letter Grade	Percentage	Grade Points
A+	97 and above	4.3
A	93-96	4.0
A-	90-92	3.7
B+	87-89	3.3
B	83-86	3.0
B-	80-82	2.7
C+	77-79	2.3
C	73-76	2.0
C-	70-72	1.7
D+	67-69	1.3
D	63-66	1.0
D-	60-62	0.7
F	Below 60	0

**Weighting of high school credit Honors, Advanced Placement, and Dual Enrollment Courses**

High school credit honors-level courses, as identified in the New Kent High School Program of Studies, will receive a 0.5 weight. Advanced Placement and Dual Enrollment (academic, transferable courses only) will receive a 1.0 weight. These weights are effective beginning in the 2014-2015 school year and will not be retroactively applied.

Example 1: A student earns a final grade of 86 B in World History II Honors. With the 0.5 weight, this grade will be calculated in the student's GPA as a 3.5.

Example 2: A student earns a final grade of 91 A- in Advanced Placement Biology. With the 1.0 weight, this grade will be calculated in the student's GPA as a 4.7.

### **School Counseling Program**

Each school provides the following guidance and counseling services to all students:

- academic guidance which assists students and their parents to acquire knowledge of the curricula choices available to students, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities;
- career guidance which helps students to acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational and career opportunities;
- personal/social counseling which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Information and records of personal/social counseling will be kept confidential and separate from a student's educational records and not disclosed to third parties without prior parental consent or as otherwise provided by law. Parents may elect, by notifying their child's school in writing, to have their child not participate in personal/social counseling.

No student is required to participate in any counseling program to which the student's parents object.

The guidance and counseling program does not include the use of counseling techniques which are beyond the scope of the professional certification or training of counselors, including hypnosis, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.

Parents are notified annually about the counseling programs which are available to their children. The notification will include the purpose and general description of the programs, information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school and information about the procedures by which parents may limit their child's participation in such programs.

#### **Employment Counseling and Placement Services**

The School Board provides secondary students, employment counseling and placement services to furnish information relating to the employment opportunities available to students graduating from or leaving the schools in the school division. Such information includes all types of employment opportunities, including, but not limited to, apprenticeships, the military, career education schools and the teaching profession. In providing such services, the School Board consults and cooperates with the Virginia Employment Commission, the Department of Labor and Industry, local business and labor organizations and career schools.

## **Student Records (Policy JO)**

### **Generally**

The New Kent County School Board shall maintain accurate and complete records for every student enrolled in the public schools in accordance with all federal and state laws.

The Superintendent and/or his designee(s) is responsible for the collection of data, record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The Superintendent also provides for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of this policy.

### **Definitions**

For the purposes of this policy, the New Kent County Public Schools has used the following definitions.

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

Directory information - information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational institution attended. Directory information may not include the student's social security number. Directory information may include a student identification number or other unique personal identifier used by a student for accessing or communicating in electronic systems if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user or a student ID number or other unique personal identifier that is displayed on a student ID badge, if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity such as a PIN or password or other factor known or possessed only by the authorized user.)

Early childhood education program – a Head Start program or an Early Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children's cognitive, social, emotional, and physical development and is a state prekindergarten program, a program under section 619 or Part C of the Individuals with Disabilities Education Act, or a program operated by a local educational agency.

Education program - any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Education records - any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the New Kent County School Board or an agent of the school division which contains information directly related to a student, except:

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record;
- records created and maintained for law enforcement purposes by the New Kent County School Board's law enforcement unit, if any. A law enforcement unit is any individual, office, department, or division of the school division that is authorized to enforce any local, state, or federal law, refer enforcement matters to appropriate authorities or maintain the physical security and safety of the school division;

- in the case of persons who are employed by the New Kent County School Board but who are not in attendance at a school in the division, records made and maintained in the normal course of business which relate exclusively to the person in his capacity as an employee;
- records created or received after an individual is no longer in attendance and that are not directly related to the individual's attendance as a student;
- grades on peer-graded papers before they are collected and recorded by a teacher; and
- any electronic information, such as email, even if it contains personally identifiable information regarding a student, unless a printed copy of the electronic information is placed in the student's file or is stored electronically under an individual student's name on a permanent and secure basis for the purpose of being maintained as an educational record. For purposes of this policy, electronic information that exists on a back-up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.

