

**SCHOOL BOARD
POLICY REVIEW COMMITTEE MEETING
AGENDA**

**School Administration Building
School Board Room
October 29, 2025 3:30 P.M.**

Public seating is available on a first-come, first-served basis. Members of the public will also be able to observe the Policy Review Committee Meeting through the link below:

<https://www.youtube.com/@VirginiaBeachSchools>

Any person seeking an accommodation to observe/listen to the Meeting should, prior to the day of the Meeting, contact the School Board Clerk at 263-1016 or by email

at Regina.Toneatto@vbschools.com.

Committee Members: Carolyn Weems, Mark Bohensiel, Sharon Felton, Cheryl Woodhouse, Kamala Lannetti, Laura Beth Mattson

I. Attendees:

II. Call to Order:

III. Adoption of the Agenda:

IV. Adopt Meeting Minutes September 24, 2025:

V. Old Business:

- A. Policy 4-12 Assignment, Reassignment and Transfer, and Regulation 4-12.1 Teacher Assignment and Transfer
- B. Policy 5-10 Admission Requirements
- C. Policy 5-40 Student-led Assemblies/Demonstrations and Regulation 5-40.1 Demonstrations
- D. Policy 7-51 Use of School Board Equipment; Policy 3-80 School Board Owned Vehicles; Policy 7-52 Use of School Board Equipment: Use of School Buses

VI. New Business:

- A. Policy 3-23 Sale/Exchange/Lease/Disposal of Property
- B. Policy 3-40 Design – Build Contract Procurement
- C. Policy 5-54 Restraint and Seclusion; deletion of Regulation 5-59.3
- D. Policy 7-59 Relations with Employment/Career Agencies: Employment Counseling and Placement Services

VII. Other Business:

VIII. Next Meeting: November 25, 2025, at 1:30 p.m. (tentative)

IX. Adjourn: p.m.

SCHOOL BOARD POLICY REVIEW COMMITTEE MEETING Minutes

**School Administration Building
School Board Room
September 24, 2025, 4:00 P.M.**

Attending: Carolyn Weems, Mark Bohenstiel, Sharon Felton, Cheryl Woodhouse, Kamala Lannetti, Laura Beth Mattson, Daniel Hopkins, Crystal Pate, Stephanie Enzmann, Darnita Trotman, Anna Cleveland

I. Call to Order: 4:01 p.m.

II. Adopt the Agenda:

Motion to adopt the agenda made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

III. Adopt Meeting Minutes August 27, 2025:

Motion to adopt the August 27, 2025, Meeting Minutes made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

IV. Old Business:

Mr. Dan Hopkins was present to address questions raised at the previous meeting regarding the budget, scholarships, investments, and financial record-keeping. Discussion covered:

- A. Policy 3-25 (Division Beneficiary of Estates): Clarification on scholarships and donations; Information for scholarships is provided to students through a hub.
- B. Policy 3-26 (Investments): The City Treasurer manages investments. Schools are permitted to hold CDs, and all monies earned from the CDs are kept in the bank account for the individual school.
- C. Policy 3-42 (Financial Recordkeeping): Ms. Felton expressed concerns regarding training for parent groups and accountability for booster/PTA funds. Mr. Hopkins assured the Committee Members that he would include a mention of the school division PowerPoint for parent organizations at the next quarterly bookkeepers' meeting to remind all bookkeepers that they should provide it to each of their parent-

run booster clubs. However, the School Administration noted that booster and PTAs are private organizations and the School Division is not responsible for their compliance with accounting and tax procedures.

V. New Business:

A. Policy 3-27 Borrowing

This policy is being presented for review to comply with the 5-year requirement; there are no proposed changes.

Motion to send Policy 3-27 to the next School Board meeting on Information made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

B. Policy 4-2 Employee Conduct

Ms. Lannetti explained that this policy is being presented for review at the request of a School Board Member to review the employee dress code.

Discussion followed regarding professional attire, specifically the policy on wearing jeans. The Committee determined that Policy 4-2 is sufficient as written. Ms. Weems will contact the School Board Member who requested the review and communicate the Policy Review Committee's decision on this issue.

C. Policy 4-12 Assignment, Reassignment and Transfer, and Regulation 4-12.1 Teacher Assignment and Transfer

Ms. Lannetti explained that this policy is being presented for review at the request of School Board Members.

Ms. Woodhouse explained how transfers work for teachers specifically. Dr. Trotman confirmed the current process and shared that there has been only one teacher who has requested special consideration for a transfer before the completion of the three-year probationary requirement since 2019. Ms. Felton inquired about transfers for staff other than teachers.

Ms. Woodhouse suggested to Ms. Weems that staff who have concerns regarding transfers should have a conversation with their building administrator and reach out to Human Resources.

Ms. Weems will contact the School Board Members who requested review of this policy and communicate the Policy Review Committee's decision on this issue.

D. Policy 5-10 Admission Requirements

Ms. Lannetti explained that this policy is being presented for review at the request of a School Board Member. Ms. Weems presented language directly from the Code of Virginia that she would like included in this policy.

Discussion followed regarding federal reporting requirements and potential inclusion of “other” in ethnicity designation. The Committee requested that Ms. Woodhouse gather more information from staff on this issue to be presented at the next Policy Review Committee meeting in October.

E. Policy 5-40 Student-led Assemblies/Demonstrations and Regulation 5-40.1 Demonstrations

Ms. Lannetti explained that this policy is being presented for review at the request of a School Board Member. As presented, there are minor scrivener changes; however, this policy needs review for amendments after recent events at a high school.

Discussion followed regarding the protection of First Amendment rights and clarifying distinctions between assemblies and demonstrations. The Committee requested to bring back a revised draft that will include separating the two distinct matters: assemblies and demonstrations, into individual policies. Ms. Weems requested that the drafts be given to the Committee as soon as they are available, allowing Committee Members time to adequately review the proposed amendments and provide comments.

F. Policy 6-28 Driver Education

Ms. Lannetti explained the proposed amendments.

There was a brief discussion regarding the procedures for obtaining a driver’s license.

Motion to send Policy 6-28 to the next School Board meeting on Information made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

G. Policy 7-2 Notification of School Board Meetings

Ms. Lannetti explained the proposed amendments to align with the Code of Virginia on this policy. Ms. Felton suggested a grammatical correction under A in the third line; specifically, for the “and” to remain.

Motion to send Policy 7-2 to the next School Board meeting on Information made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

H. Policy 7-13 Appeals of School Board Decisions

This policy is presented for review to comply with the five-year review requirement; there are no recommended changes.

Motion to send Policy 7-13 to the next School Board meeting on Information made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

I. Policy 7-21 Citizens' Advisory Committees

Ms. Lannetti explained the minor scriveners' changes.

Motion to send Policy 7-21 to the next School Board meeting on Information made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

J. Policy 7-51 Use of School Board Equipment

This policy is presented for review to comply with the five-year review requirement; there are no recommended changes.

Discussion followed regarding what types of equipment are loaned out and to which organizations, and there were questions regarding the process to request the use of School Board vehicles. Additional information was requested from staff and Committee Members who would like to review the policy regarding the use of school board vehicles presented at the next Policy Review Committee Meeting.

K. Policy 7-58 Relations with Governmental Agencies

Ms. Lannetti explained the minor scriveners' change and that this policy is being reviewed to comply with the five-year review requirement.

Motion to send Policy 7-58 to the next School Board meeting on Information made by Ms. Felton. Second by Mr. Bohenstiel.

Ayes: 3 Nays: 0

VI. **Other Business:**

Policies set for review in October will include restraint and seclusion, and facilities-related procurement.

Ms. Weems requested that Committee Minutes be provided to her within the next week for review and a copy of the draft agenda seven to ten days before the next Committee Meeting. Additionally, Mr. Bohenstiel requested that the agenda include hyperlinks to the policies as it is set up on the School Board Agenda.

VII. **Next Meeting:** October 22, 2025, at 3:30 p.m.

VIII. **Adjourn:** 5:30 p.m.

DRAFT

PERSONNEL

Assignment, Reassignment and Transfer

A. Teachers

1. Assignment

The teachers in the School Division shall be employed and placed in the schools by the School Board upon recommendation of the Superintendent. The School Board authorizes the Superintendent to assign teachers to individual schools for the school year commencing July 1 and ending June 30. The Superintendent delegates to the principals the authority to assign teachers to their respective positions in the schools. A principal may submit recommendations to the Superintendent for the promotion, transfer and dismissal of all personnel assigned to the principal's supervision.

2. Reassignments

Instructional staff members are key to an effective learning environment; consequently, appointment to a particular teaching assignment is dependent on job performance and the needs and best interests of the School Division.

By resolution, the School Board authorizes the Superintendent to reassign teachers to any school within the School Division provided no change or reassignment shall adversely affect the salary of such teachers for that school year and provided, further, that the Superintendent shall make appropriate reports and explanations concerning such reassignments upon the request of the School Board.

B. Principals, Assistant Principals, and Instructional Supervisors

1. Assignment/Reassignment

The administrative personnel shall be employed by the School Board upon recommendation of the Superintendent. By resolution, the School Board authorizes the Superintendent to assign/reassign principals, assistant principals, and instructional supervisors to any school within the School Division for a school year, provided no change or reassignment shall affect the salary of such principal or assistant principal for that school year. The Superintendent shall make appropriate reports and explanations concerning such assignments/reassignments upon the request of the School Board.