Eligible student - a student who has reached age 18.

Parent – a parent of a student, including a natural parent, a guardian, an individual acting as a parent in the absence of a parent or guardian.

Student - any person who is or has been in attendance at New Kent County Public Schools regarding whom the school division maintains education records or personally identifiable information.

### **Dissemination and Maintenance of Records about Court Proceedings**

#### **Adjudications**

The Superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code 16.1-260.G. contained in a notice received pursuant to Va. Code § 16.1-305.1 to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the Principal of the school in which the student is enrolled. The Principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

A parent, guardian, or other person having control or charge of a student, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefore. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

Every notice of adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 received by a Superintendent, and information contained in the notice, which is not a disciplinary record as defined in Board of Education regulations, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident which formed the basis for the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260, the notice shall become a part of the student's disciplinary record.

Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in Va. Code § 22.1-253.13:4.

#### **Petitions and Reports**

The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to Va. Code § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

if the juvenile is not enrolled in a public school in the division to which the notice or report was given, the Superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the

Director of the Department which sent the report and may forward the notice of petition or report to the Superintendent of the division in which the juvenile is enrolled if known;

- Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 the Superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the Superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel within the division. The principal may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.
- If the Superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such reports only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

### **Protective Orders and Orders Prohibiting Contact with a Child**

Any school principal who receives notice that a circuit court, general district court, juvenile and domestic relations district court, or magistrate has issued a protective order for the protection of any child who is enrolled at the school, or any other prohibiting contact with such a child, notifies licensed instructional personnel and other school personnel who (i) provide direct educational or support services to the protected child or the child subject to the order, (ii) have a legitimate educational interest in such information, and (iii) are responsible for the direct supervision of the protected child or the child subject to the order that such order has been issued.

### **Annual Notification**

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

- the right to inspect and review the student's educational records and the procedure for exercising this right;
- the right to request amendment of the student's educational records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedures for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.
- the type of information designated as directory information and the right to opt out of release of directory information;
- that the school division releases records to other institutions that have requested the records and in which the students seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

### **Procedure to Inspect Education Records**

Parents of students or eligible students may inspect and review the student's education records within a reasonable period of time, which shall not exceed 45 days, and before any meeting regarding an IEP or hearing involving a student with a disability. Further, parents shall have the right to a response from the school division to reasonable requests for explanations and interpretations of the education record.

Parents or eligible students should submit to the student's school principal a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

The principal (or appropriate school official) will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected.

When a record contains information about students other than a parent's child or the eligible student, the parent or eligible student may not inspect and review the portion of the record which pertains to other students.

#### Copies of Education Records

The New Kent County Public Schools will not provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student from exercising the right to inspect and review the records.

#### Fees for Copies of Records

The fee for copies will be 25¢ per page. The actual cost of copying time and postage will be charged. The New Kent County Public Schools does not charge for search and retrieval of the records. The New Kent County Public Schools does not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

#### Types, Locations, and Custodians of Education Records

The New Kent County Public School shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division.

The following is a list of the types of records that the New Kent County Public Schools maintain, their locations, and their custodians.

<b>Types</b>	<b>Location</b>	<b>Custodian</b>	<b>Information</b>
Scholastic Records	School Offices	School Counselors	all records, as required attendance, grades, discipline, contact and demographic
Student Information System	Computer Network	Student Information System Manager	

#### Disclosure of Education Records

The New Kent Public Schools discloses education records or personally identifiable information contained therein only with the written consent of the parent or eligible student except as authorized by law. Exceptions which permit the school division to disclose education record information without consent include the following.

- To school officials who have a legitimate educational interest in the records.
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. If records or information are released under this provision, the student's parents will be notified of the release, receive a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.
- To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.

- In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
- For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff or such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.
- To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
  - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
  - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
  - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
  - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.
- To accrediting organizations to carry out their functions.
- To parents of an eligible student who claim the student as a dependent for income tax purposes.
- To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
- To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
  - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
  - the parties to whom the division disclosed the information.
- To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
- Directory information so designated by the school division.
- When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071 and applicable federal guidelines.