2. Reassignment to Lower Paying Position

The School Board authorizes the Superintendent to reassign a principal, assistant principal or instructional supervisor to a lower paying position, provided the School Board adheres to the procedural requirements set forth in Virginia Code § 22.1-294, as amended, and gives notice to the affected individual of such reassignment.

C. **Classified, Professional, and Non-instructional Administrators**

1. Assignment/Reassignment

Classified employees, professional employees, and non-instructional administrators shall be employed by the School Board upon recommendation of the Superintendent. The Superintendent may assign/reassign personnel based on need, job performance, and in the best interests of the School Division. The Superintendent shall make appropriate reports and explanations concerning assignments/reassignments upon the request of the School Board.

2. Transfers

- a. An employee may not request a transfer until after they have received their first evaluation.
- b. An employee who is on a performance improvement plan may not be transferred.

Editor's Note

On November 26, 2019, the School Board adopted a Continuing Resolution Authorizing the Superintendent to Reassign Principals, Assistant Principals and Teachers. Such resolution will remain in effect until the School Board takes action to revoke it. A copy of the resolution can be found in the School Board Minutes for November 26, 2019 and attached to this Policy.

Legal Reference

Code of Virginia § 22.1-295, as amended. Employment of teachers.

Code of Virginia § 22.1-297, as amended. Assignment of teachers, principals and assistant principals by superintendent.

Code of Virginia § 22.1-293, as amended. School boards authorized to employ principals and assistant principals; license required; powers and duties

Code of Virginia § 22.1-294, as amended. Probationary terms of service for principals, assistant principals and supervisors; evaluation; reassigning principal, assistant principal or supervisor to teaching position.

Related Links

School Board [Continuing Resolution](#)

Adopted by School Board: July 21, 1970

Amended by School Board: August 19, 1975

Amended by School Board: July 1, 1978

Amended by School Board: July 1, 1982

Amended by School Board: July 1, 1984

Amended by School Board: July 1, 1987

Amended by School Board: July 1, 1989

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: July 13, 1993 (Effective August 14, 1993)

Amended by School Board: February 17, 1998

Amended by School Board: June 15, 1999

Amended by School Board: April 4, 2000

Amended by School Board: October 4, 2016

Amended by School Board: November 26, 2019

Amended by School Board: September 12, 2023

PERSONNEL

Teacher Assignment and Transfer

Instructional staff members are key to an effective learning environment; consequently, appointment to a particular assignment is dependent on need, job performance, and the best interest of the School Division.

A. Assignment

The Superintendent or designee has the authority to assign teachers to any school, program or department within the School Division. The principal will be responsible for the placement of teachers assigned to the school. Department heads will be responsible for the placement of teachers assigned to a program or department other than a school.

B. Transfers

In accordance with School Board Policy 4-12 *Assignment, Reassignment, and Transfer*, the Superintendent or designee may transfer teachers to other schools in the School Division, based on the request of the teacher, or upon recommendation of the Department of Human Resources, or a principal.

1. Voluntary Transfers

- a. Teachers who wish to be considered for a change in grade and/or subject assignment for the next year within a particular school should communicate their interest to their principals.
- b. Voluntary transfers of teachers from one school to another within the School Division will be implemented through the use of the online transfer application in response to specific posted vacancies.
- c. Teachers who are on a continuing contract or have been employed in a full-time teaching position for three (3) years at the end of the current school year and are not on a performance improvement plan or pending disciplinary action are eligible to seek a voluntary transfer for the next school year.
 - 1) Teachers who have an interest in a particular vacancy at a different school within the School Division will complete an online transfer application.

2) Once a teacher has received a voluntary transfer, the teacher is not eligible for another voluntary transfer for a period of three years.

3) A teacher may request that the three-year requirement above be waived if special circumstances are present. The teacher must seek approval for an exception from the building principal. The building principal will then request an exception from the Department of School Leadership who will work in consultation with the Department of Human Resources to make the final decision.

- d. Principals will review the online transfer application and contact teachers whom they wish to interview.
- e. Teachers should advise their current building principal when they are contacted for an interview at another school.
- f. Upon conclusion of interviews for any particular vacancy, the principal will notify the Department of Human Resources of the principal's selection.
- g. The principal conducting the interview will notify all teachers who were interviewed when the vacancy is filled.
- h. The period for voluntary transfers will conclude each year on June 1, or if June 1 falls on a weekend, it will conclude on the following weekday. However, a teacher who is assigned to an undesired itinerant position which requires two or more locations may seek a voluntary transfer to fewer locations at any time regardless of the date of their last voluntary transfer.

2. Priority Transfers

- a. Due to Overstaffing/Program Elimination/Declining Enrollment
 - 1) In the event a staff reduction is necessary due to overstaffing, program elimination, or declining enrollment, an involuntary staff reduction will take effect. The Department of Human Resources will provide each building principal with a list of teachers, ranked by length of service. Length of service will be defined as the period of service from the effective date of employment as a teacher, beginning with the most recent term of continuing employment in a teaching position in the School Division, including authorized leaves of absence. Temporary or hourly employment shall not be included. If two or more teachers have the same hire date, then the dates of contract

offer will be determined and used to identify the priority transfer. If the date of contract offer is the same for both teachers, then the date of the acceptance of the position that resulted in the most recent continuous period of teaching employment will be substituted. If the date of the acceptance is the same for both teachers, then the date of receipt of the application that resulted in the most recent continuous period of teaching employment will be substituted.

For priority transfer designation, service in a specialty area (such as Library Media Specialist, School Counselor, or Reading Specialist) shall be the period of service during which the employee has worked continuously in the specialty position.

A teacher who is on a performance improvement plan may not be designated as a priority transfer.

2) **Exceptions**

Principals may request that the procedures outlined above be waived.

Principals must seek approvals for exceptions from the Department of School Leadership who will work in consultation with the Department of Human Resources to make the final decision.

In requesting exceptions, principals may consider building needs. These needs include teacher licensure; teaching endorsements; department chair positions; Special Education Committee (SEC) chair positions; world language immersion teachers; gifted cluster teachers; coaching positions (compensated during the current school year and a written commitment to continue in the position during the upcoming school year); supplemental positions (compensated during the current school year and a written commitment to continue in the position during the upcoming school year) and teachers who have specialized skills that would be otherwise unavailable on staff, and provide specialized instruction directly related to an academy's mission. Other good and just reasons for requesting an exception may be considered.

- 3) When a staff reduction is necessary due to overstaffing or program elimination, priority transferred teachers will be

allowed to indicate their interests in vacant allocated positions.

- 4) When practicable and if the best interest of the school can be met, a teacher transferred from a school due to overstaffing or program elimination will be offered a position at the teacher's original site should a position becomes available at the site no later than July 15, or if July 15 falls on a weekend, on the following weekday. If multiple priority transfers have occurred at one location, building needs and length of service shall be used to determine the sequence in which priority transfers will receive the offer(s) to return. Once building needs have been addressed, the priority transfer with the earliest hire date shall receive the offer to return before others.
- b. Due to Other Reasons
- 1) Principals may submit recommendations to the Chief Human Resources Officer for the transfer of teachers assigned to their supervision.
 - 2) Any principal requesting a teacher transfer shall provide documentation to the Chief Human Resources Officer establishing a legitimate reason for the transfer. Such written documentation shall include evidence of discussions with the teacher recommended for transfer and other information establishing the reason for the requested transfer.
 - 3) No transfer initiated under this section shall be made without first providing such teacher with the written documentation provided to the Chief Human Resources Officer, including the reason for such transfer, and an opportunity to present their position at an informal meeting with the Chief Human Resources Officer. The Chief Human Resources Officer shall determine what processes are to be followed at the meeting provided that the employee shall be permitted to have a representative at such meeting.
 - 4) The Chief Human Resources Officer shall make a recommendation to the Superintendent or designee based upon the written documentation provided by the principal and any information provided by the teacher, who shall be informed simultaneously of the recommendation.

- 5) If the teacher is not satisfied with the recommendation of the Chief Human Resources Officer, the teacher shall be given the opportunity to discuss the recommendation with the Superintendent or designee prior to a final decision by the Superintendent. The Superintendent or designee shall determine what processes are to be followed at the meeting provided that the employee shall be permitted to have a representative at such meeting.
3. This section intends to provide an opportunity for a teacher to discuss the reasons for such transfer with the Chief Human Resources Officer and the Superintendent or designee, and the provisions of this section are meant to be procedural only. Nothing contained herein shall be taken to require cause as defined in Virginia Code §22.1-307, as amended for the transfer of a teacher.

Approved by School Board: February 16, 1993
Amended by School Board: January 18, 1994
Approved by Superintendent: February 16, 1998
Approved by Superintendent: January 28, 2008
Scrivener's Amendments: August 16, 2013
Approved by Superintendent: October 29, 2020
Approved by Superintendent: March 30, 2022
Revised by Superintendent: June 30, 2023
Amended by Superintendent: March 20, 2024
Amended by Superintendent: January 6, 2025

STUDENTS

Admission Requirements

A. Enrollment Requirements

The Superintendent shall have responsibility for developing and implementing regulations to ensure that students entering the public schools meet the requirements of federal law, state law and regulations of the Virginia Board of Education and other agencies as they apply to the admission of students to the public schools as cited in the legal references to this Policy.

B. Part-Time Students

Students enrolled in private or parochial schools and home school students shall not be permitted to enroll in this School Division on a part-time basis or participate in academic or extracurricular activities, except as required by law.

C. Nonresident Tuition Students

The School Board will not admit students from outside its jurisdiction except as required by law or regulation developed by the Superintendent or designee. Students who start the school year in VBCPS and then move to a neighboring district, may apply for Continued Enrollment for the rest of the current semester. If the student is a senior, the student may apply for consideration for enrollment for the entire school year. Tuition fees for nonresident students will be approved annually by the School Board (See School Board Policy 3-22 Tuition Fees).

Legal Reference

Code of Virginia § 22.1-1, as amended. Definitions.

Code of Virginia § 22.1-3, as amended. Persons to whom public schools shall be free.

Code of Virginia § 22.1-3.1, as amended. Birth certificates required upon admission; required notice to the local law-enforcement agency.

Code of Virginia § 22.1-3.2, as amended. Notice of student's school status required as condition of admission; penalty.

Code of Virginia § 22.1-4.1, as amended. Street addresses required in certain school admission documents.

Code of Virginia § 22.1-5, as amended. Regulations concerning admission of certain persons to schools; tuition charges.

Code of Virginia § 22.1-7.2, as amended. Enrollment of students residing on a military installation or in military housing.

Code of Virginia § 22.1-270, as amended. Preschool physical examinations.

Code of Virginia § 22.1-271.1, as amended. Definitions.

Code of Virginia § 22.1-271.2, as amended. Immunization requirements.

Code of Virginia § 22.1-288.1, as amended. Notation in school records of missing children; local law enforcement cooperation.

Code of Virginia § 32.1-46, as amended. Immunization of patients against certain diseases.

Related Links

School Board [**Policy 3-22**](#)

Adopted by School Board: October 21, 1969

Amended by School Board: February 20, 1979

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: June 15, 1993 (Effective August 14, 1993)

Amended by School Board: May 16, 2000

Amended by School Board: July 3, 2001

Scrivener's Amendments: November 22, 2010

Amended by School Board: June 19, 2012

Amended by School Board: July 9, 2019

Amended by School Board: June 10, 2024

Reviewed by School Board: May 27, 2025

STUDENTS

Student-led Assemblies/Demonstrations

A. Generally

Along with guaranteeing citizens the right to freedom of speech, the First Amendment to the Constitution of the United States also guarantees the right to assemble peacefully, subject only to restrictions where the exercise of this right would substantially interfere with the rights and freedoms of other citizens. Time should be made available for orderly and peaceful student assemblies. The terms "orderly and peaceful" refer exclusively to mean that topics of a controversial nature should not be dealt with and argued during such assemblies.

B. Definition

1. Some time both ~~within~~during and ~~without outside of~~ regular school hours shall be made available for student assemblies to deal with relevant ideas and topics.
2. In the secondary schools, attendance at school-sponsored assemblies during school hours may be optional. The principal will decide if attendance is required. The decision will be based on criteria that the student body will benefit from the presentation or the necessity of imparting information to all students.

C. Spontaneous Assemblies

1. A spontaneous assembly of students on school property will be acceptable unless said assembly disrupts the education of others and the safety and physical wellbeing of students, staff, and/or unless said assembly prevents the school board from carrying out its statutory obligations. In accordance with School Board policy any student assembly must have a staff member in attendance for general supervision.
2. A student attending a peaceful, spontaneous assembly— at a time when ~~he/she~~the student has an obligation to be in class will suffer the school punishment or discipline that would come from missing a class. That discipline will be determined by the appropriate administrator.
3. If the assembly is disruptive and/or laws are being broken, the administrator shall take appropriate action. Then, if it is necessary, ~~he/she~~the administrator shall notify the proper authorities.
4. Each building principal shall have a written plan and dispersal statement for dealing with non-peaceful assemblies of students.

Adopted by School Board: June 16, 1981

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: June 15, 1993 (Effective August 14, 1993)

Amended by School Board: February 12, 2019

Amended by School Board: August 13, 2024

STUDENTS

Demonstrations

Disruptive demonstrations or protests are not appropriate methods for students to use in communicating their wishes pursuant to matters affecting policy, rules and regulations dealing with the operation of the public schools.

Students participating, whether involved directly or indirectly, in the planning or execution of any disruptive demonstrations or protests may be disciplined according to the policies and regulations of the school board and Virginia law.

Regulatory Authority**Legal Reference**

Code of Virginia, § 18.2-415, as amended. Disorderly conduct in public places.

Approved by Superintendent: September 21, 1993 (Effective August 14, 1993)

Amended by Superintendent: 2025

COMMUNITY RELATIONS

Use of School Board Equipment

Equipment owned or under the care, custody, or control of the School Board shall not be loaned or rented to any individual or outside organization without the consent of the Superintendent or designee.

The Superintendent or designee may approve the loan or rental of School Board equipment only when: such actions will not interfere with the instructional program or the operations of the School Division; the requestor/user does not have reasonable access to other similar equipment; the equipment will not be used for commercial purposes; necessary to address an emergency, disaster or similar event; or when otherwise determined appropriate by the Superintendent or designee. All equipment to be loaned or rented shall be covered by an agreement whereby the requestor/user guarantees to return such equipment in the same or reasonably similar condition as when it was loaned or rented, and under such other terms and conditions as, in the judgment of the Superintendent or designee, are necessary to protect the School Board's interest and/or are required by law.

Related Links

School Board [Policy 7-52](#)

Adopted by School Board: October 20, 1992

Scrivener's Amendments: May 23, 2014

Amended by School Board: August 25, 2020

[Reviewed by School Board: 2025](#)

BUSINESS AND NONINSTRUCTIONAL OPERATIONS

School Board Owned Vehicles

The Superintendent shall implement Regulations regarding the use and assignment of School Board owned vehicles for the purpose of conducting School Board business or as otherwise authorized by law. Personal use of School Board owned vehicles is prohibited for all persons, including School Board Members, officers and employees, unless specifically approved by the School Board or the Superintendent.

Legal Reference

Code of Virginia § 22.1-131, as amended. Boards may permit use of various school property; general conditions; electric vehicle charging stations.

Code of Virginia § 22.1-182, as amended. Use of school buses for public purposes.

Related Links

School Board [Regulation 3-80.3](#)

Adopted by School Board: January 11, 1986
Amended by School Board: August 21, 1990
Amended by School Board: July 16, 1991
Amended by School Board: February 16, 1993
Amended by School Board: June 20, 2006
Scrivener's Amendments: May 23, 2014
Amended by School Board: March 8, 2022

COMMUNITY RELATIONS

Use of School Board Equipment: Use of School Buses

A. Eligible Organizations

In accordance with applicable law, the following agencies or organizations may enter into a contract for the use of school buses provided the request is approved by the School Division:

1. State government agencies;
2. Local government agencies;
3. Agencies organized under Public Law 89-73 (Older Americans Act of 1965) or any law amendatory or supplemental thereto providing for the use of school buses by such agency or by departments, board, commissions, or officers of the City for public purposes, including transportation of the elderly; and
4. Non-profit community organizations serving the mentally and/or physically disabled.

B. Contractual Arrangements

The Superintendent or designee is authorized to enter into written contracts with the eligible agencies or organizations covering, but not limited to, the following:

1. A Hold Harmless Agreement with the eligible agency that indemnifies and holds harmless the School Board from any and all liability of the School Board by virtue of use of such school buses.
2. The School Board shall be reimbursed for the operational cost, excluding drivers' salary and depreciation, on a mileage basis at the rate as reported on the Virginia Board of Education Transportation Report for the preceding year.
3. The School Board shall be reimbursed for the cost of the drivers' salary at the actual rate per hour paid plus 16 percent to cover fixed charges and administrative expense.
4. The School Board shall be reimbursed for depreciation of the capital expenditure based on the actual cost of the vehicle with a life expectancy of 100,000 miles.

5. Only regular employees of the School Board and employees of the City of Virginia Beach approved by the Superintendent or designee, licensed to drive school buses, will be permitted to drive.
6. The Superintendent or designee is authorized to waive or add contract terms not required by law, policy, or regulation.

Legal Reference

Code of Virginia § 22.1-182, as amended. Use of school buses for public purposes.

Adopted by School Board: October 20, 1992

Amended by School Board: May 17, 1994

Amended by School Board: August 19, 2014

Amended by School Board: April 6, 2022

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

Sale/Exchange/Lease/Disposal of Property

A. Generally

The sale of school property must be for the benefit of the School Division and consistent with good business principles. The School Board does not have the power to make a gift of school property, unless authorized by law.

No School Board member, employee, or any spouse or relative residing in the same household as any School Board Member or employee may accept, bid or benefit from the disposal of any surplus property.

B. Personal Property

The Superintendent or designee is authorized by the School Board to sell or exchange personal property not exceeding five thousand dollars (\$~~5~~10,000.00) in value. The Superintendent or designee shall make every effort to ensure receiving the best possible price or exchange.