The school division discloses or makes available to a guardian ad litem, on request, any information, records, or reports concerning a student for whom a petition for guardianship or conservatorship has been filed that the guardian ad litem determines are necessary to perform his duties under Va. Code § 64.2-2003.

The school division will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

The school division will use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom it discloses personally identifiable information from education records.

#### Unauthorized Disclosure of Electronic Records

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation of federal or state law applicable to such information, the school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

#### Disclosure to Federal Agencies

Notwithstanding any other provision of law or policy, no member or employee of the New Kent School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

#### Disclosure of Information Relating to Home Instructed Students

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B 1 or Va. Code § 22.1-254. However, the superintendent or School Board may disclose, with the written consent of a student's parents, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

#### Audit or Evaluation of Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connection with an audit or evaluation of federal- or state- supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the individual or entity as an authorized representative;
- specifies the personally identifiable information to be disclosed, specifies that the purposes for which the personally identifiable information is disclosed to the authorized representative is to carry out an audit or evaluation of federal- or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31(a)(3) including a description of how the personally identifiable information will be used;
- requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
- specifies the time period in which the information must be destroyed; and
- establishes policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally identifiable information from further disclosure and unauthorized use, including limiting use of personally identifiable information to only authorized representatives with



legitimate interests in the audit or evaluation of a federal- or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

#### Military Recruiters and Institutions of Higher Learning

The New Kent County Public Schools provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student.

The school division notifies parents of the option to make a request and complies with any request.

The school division provides military recruiters the same access to secondary school students as is provided generally to post-secondary educational institutions or to prospective employers of those students.

#### Record of Disclosure

The New Kent County Public Schools shall maintain a record, kept with the education records of each student, indicating all individuals (except school officials who have a legitimate educational interest in the records), agencies, or organizations which request or obtain access to a student's education records. The record will indicate specifically the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations which audit the operation of the system.

The requirements related to records of disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 2332b(g)(5)(B).

Personal information will only be transferred to a third party on the condition that such party will not permit any other party to have access to such information without the written consent of the parents of the student. If a third party permits access to information, or fails to destroy information, the division will not permit access to information from education records to that third party for a period of at least five years.

#### Directory Information

The New Kent School Board notifies parents and eligible students at the beginning of each school year what information, if any, it has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

No school discloses the address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act unless the parent or eligible student affirmatively consents in writing to such disclosure. Except as required by state or federal law, no school discloses the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31 (a) (11) unless (a) the disclosure is to students enrolled in the school or to school board employees for educational purposes or school business and the parent or eligible student has not opted out of such disclosure in accordance with Virginia law and this policy or (b) the parent or eligible student has affirmatively consented in writing to such disclosure.

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier, or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly, or to disclose a student ID card

or badge that exhibits information designated as directory information and that has been properly designated as directory information.

- student's name
- parent's names
- participation in officially recognized activities and sports
- address
- telephone listing
- weight and height of members of athletic teams
- email address
- photograph
- degrees, honors, and awards received
- date and place of birth
- major field of study
- dates of attendance
- grade level
- most recent educational agency or institution attended

#### Correction of Education Records

The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows:

- Parents or the eligible student must request in writing that the New Kent County Public Schools amend a record. In doing so, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
- New Kent County Public Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division shall notify the parents or eligible students of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.
- Upon request, New Kent County Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
- The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
- The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
- New Kent County Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
- If New Kent Public Schools decide that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
- If New Kent County Public Schools decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

### Confidentiality of HIV and Drug and Alcohol Treatment Records

The New Kent County Public Schools complies with the confidentiality requirements of Va. Code § 32.1-36.1, providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school division maintains confidentiality of drug and alcohol treatment records as required by federal and state law.

## **Administration of Surveys and Questionnaires (Policy JOB)**

### Instruction Materials and Surveys

#### Inspection of Instructional Materials

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material used in connection with any survey, analysis, or evaluation as part of any federally funded program are available for inspection by the parents or guardians of the student in accordance with Policy KBA Requests for Public Records.