Surplus vehicles are to be sold at public auction or by sealed bids. Use of public auctions by electronic means is permissible.

C. Real Property

The sale, exchange, or transfer of real property shall be in accordance with applicable law.

D. Lease of Property

The leasing of real and personal property shall be in accordance with applicable law.

E. Disposal of Surplus Personal Property

1. Personal property may be disposed of when it has been determined to be surplus, reported to the Superintendent or designee, and approved in accordance with subsection B by the Superintendent (personal property valued at \$~~5~~10,000 or less) or the School Board (personal property valued at more than \$~~5~~10,000).
2. The following are examples of methods of disposal that may be used after approval:
 - a. Trade-in value on the purchase of other items
 - b. Repair and redistribution
 - c. Transfer to city agencies
 - d. Sale to other school divisions

- e. Sale by competitive bids or public auction. Use of public auctions by electronic means is permissible.
- f. Sale of items through a third party service for a fair market value.
- g. Repurpose.
- h. Dispose of as scrap.
- i. Donation to an affiliated group for public purposes.

F. Donation of Obsolete Educational Technology

The School Board authorizes the Superintendent or designee to donate obsolete educational technology hardware and software being replaced pursuant to Virginia Code § 22.1-199.1 (B)(4). Such donations must be made in accordance with applicable law.

G. Trade-in of Non-Surplus Personal Property

The Superintendent or designee shall be authorized by the School Board to trade-in non surplus personal property on the purchase of new property/equipment provided that the trade-in value of the item(s) is \$50,000 or less. The Superintendent or designee shall make every effort to ensure that the School Division receives the best possible trade-in value for the property.

Legal Reference

Code of Virginia § 22.1-129, as amended. Surplus property; sale, exchange or lease of real and personal property.

Code of Virginia § 22.1-129.1, as amended. Transfer of assistive technology devices.

Code of Virginia § 22.1-199.1, as amended. Programs designed to promote educational opportunities.

Adopted by School Board: July 21, 1970

Amended by School Board: November 21, 1978

Amended by School Board: August 21, 1990

Amended by School Board: July 16, 1991

Amended by School Board: February 16, 1993

Amended by School Board: January 6, 1998

Amended by School Board: August 2, 2000

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Amended by School Board: 2025

SCHOOL BOARD OF THE CITY OF VIRGINIA BEACH
POLICY 3-40

BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

DESIGN-BUILD AND CONSTRUCTION MANAGEMENT PROJECT DELIVERY METHODS

The School Board is committed to the efficient use of public funds and the use of various construction delivery methods allowed by the Virginia Public Procurement Act. Therefore, the School Board adopts Design-Build (D-M) and Construction Management (CM) project delivery methods for use in Capital Improvement Program projects (CIP). Design-Build and Construction Management are project delivery methods used when competitive sealed bidding is determined not practicable, not fiscally advantageous, not efficient for a complex project or when accelerated project delivery time is needed. Both project delivery methods are intended to minimize the project risk and to reduce the delivery schedule by overlapping the design phase and the construction phase of a project.

A. Definitions

“Complex project” means a construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, or intricate phasing or some other aspect that warrants an alternative to the design-bid-build project delivery method.

“Construction Management” means a project delivery method in which a firm is retained by the School Board to coordinate and administer contracts for construction services for the benefit of the School Board.

“Design-Build” means a project delivery method in which the School Board awards a contract to both design and build the structure, or other item specified, to a Design-Build contractor (Design Builder).

B. Approval of the Use of Design-Build or Construction Management project delivery method

The School Board authorizes the Superintendent or designee to use Design-Build or Construction Management project delivery and contracting in accordance with this Policy, applicable law, the Virginia Department of General Services procedures for construction projects on a fixed price or not to exceed price, and School Division procurement procedures.

1. CIP projects \$40 million or less- Superintendent or designee approves use of D-B or CM

The Superintendent or designee is authorized to approve Design-Build or Construction Management for CIP projects that are \$40 million or less.

2. CIP projects over \$40 million- School Board approves use of D-B or CM

The School Board must approve the use of Design-Build or Construction Management for CIP projects over \$40 million.

3. Decisions regarding use of D-B or CM - not appealable

The decision to use Design-Build or Construction Management is not appealable.

4. Written justification for use of D-B or CM

Approval of Design-Build or Construction Management must be done in writing and include the following:

- a. Explanation why D-B or CM is more advantageous than a competitive-sealed-bid construction method.
- b. Determination that competitive-sealed-bidding is not practicable or not fiscally advantageous.
- c. Determination that there is a benefit to the School Board by using D-B or CM.
- d. The justification and approval will be included in the RFP and retained by the School Division in the construction and procurement records for the project.

C. Design-Build project delivery method

The Design-Build project delivery method shall be a two-step competitive negotiation process. The following procedures shall govern the selection, evaluation and award of Design-Build contracts:

1. Criteria for use.

Design-Build procurement is intended to minimize the project risk for the owner and reduce the delivery schedule by overlapping the design phase and the construction phase of a project.

2. Basis of award

The award of a Design-Build contract, after evaluation of technical and financial proposals, shall be on either: a) a fixed price, or b) a not-to-exceed price. Cost shall be a critical component of the selection process.

3. Evaluation Committee

The Chief Operations Officer or designee shall establish an Evaluation Committee ("Committee") to be responsible for evaluating the Request for Qualifications (RFQ) and Request for Proposals (RFP) of offerors of Design-Build approved projects and reviewing proposals submitted for such services. The Committee shall consist of a minimum of four (4) and a maximum of six (6) voting members. The members of the Committee shall have expertise relevant to the project, with backgrounds in such areas as project design, construction, finance, contract review, and project management.

- a) A procurement specialist from the Office of Procurement Services shall lead the process between offerors and the Committee in a non-voting capacity.
- b) The Executive Director of Facilities Services or designee shall serve as the contract administrator and will chair the Committee.
- c) A licensed architect or engineer with professional competence to the project must be employed or under contract with the School Board to provide advice and assist with the preparation of the RFP and evaluation of the proposals.
- d) The Chief Operations Officer or designee shall appoint the Committee members.
- e) The School Board may assign no more than two School Board Members to serve as non-voting liaisons for a Committee created for a CIP project over \$40 million and approved to use Design-Build project delivery. School Board Member liaisons may not have a conflict of interests related to the CIP project.

4. Step 1 - Selection of Qualified Offerors Request for Qualifications (RFQ)

- a. The School Division shall publish notice of its RFQ at least thirty (30) days prior to the date set for receipt of qualifications by posting to an electronic bid board, the School Division website or other approved locations in accordance with applicable law.
- b. The RFQ shall provide a description of the project, the services required by the School Division, building and site criteria, site and survey data (if available), any unique capabilities to be required of the offeror, and the criteria to be used in evaluating the potential offeror's qualifications. All offerors, at minimum, shall have a licensed Class "A" contractor and an Architect or Engineer registered in the Commonwealth of Virginia as part of the offeror's team.
- c. The Committee shall evaluate each responding offeror's qualifications and any other relevant information and shall determine which offerors are fully qualified and suitable with respect to the criteria established for the project. Prior Design-Build experience or previous experience with the School Division shall not be considered as a prerequisite or factor for prequalification of a contract. However, the Committee shall evaluate an offeror's experience for a period of ten prior years to determine whether the offeror has constructed, by any method of delivery.
- d. The RFQ shall establish procedures whereby comments concerning the provisions in the RFQ can be received and considered prior to the time set for receipt of qualifications.

- e. The RFQ evaluation shall result in a short list of 2-5 qualified offerors to receive the RFP. An offeror may be denied prequalification only as specified in Virginia Code § 2.2-4317, but the short list shall also be based upon the RFQ criteria. If only one offeror submits a response or only one offeror is determined to be qualified, the Committee may proceed with evaluation and, when determined appropriate, recommendation regarding the one offeror.
- f. At least thirty (30) calendar days prior to the date established for the submission of proposals, the School Division shall advise each offeror in writing as to whether that offeror has been prequalified. If an offeror is denied prequalification, the written notice shall state the reasons for the denial of prequalification and the factual basis for such reasons. Prequalified offerors that are not selected for the short list shall likewise be provided with reasons for such decision.

5. Step 2 - Selection of the Design-Build Contractor

- a. The School Division shall prepare a Request for Proposal ("RFP") that includes:
 - 1) the instructions for submitting the proposal, the criteria for evaluation and award, and the terms and conditions of the Design-Build contract.
 - 2) a narrative description of the project requirements.
 - 3) general conditions and technical specifications.
 - 4) facility and site plans as appropriate for the project.
 - 5) The RFP also may define such other requirements as the School Division determines appropriate for a particular project.
 - 7) The RFP shall also include details regarding the project quality and performance requirements, concept design documents and information regarding the offeror's Contract Cost Limit (CCL) to determine the best value in response to the RFP.
 - 8) The RFP will advise whether responses may be submitted electronically and/or via paper response.
- b. The School Division shall send an RFP to the qualified Design-Build offerors on the short list for the project and request formal proposals from them. Offerors will have at least thirty (30) days to submit a proposal.
- c. The Committee may grant each offeror an equal opportunity for direct and private communication with the Committee. Each offeror shall be allotted the same fixed amount of time. In its conversations with the offerors, the Committee shall exercise care to discuss the same owner

information with all offerors. The Committee shall not disclose trade secrets or proprietary information for which the offeror has invoked protection in accordance with the procedure set forth in Code of Virginia § 2.2-4342, as amended.

- d. The Committee will inform each offeror of any adjustments necessary to make its technical proposal fully compliant with the requirements of the RFP. In addition, the Committee may require the offerors to make design adjustments necessary to incorporate project improvements and/or additional detail information identified by the Committee.
- e. Based on the adjustments made to the technical proposals, the offeror may amend its financial proposal. In addition, the offeror may submit cost modifications to its original sealed financial proposal which are not based upon revisions to the technical proposal.
- f. The Committee shall make its recommendation for the selection of a Design Builder to the procurement specialist who will communicate that recommendation to the Chief Operation's Officer or designee.
- g. The contract shall be awarded to the offeror who is fully qualified and has been determined to have provided the best value in response to the RFP.

6. Progressive Design-Build- alternative procedure

- a. When compensable design work is necessary to deliver a final guaranteed maximum price, the School Division may pursue Progressive Design-Build as an alternative procedure. Use of Progressive Design-Build must be approved by the Chief Operations Officer or designee.
- b. The review of proposals for Progressive Design-Build shall be the same as described above. However, after the Committee's determination to recommend award of a contract, the execution of the award may include compensable design work.
- c. The Design Builder that is awarded the Phase 1 Agreement shall be compensated at agreed upon intervals throughout the process of Phase 1 design work. The School Board must approve the Phase 1 Agreement for CIP projects over \$40 million.
- c. The design collaboration process shall include representatives of the School Division and the Design-Builder who will advance the design of the project beyond the design included in the RFP. The goal of such design collaboration is to reduce contingencies and bridge any design discrepancies. At the end of the design collaboration in the Phase 1 Agreement, the Design-Builder shall present the School Division with a guaranteed maximum price.

d. At the School Division's (for projects \$40 million or under) or the School Board's (for projects over \$40 million) sole discretion, the School Division or School Board may: 1) agree to the guaranteed maximum price by entering into a Phase 2 Agreement for construction services; or 2) may choose not to proceed to a Phase 2 Design-Build Agreement; however, the Design Builder may complete any remaining Phase 1 Agreement work when the decision is not to proceed to a Phase 2 Agreement.

e. The Design-Builder shall be required to transfer to the School Board ownership and the right to use technical solutions, design concepts, and any other work product developed during the design collaboration.

7. Optional Proposal Compensation (Stipend)-Design-Build RFP proposers

For designated Design-Build procurement efforts and only when set forth in the RFP, short-listed firms that are not selected but have fully complied with all aspects of the RFQ and RFP may be provided with proposal compensation (stipend) under certain circumstances. The value of the proposal compensation will be determined on a case-by-case basis and shall be conditioned upon the proposer conveying to the School Division the right to use technical solutions or design concepts in the proposal. The Chief Operations Officer's or designee's approval, either by direct action or in the relevant project page of the Capital Improvement Program, shall be required for the provision of Optional Proposal Compensation.

C. Construction Management (CM) project delivery

Construction Management (CM) project delivery method shall be a two-step competitive negotiation process. The following procedures shall govern the selection, evaluation and award of CM contracts:

1. Criteria for use of Construction Management

Construction Management project delivery may be approved for use on projects where: a) fast tracking of construction is needed to meet School Division program requirements, or b) value engineering and/or constructability analyses concurrent with design are required.

2. When Construction Management Contract must be entered into

The Construction Management contract must be entered into no later than the schematic phase of design, unless prohibited by authorization of funding restrictions

3. Basis of award

The award of a CM contract shall be based on either: a) an acceptable technical proposal at the lowest fixed price, or b) not-to-exceed price basis. Cost shall be a critical component of the selection process. The basis of the award of the contract

shall be in accordance with competitive negotiation for nonprofessional services, and the criteria for the award shall be submitted to the procurement specialist, in advance, for approval. Cost is a critical component of the selection process.

4. Evaluation Committee

The Superintendent or designee shall establish an Evaluation Committee ("Committee") to be responsible for evaluating the Request for Qualifications (RFQ) and Request for Proposals (RFP) of offerors of CM and reviewing proposals submitted for such services. This Committee shall consist of a minimum of four (4) and a maximum of six (6) voting members. The members of the Committee shall have expertise relevant to the project, with backgrounds in such areas as project design, construction, finance, contract review, and project management.

- a) A procurement specialist from the Office of Procurement Services shall lead the process between offerors and the evaluation committee in a non-voting capacity.
- b) The Executive Director of Facilities Services or designee shall serve as the contract administrator.
- c) A licensed architect or engineer with professional competence to the project must be employed or under contract with the School Board to provide advice and assist with the preparation of the RFP and evaluation of the proposals.
- d) The Chief Operations Officer or designee shall appoint the Committee members.
- e) The School Board may assign no more than two School Board Members to serve as non-voting liaisons for those evaluation committees created for CIP over \$40 million approved to use Construction Management project delivery. School Board Member liaisons may not have a conflict of interests related to the CIP project.

5. Step 1 Selection of Qualified Offerors - Request for Qualifications (RFQ)

- a. The School Division shall publish notice of its RFQ at least thirty (30) days prior to the date set for receipt of qualifications by posting to an electronic bid board or other approved locations.
- b. The RFQ shall provide a description of the project, the services required by the School Division, building and site criteria, site and survey data (if available), any unique capabilities to be required of the offeror, and the criteria to be used in evaluating the potential offeror's qualifications. All offerors, at minimum, shall have a licensed Class "A" contractor and an Architect or Engineer registered in the Commonwealth of Virginia as part of the offeror's team.

- c. The Committee shall evaluate each responding offeror's qualifications submittal and any other relevant information and shall determine which offerors are fully qualified and suitable with respect to the criteria established for the project. Prior Construction Management experience or previous experience with the School Division shall not be considered as a prerequisite or factor for prequalification of a contract. However, the Committee shall evaluate a proposer's experience for a period of ten prior years to determine whether the offeror has constructed, by any method of delivery.
- d. The RFQ evaluation shall result in a short list of 2-5 qualified offerors to receive the RFP. An offeror may be denied prequalification only as specified in Code of Virginia § 2.2-4317, but the short list shall also be based upon the RFQ criteria. If only one offeror submits a response, the Committee may proceed with evaluation and, when determined appropriate, recommendation regarding the one offeror.
- e. At least thirty (30) calendar days prior to the date established for the submission of proposals, the School Division shall advise each offeror in writing as to whether that offeror has been prequalified. If an offeror is denied prequalification, the written notice shall state the reasons for the denial of prequalification and the factual basis for such reasons. Prequalified offerors that are not selected for the short list shall likewise be provided with reasons for such decision.

6. Step 2 Selection of a Construction Manager - Request for Proposals (RFP)

- a. The School Division shall send an RFP to the qualified offerors on the short list and request submission of formal proposals from them. When only one offeror submits a response, the Committee may proceed with review of the one offeror. The criteria for award shall be included in the RFP.
- b. Proposals as described in the RFP shall be submitted to the procurement specialist.
- c. The Committee may grant each offeror an equal opportunity for direct and private communication with the Committee. Each offeror shall be allotted the same fixed amount of time. In its conversations with the offerors, the Committee shall exercise care to discuss the same owner information with all offerors. The Committee shall not disclose trade secrets or proprietary information for which the offeror has invoked protection in accordance with the procedure set forth in Code of Virginia § 2.2-4342, as amended.
- d. The Committee will inform each offeror of any adjustments necessary to make its technical proposal fully compliant with the requirements of the

RFP. In addition, the Committee may require the offerors to make design adjustments necessary to incorporate project improvements and/or additional detail information identified by the Committee.

- e. Based on the adjustments made to the technical proposals, the offeror may amend its financial proposal. In addition, the offeror may submit cost modifications to its original sealed financial proposal which are not based upon revisions to the technical proposal.
- f. The Committee will evaluate (and rank if technical rankings are to be considered as a criterion forward) the proposals. After evaluation of the proposals, the Committee shall conduct negotiation with one or more offerors.
- g. The Committee shall make its recommendation on the selection of a construction manager to the Chief Operations Officer or designee based on its evaluation and negotiation. The contract shall be awarded to the offeror that is fully qualified and has been determined to have provided the best value in response to the RFP.
- e. The Committee will notify all offerors that submitted proposals which offeror was selected for the project. The Notice of Intent to Award may be used to make this notification. When terms and conditions of multiple awards are so provided in the RFP, awards may be made to more than one offeror.

7. Required CM Contract Terms

Any Guaranteed Maximum Price construction management contract entered into will contain provisions requiring that:

- a. not more than 10% of the construction work (measured by cost of the work) will be performed by the CM with its own forces.
- b. that the remaining 90% (or more) of the construction work will be performed by subcontractors of the CM which the CM must procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. Documentation shall be placed in the file detailing the reasons any work is not procured by publicly advertised competitive sealed bidding.
- c. The procurement specialist may modify these contractual requirements in whole or in part for projects after making a written determination that it would be fiscally advantageous to the public to increase the amount of construction work performed by the Construction Manager.