#### Participation in Surveys and Evaluations

No student is required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveals information concerning:

- political affiliations or beliefs of the student or the student's parent,
- mental or psychological problems of the student or the student's family,
- sex behavior or attitudes,
- illegal, anti-social, self-incriminating, or demeaning behavior,
- critical appraisals of other individuals with whom respondents have close family relationships,
- legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers,
- religious practices, affiliations, or beliefs of the student or student's parent, or
- income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)
- without the prior consent of the student (if the student is an adult or emancipated minor), or in the case of an unemancipated minor, without the prior written consent of the parent.

#### Surveys Requesting Sexual Information

In any case in which a questionnaire or survey requesting that students provide sexual information, mental health information, medical information, information on student health risk behaviors pursuant to Va. Code § 32.1-73.8, other information on controlled substance use, or any other information that the school board deems to be sensitive in nature is to be administered, the school board notifies the parent concerning the administration of such questionnaire or survey in writing at least 30 days prior to its administration. The notice informs the parent of the nature and types of questions included in the questionnaire or survey, the purposes and age-appropriateness of the questionnaire or survey, how information collected by the questionnaire or survey will be used, who will have access to such information, the steps that will be taken to protect student privacy, and whether and how any findings or results will be disclosed. In any case in which a questionnaire or survey is required by state law or is requested by a state agency, the relevant state agency shall provide the School Board with all information required to be included in the notice to parents.

The parent has the right to review the questionnaire or survey in a manner mutually agreed upon by the school and exempt the child from participating in the questionnaire or survey. Unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey do not disclose personally identifiable information.

No questionnaire or survey requesting that students provide sexual information shall be administered to any student in kindergarten through grade six.

### Additional Protections

In the event of the administration or distribution of a survey containing one or more of the subjects listed in subsection above, the privacy of students to whom the survey is administered is protected by: Students completing surveys will be identified by number or the survey will be anonymous.

### Physical Examinations and Screenings

If the New Kent County School Division administers any physical examinations or screenings other than those required by Virginia law, and surveys administered to a student in accordance with the Individuals with Disabilities Education Act, policies regarding those examinations or screenings will be developed and adopted in consultation with parents.

### Commercial Use of Information

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

This subsection does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following:

- college or other postsecondary education recruitment, or military recruitment;
- book clubs, magazines, and programs providing access to low-cost literary products;
- curriculum and instructional materials used by elementary schools and secondary school
- tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
- the sale by students of products or services to raise funds for school-related or education-related activities; and
- student recognition programs.

## **Notification**

### Notification of Policies

The board provides notice of this policy directly to parents of students annually at the beginning of the school year and within a reasonable period of time after any substantive change in the policy. The board also offers an opportunity for the parent (or emancipated student) to opt the student out of participation in activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose);

the administration of any survey containing one or more items listed in subsection above; or  
any non-emergency, invasive physical examination or screening that is:

- required as a condition of attendance;
- administered by the school and scheduled by the school in advance; and
- not necessary to protect the immediate health and safety of the student, or of other students.

### Notification of Specific Events

The Board directly notifies the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

- activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information to others for that purpose);
- the administration of any survey containing one or more items listed in subsection above;
- any non-emergency, invasive physical examination or screening that is required as a condition of attendance;
- administered by the school and scheduled by the school in advance; and
- not necessary to protect the immediate health and safety of the student, or of other students.

## Definitions

Instructional material: the term “instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or academic assessments.

Invasive physical examination: the term “invasive physical examination” means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or scoliosis screening.

Parent: the term “parent” includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

Personal information: the term “personal information” means individually identifiable information including:

- a student or parent’s first and last name;
- a home or other physical address (including street name and the name of the city or a town);
- a telephone number; or
- a Social Security identification number.

Survey: the term “survey” includes an evaluation.

## **Sex Offender Registry Notification (Policy KN)**

### 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 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.

#### **Compliance Officer/Notice of Non-Discrimination**

New Kent County Public Schools does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies: Mr. Richard Dirmeyer, P.O. Box 110, New Kent, VA 23124, Telephone No. (804) 966-9650.

#### **Compliance Officer Against Sexual Harassment**

Please be advised that the New Kent Public School Compliance Officer against sexual harassment is Ms. Allison Anderson. Students and employees who believe that they have been sexually harassed should immediately report the incident to Ms. Anderson by calling (804) 966-9650, or by writing to New Kent School Board, P.O. Box 110, New Kent, VA 23124.