8. Guaranteed Maximum Price (GMP)

The GMP shall be established at the completion of the working drawings unless a waiver has been granted by the Chief Operations Officer or designee.

a. One-Step Solicitation: The Chief Operations Officer or designee may approve a one-step solicitation for a project if adequate written justification is provided.

Legal References

Code of Virginia § 2.2-4301, as amended. Definitions.

Code of Virginia § 2.2-4303 as amended. Methods of procurement.

Code of Virginia § 2.2-4378, as amended. Purpose; applicability.

Code of Virginia § 2.2-4379, as amended. Definitions.

Code of Virginia § 2.2-4382, as amended. Design-build or construction management contracts for local public bodies authorized.

Code of Virginia § 2.2-4383, as amended. Reporting requirements.

Adopted by School Board: November 2025

SCHOOL BOARD OF THE CITY OF VIRGINIA BEACH
POLICY 5-54

STUDENTS

Physical restraint and seclusion – students

A. Physical restraint and seclusion of students- when allowed

School Division personnel may implement physical restraint and seclusion of students only when an imminent risk of or an emergency arises and other interventions are, or would be, ineffective in the reasonable judgment of the School Division personnel implementing a physical restraint or seclusion, and only to:

- _____ 1. Prevent a student from inflicting serious physical harm or injury to self or others.
- _____ 2. Quell a disturbance.
- _____ 3. Remove a student from the scene of a disturbance in which the student's behavior or damage to property threatens serious physical harm to injury to person. Unless the student's damage to property creates an imminent risk of serious physical harm or injury to the student or others, the damage of property itself does not indicate an imminent risk of serious physical harm or injury and shall not be the justification for the restraint or seclusion of a student
- _____ 4. Defend self or others from serious physical harm or injury to person.
- _____ 5. Obtain possession of controlled substances or paraphernalia, weapons, or other dangerous objects that are upon the person of the student or within the student's control.

B. Discontinuance of physical restraint and seclusion

Physical restraint and seclusion shall be discontinued as soon as the imminent risk and/or the need presented by the emergency situation has dissipated.

C. Less restrictive intervention not required in emergency situations

Nothing in this Policy shall be construed to require School Division personnel to attempt to implement a less restrictive intervention before using physical restraint or seclusion, where, in the reasonable judgment of the School Division personnel, where there is an imminent risk of or an emergency situation, a less restrictive intervention would be ineffective.

The School Board encourages the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion.

D. Procedures regarding the use of physical restraint and seclusion

The Superintendent or designee is responsible for developing procedures to address the requirements of the Virginia Board of Education regulations regarding physical restraint and seclusion in public schools. Such procedures shall include but not necessarily be limited to notification of parents of a student whom physical restraint or seclusion has been used, documentation of such use, and continuous monitoring of such use.

E. Annual review

This Policy will be reviewed annually and updated as is needed.

Legal Reference:

Code of Virginia §22.1-78, as amended. Bylaws and regulations

Code of Virginia §22.1-279.1:1, as amended. The use of seclusion and restraint in public schools; Board of Education regulations.

Virginia Board of Education Regulations, 8VAC20-750-10, as amended. Regulations Governing the use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia.

Adopted by School Board: November 2025

SCHOOL BOARD OF THE CITY OF VIRGINIA BEACH
REGULATION 5-54.1

STUDENTS

Use of Physical Restraint and Seclusion- students

The use of restraint or seclusion is prohibited unless there is imminent risk of serious physical harm or injury to a student or others or when an emergency arises. When School Division personnel have determined that there is an imminent risk or an emergency has arisen, School Division personnel may use restraint and seclusion as set forth in this Regulation. This Regulation also sets forth those actions that do not meet the definitions of restraint or seclusion, the procedure for notifying a student's parents, and the procedures for reviewing the use of restraint and/or seclusion.

These procedures apply to all students and School Division personnel. Some students with disabilities are placed in private schools by the School Division as a means of providing a free appropriate public education (FAPE). These restraint and seclusion procedures do not apply to private school students. Regarding restraint and seclusion, those students are afforded the protections set forth by the private school.

A. Definitions

Aversive Stimuli means interventions that are intended to induce pain or discomfort to a student for purposes of punishing the student or eliminating or reducing maladaptive behaviors, such as:

1. Noxious odors and tastes.
2. Water and other mists or sprays.
3. Blasts of air.
4. Corporal punishment as defined in Code of Virginia §22.1-279.1, as amended.
5. Verbal and mental abuse.
6. "Forced exercise", when:
 - a. The student's behavior is related to the student's disability.
 - b. The exercise would have a harmful effect on the student's health; or
 - c. The student's disability prevents participation in such activities.
 - d. Deprivation of necessities, including:
 - 1) Food and liquid at a time when they are customarily served.
 - 2) Medication.
 - 3) Use of a restroom.

Behavioral Intervention Plan or **BIP** is a plan that utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of a student, the learning of others, or that require disciplinary action.

Business day means Monday through Friday, 12 months of the year. It does not include federal and state holidays.

Calendar days mean consecutive days, including Saturdays and Sundays. Whenever an action expires on a Saturday, Sunday, or federal or state holiday, the period of time for taking such action is extended to the next day that is not a Saturday, Sunday, or a federal or state holiday.

Child with a disability or **student with a disability** means a student who is eligible under the Individuals with Disabilities Education Act (IDEA) or Section 501 of the Rehabilitation Act (Section 504).

Corporal punishment means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

Crisis Intervention Program refers to a formal training program designed to teach school personnel how to effectively manage a potentially negative or even dangerous situation with students. Examples of crisis intervention programs include, but are not limited to, The Mandt System, Nonviolent Crisis Intervention, Safety-Care Behavioral Safety Training, and Handle With Care Behavior Management System.

Day means a calendar day unless otherwise designated as a business day or school day.

Evaluation means procedures used in accordance with the IDEA (or Section 504) to determine whether a child has a disability and the nature and extent of the special education and related services the child needs.

Functional Behavioral Assessment or **FBA** is a process to determine the underlying cause or functions of a student's behavior that impedes the learning of the student or the learning of the student's peers. A functional behavioral assessment can include a review of existing data or new testing data or evaluation.

Individualized education program or **IEP** means a written statement for a child with a disability that is developed, reviewed, and revised at least annually in a team meeting in accordance with the IDEA. The IEP specifies the individual educational needs of the child and what special education and related services are necessary to meet the child's educational needs.

Individualized education program team or **IEP team** means a group of individuals described in the Virginia special education regulations (at 8 VAC 20-81-110) that is responsible for developing, reviewing, or revising an IEP for a child with a disability.

Mechanical Restraint means the use of any material, device, or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel or used by a student that have been prescribed by an appropriate medical or related service professional and are used with parental consent and for specific and approved purposes for which such devices were designed, such as:

1. Adaptive devices or mechanical supports used to achieve proper body position, balance or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports.

2. Vehicle restraints, including seat belts, when used as intended during the transport of a student in a moving vehicle.

3. Restraints for medical immobilization.

4. Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

5. Highchairs and feeding stations used for age and/or developmentally appropriate students.

Parent means the minor student's biological, adoptive, or foster parent, another adult who has been granted legal or physical custody rights to the minor student (legal guardian), or, in the case of an incapacitated adult student, an appointed guardian or other person/agency to make legal decisions concerning the student.

Pharmacological restraint means a drug or medication used on a student to control behavior or restrict freedom of movement that is not (i) prescribed by a licensed physician or other qualified health professional under the scope of the professional's authority for the standard treatment of a student's medical or psychiatric condition and (ii) administered as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority.

Physical Restraint means a personal restriction that immobilizes or reduces the ability of a student to move freely. Physical restraint does not include:

1. Briefly holding a student in order to calm or comfort the student.

2. Holding a student's hand or arm to escort the student safely from one area to another.

3. The use of incidental, minor, or reasonable physical contact or other actions designed to maintain order and control.

Restraint means mechanical restraint, physical restraint, or pharmacological restraint.

School day means any day, including a partial day, that students are in attendance at school for instructional purposes. The term has the same meaning for all students in school, including students with and without disabilities.

School personnel mean individual(s) employed by the School Division on a full-time or part-time basis or as independent contractors or subcontractors as instructional, administrative, and support personnel, and include individuals serving as a student teacher or intern under the supervision of appropriate school personnel.

Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. Provided that no such room or space is locked, the term "seclusion" does not include the following activities:

1. In-school suspension.

2. Detention

3. Time-out

4. Student-requested breaks in a different location in the room or a separate room.

5. Removal of a student for a short period of time to provide the student with an opportunity to regain self-control, so long as the student is in a setting from which the student is not physically prevented from leaving.

6. Removal of a student for disruptive behavior from a classroom by the teacher as provided in Virginia Code § 22.1-276.2.

7. Confinement of a student alone in a room or area from which the student is physically prevented from leaving during an investigation and questioning by school personnel regarding the student's knowledge of or participation in events constituting a violation of the code of student conduct (e.g., physical altercation, or an incident involving drugs or weapons) is not seclusion.

Section 504 Plan means a written plan of modifications and/or accommodations for qualified individuals under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as amended.

Student means any student, with or without a disability, enrolled in a Virginia public school (as defined by Code of Virginia § 22.1-1, as amended). It also includes those students who are:

1. Attending a public school on a less-than-full-time basis, such as those students identified in Code of Virginia, § 22.1-253.13:2.N, as amended.

2. Receiving homebound instruction pursuant to 8 VAC 20-131-180 and as defined in 8 VAC 20-81-10, as amended, without regard to special education eligibility.

3. Receiving home-based instruction pursuant to 8 VAC 20-81-10, as amended.

4. Attending a preschool program operated by the school division or receiving services in a preschool program from School Division personnel.

5. Under these procedures, a student does not include those children who are:

a. Enrolled in private, denominational, or parochial schools.

b. Receiving instruction by a tutor or teacher of qualifications approved by the Division Superintendent.

c. Receiving home instruction pursuant to Virginia Code § 22.1-254.

d. Receiving instruction in a secured facility or detention home as defined in Code of Virginia § 16.1-288, as amended, or in a facility operated by the Virginia Department of Behavioral Health and Developmental Services.

Time-out means a behavioral intervention in which the student is temporarily removed from the learning activity but in which the student is not confined. In some instances, the student may self-select this procedure. Time-out is *not* seclusion.

B. Behavioral and preventative interventions and strategies

The School Division encourages the use of behavioral and preventative interventions and strategies to reduce and/or prevent the need for the use of physical restraint and seclusion. The following are some examples of behavioral and preventative interventions and strategies to consider:

1. Implementing comprehensive behavioral and preventative approaches to create a schoolwide environment that reinforces appropriate behaviors while reducing instances of dangerous behaviors that may lead to the need to use restraint or seclusion. Key elements of a schoolwide system or framework include (a) use of a continuum of increasingly intensive behavioral and academic interventions for children identified as being at risk; (b) an emphasis on teaching and acknowledging schoolwide and individual expected behaviors and social skills; and (c) systems to monitor the responsiveness of individual children to behavioral and academic interventions.
2. Having trained school staff use preventive assessments (e.g., FBAs) to identify where, under what conditions, with whom, and why specific inappropriate behavior may occur, as well as implementing de-escalation techniques to defuse potentially violent dangerous behavior. Preventive assessments can include (a) a review of existing records; (b) interviews with parents, family members, school staff, and/or students; and (c) examination of previous and existing behavioral intervention plans. Using data from such assessments could help schools identify the conditions when inappropriate behavior is likely to occur and the factors that lead to the occurrence of these behaviors; and develop and implement preventive behavioral interventions that teach appropriate behavior and modify the environmental factors that escalate inappropriate behavior.
3. Having planned behavioral strategies or plans (e.g., BIPs) in place to: (a) attempt to de-escalate potentially violent dangerous behavior; (b) identify and support positive behavior to replace dangerous behavior; and (c) support and positively reinforce appropriate behavior in class and/or throughout the school, especially if a student has a history of escalating dangerous behavior.
4. Any behavioral or preventative intervention used by School Division personnel should be consistent with a student's right to be treated with dignity and to be free from abuse.

C. Prohibited actions by school personnel

The following actions are not permitted:

1. Use of mechanical restraints.
2. Use of pharmacological restraints.
3. Use of aversive stimuli.

4. Use of corporal punishment.

5. Use of restraint or seclusion under the following circumstances:

a. In any manner that restricts a student's breathing or harms the student. For example:

1) Prone (i.e., lying face down) restraints or other restraints that can restrict breathing or speaking should not be used.

2) Other maneuvers that place pressure or weight on the chest, lungs, sternum, diaphragm, back, neck, or throat should not be used.

a) Breathing or speaking can also be restricted if loose clothing becomes entangled or tightened or if the student's face is covered by a staff member's body part (e.g., hand, arm, or torso) and, thus, such techniques should not be used.

3) As punishment or discipline (e.g., disrespect, noncompliance, insubordination, out-of-seat behavior, etc.).

4) As a means of coercion or retaliation.

5) As a convenience.

6) To solely prevent property damage.

7) In any other manner not consistent with these procedures.

8) When medically or psychologically contraindicated as documented by an IEP team, 504 team, school professionals, a licensed physician, psychologist, or other qualified health professional under the scope of the professional's authority.

8) Use of seclusion rooms or freestanding units not meeting the standards set forth in Section E of these procedures.

5. Nothing in this section, however, shall be construed to prohibit the use of physical restraint or seclusion under the conditions outlined in Section D (Permitted actions by school personnel) and Section E (Structural and physical standards for rooms and areas used for seclusion).

D. Permitted actions by school personnel

School Division personnel may implement physical restraint or seclusion only when other interventions are, or would be, in the reasonable judgment of the school personnel implementing physical restraint or seclusion in an emergency situation, ineffective and only to:

1. Prevent a student from inflicting serious physical harm or injury to self or others.

2. Quell a disturbance or remove a student from the scene of a disturbance in which the student's behavior or damage to property threatens serious physical harm or injury to persons.

3. Defend self or others from serious physical harm or injury.

4. Obtain possession of controlled substances or paraphernalia or weapons or other dangerous objects that are upon the person of the student or within the student's control.

5. Other conditions.

a) The specific technique used should be safe for the student and appropriate to the student's age, disability, and medical needs.

b) A less restrictive intervention does not have to be attempted prior to using physical restraint and seclusion when, in the reasonable judgment of the School Division personnel in an emergency situation, a less restrictive intervention would be ineffective.

c) Property damage alone does not justify the use of physical restraint or seclusion. But physical restraint or seclusion might be justified in an emergency situation when a student's damage to property creates an imminent risk of serious physical harm or injury to the student or others.

6. Additional limitations on physical restraint and seclusion.

a) If physical restraint is used upon a student whose primary mode of communication is sign language or an augmentative mode, the student should be permitted to have a hand(s) free of restraint for a brief period of time, unless School Division personnel determines that such freedom appears to likely result in harm to the student or others.

b) Physical restraint and seclusion must be used only for limited periods of time using only the force that is necessary and should cease immediately when the emergency situation has dissipated. An alternative plan should be in place in the event that the student does not begin to calm down within a reasonable time period, usually just a few minutes.

c) The student should be continuously and visually observed and monitored while he or she is restrained or placed in seclusion. Those observing the application of a restraint should confirm that the restraint does not cause harm to the student, such as restricting the student's breathing. Continuous visual monitoring of restraint or seclusion includes, for example: (i) continuous assessment of staff and student status, including potential physical injuries; (ii) termination of restraint or seclusion when imminent danger of serious physical harm to self or others has dissipated; (iii) evaluation of how procedures are being implemented; and (iv) consideration of opportunities for redirection and defusing the dangerous behavior.

d) *Exception to the visual monitoring requirement:* Visual monitoring is not required during an emergency situation if securing someone to perform visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the School Division personnel, result in serious physical harm or injury to others.

e) School Division personnel trained in the use of cardiopulmonary resuscitation (CPR) and first aid should be available in the event of an emergency related to the use of physical restraint or seclusion. A portable automatic electronic defibrillator (AED) should also be available in the school.

7. Following the use of physical restraint or seclusion

Following the use of physical restraint or seclusion, the following should be done.

a) The school principal or designee should be notified of the incident and any related first aid as soon as possible and no later than the end of the school day.

b) Reasonable efforts should be made to notify the student's parents of the incident and any related first aid on the same school day.

c) An incident report, available to School Division personnel on the internal website, should be completed and submitted to the school principal within two school days and sent to the parents within seven calendar days.

d) A debriefing should occur with everyone involved within two school days.

e) See Section F for more detailed information regarding notification, reporting, and debriefing requirements.

f) See Section H for a discussion of the required meetings following multiple uses of restraint or seclusion in a school year regarding a specific student.

E. Structural and physical standards for rooms and areas used for seclusion.

Any designated seclusion room or area, if used, should meet the following specifications:

1. Be safe and free of any potential or predictable safety hazards.

2. Be of reasonable size permitting students to lie or sit down or stand.

3. Have adequate ventilation, including heat and air conditioning as appropriate.

4. Have adequate lighting.

5. All space in the room or area shall be visible through the door, either directly or by mirrors.

6. Provide for direct continuous visual and auditory monitoring of the student either by the presence of school personnel in the seclusion room or area or observation through a window, viewing panel, or half-door.

7. Windows shall be constructed to minimize breakage.
8. Permit automatic release of any locking device if fire or other emergency in the school exists.
9. Be inspected at least annually, including by fire or safety inspectors.
10. In addition to the above requirements, the appropriate use and duration of seclusion should be based upon the age and development of the student.

F. Notification and reporting requirements following use of physical restraint or seclusion.

Whenever a student has been physically restrained or secluded, the school principal and the student's parent(s) must be promptly notified, and a written incident report must be completed.

1. Each incident of restraint and seclusion must be reported to the school principal and the student's parents on the day of the occurrence whenever possible.
 - a. Report to the school principal: School Division personnel involved shall report the incident and the use of any related first aid to the school principal or the principal's designee as soon as possible and, in no circumstance, later than the end of the school day in which the incident occurred.
 - b. Notice to parent: The school principal or the principal's designee, or other School Division personnel, shall make a reasonable effort to contact the student's parent, either in person, through telephone conversation, or other means of communication authorized by the parent such as email, to notify the parent of the incident and any related first aid administered to the student on the day the incident occurred.
 - 1) School Division personnel should document the parent contact and indicate the type of contact (phone, email, in-person, etc.) and content of the interaction.
 - 2) If the physical restraint or seclusion occurred after the regular school day, the above notifications shall be made as soon as practicable in compliance with the school division's school crisis, emergency management, and medical emergency response plan required by Code of Virginia § 22.1-279.8, as amended.
2. Following each instance of physical restraint or seclusion, School Division personnel must complete an incident report.
 - a. Within two school days of the incident: School Division personnel involved in the incident or other School Division personnel, as may be designated by the principal, should complete and provide the principal or designee a written incident report.
 - b. Within seven calendar days of the incident: the school division should provide the parents with a copy of the written incident report.

c. The written incident report should contain the following information:

- 1) Student name, age, gender, grade, and ethnicity.
- 2) Location of the incident.
- 3) Date, time, and total duration of incident, including documentation of the beginning and ending time of each application of physical restraint or seclusion.
- 4) Date of report.
- 5) Name of person completing the report.
- 6) School Division personnel involved in the incident, their roles in the use of physical restraint or seclusion, and documentation of their completion of the School Division's training.
- 7) Description of the incident, including the resolution and process of return of the student to the student's educational setting, if appropriate.
- 8) Detailed description of the physical restraint or seclusion method used.
- 9) Student behavior that justified the use of physical restraint or seclusion.
- 10) Description of prior events and circumstances prompting the student's behavior, to the extent known.
- 11) Less restrictive interventions attempted prior to the use of physical restraint or seclusion, and an explanation if no such interventions were employed.
- 12) Whether the student has an IEP, a Section 504 plan, a BIP, or other plan.
- 13) If a student, School Division personnel, or any other individual sustained bodily injury, the date and time of nurse or emergency response personnel notification and the treatment administered, if any.
- 14) Date, time, and method of parental notification of the incident.
- 15) Date, time, and method of school personnel debriefing.
- 16) An incident checklist and a sample incident report form is available to School Division personnel on the internal website.

G. Staff and student debriefing.

1. Following each incident of physical restraint or seclusion, the school principal must promptly review the incident with School Division personnel and, if appropriate, the student.
2. Within two school days, the principal or designee must review the incident with all School Division personnel who implemented the use of physical restraint or seclusion to discuss:

a. Whether the use of restraint or seclusion was implemented in compliance with these procedures.

b. How to possibly prevent or reduce the future need for physical restraint or seclusion.

3. Within two school days or upon the student's return to school, as appropriate, depending on the student's age and developmental level, the principal or designee should review the incident with the student involved to discuss the following:

a. Details of the incident to assist the student and School Division personnel in identifying patterns of behaviors, triggers, or antecedents; and

b. Alternative positive behaviors or coping skills the student could use to reduce behaviors or prevent physical restraint or seclusion.

4. An incident documentation form is available to School Division personnel via the internal website.

H. Prevention/multiple uses of restraint or seclusion.

The use of physical restraint or seclusion, particularly when there is repeated use for an individual student, multiple uses within the same classroom, or multiple uses by the same individual, should trigger a review and, if appropriate, development or revision of behavioral strategies.

1. Required meetings for students who have an IEP or a 504 Plan.

In the initial development and subsequent review and revision of a student's IEP or Section 504 Plan, the student's IEP or Section 504 team shall consider whether the student displays behaviors that are likely to result in the use of physical restraint or seclusion. If the IEP or Section 504 team determines that future use is likely, the team shall consider, among other things, the need for:

a. An FBA.

b. A new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions.

c. Any new or revised behavioral goals.

d. Any additional evaluations or reevaluations.

e. Within 10 school days following the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, the student's IEP or Section 504 team shall meet to discuss the incident and to consider, among other things, the need for:

1) An FBA.

2) A new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions.

3) Any new or revised behavioral goals.

4) Any additional evaluations or reevaluations.

2. Required meeting for general education students.

Within 10 school days of the second school day in a single school year on which an incident of physical restraint or seclusion has occurred, a team consisting of the following individuals will meet to discuss the incident:

a. The parent.

b. The principal or designee.

c. A teacher of the student.

d. School Division personnel involved in the incident, if available (if not the teacher or administrator already invited).

e. Other appropriate School Division personnel, such as a school psychologist, school counselor, or school resource officer, as determined by the School Division.

f. During the meeting, the team should discuss the incident and consider, among other things, the need for:

1) An FBA.

2) A new or revised BIP that addresses the underlying causes or purposes of the behaviors as well as de-escalation strategies, conflict prevention, and positive behavioral interventions.

3) A referral for evaluation under the IDEA and/or Section 504 if the team suspects a disability.

3. Nothing in this section shall be construed to (i) excuse the team or its individual members from the obligation to refer the student for evaluation if the team or members have reason to suspect that the student may be a student with a disability; or (ii) prohibit the completion of an FBA or BIP for any student, with or without a disability, who might benefit from these measures but whose behavior has resulted in fewer than two incidents of physical restraint or seclusion in a single school year.

4. The school principal should regularly review incidents of restraint and seclusion to ensure that School Division personnel are complying with the School Division's procedures.

a) In addition to the above-required team meetings, the school principal or designee should regularly review the use of physical restraint or seclusion within the school building to ensure compliance with School Division policy and procedures.

b) When there are multiple incidents of physical restraint or seclusion within the same classroom or by the same individual, the school principal should take appropriate steps to address the frequency of use, such as conducting additional training for School Division personnel, convening IEP and Section 504 team meetings, and completion of the FBA and BIP process, etc.

I. Training and staff development.

There are two levels of required training on the use of physical restraint and seclusion: initial and advanced. All School Division personnel, as defined herein, must complete the initial training. Select School Division personnel must complete the advanced training.

1. Initial Training

All School Division personnel should receive initial training on:

- a. Skills related to positive behavior support.
- b. Conflict prevention.
- c. De-escalation.
- d. Crisis response (to include follow-up support and social-emotional strategy support for students, staff, and families).
- e. Regulations, policies, and procedures regarding physical restraint and seclusion.
- f. The initial training should be evidence-based.

1) The Virginia Department of Education (VDOE), in partnership with Old Dominion University (ODU), has developed a series of modules to provide professional development to Virginia school personnel on physical restraint and seclusion. According to the VDOE, these free, on demand, online modules fulfill the first level of training requirements. The series of modules can be found on the ODU-VDOE joint webpage.

2) Attendance at each training session should be documented and such documentation should be maintained.

2. Advanced Training

In addition to completing the initial training, the following individuals must complete advanced training on physical restraint and seclusion:

- a. At least one administrator in every school building.
- b. Personnel assigned to work with any student whose IEP or Section 504 team determines that the student is likely to be physically restrained or secluded.

- c. Any other School Division personnel the Superintendent or designee deems appropriate to be trained on this Regulation.
- d. Advanced training should be evidence-based. The specific content of the advanced training is usually prescribed by the specific crisis intervention program selected by the School Division. Such training may include the following elements:
- e. Certification in a recognized behavior management system that addresses physical restraint and seclusion.
- f. Regular updates for training and recertification.
- g. Education in the use of positive, instructional, and preventative methods for addressing student behavior.
- h. Instruction in de-escalation strategies and conflict management.
- i. Identifiable conditions under which physical restraint and seclusion are allowed.
- j. Procedures to be followed when physical restraint and seclusion are implemented.
- k. Education about the potential harm of using restraint and seclusion.
- l. Methods for monitoring a student's well-being when using restraint and seclusion.
- m. Instruction regarding incident documentation and reporting requirements, and the procedures for investigating injuries and complaints.
- n. Attendance at each training session should be documented and such documentation should be maintained.

J. Investigation of complaints.

Any incident of physical restraint or seclusion that results in a complaint from a parent or a reported injury to a student or School Division personnel should be investigated pursuant to applicable School Board policies and regulations.

K. Annual review of the procedures.

This Regulation and related Policy shall be reviewed annually and revised as needed.

L. Annual reporting requirements

The school principals and the Superintendent or designee must annually prepare and file the following reports:

1. School Principal's or designee annual report

- a. Each school principal or designee will submit to the Superintendent or designee each year a report on the use of physical restraint or seclusion in the school.

b. This report should be based on the incident reports completed by School Division personnel following each occurrence of physical restraint or seclusion.

2. Superintendent's annual report _____

a. The Superintendent or designee shall annually report the frequency of incidents of physical restraint and seclusion in the school division to the state Superintendent of public instruction.

3. This information should also be made available to the public.

L. Construction and Interpretation of these Procedures

Nothing in these procedures shall be construed to modify or restrict:

1. The initial authority of teachers to remove students from a classroom pursuant to Code of Virginia § 22.1-276.2 , as amended.

2. The authority and duties of school resource officers and school security officers, as defined in § 9.1-101 of the Code of Virginia, except to the extent governed by a memorandum of understanding between the local law enforcement agency and the School Division.

3. The authority of the Virginia Department of Juvenile Justice with regard to students in its custody at any of its sites or in any of its programs.

4. The civil immunity afforded teachers employed by local school boards for any acts or omissions resulting from the supervision, care, or discipline of students when such acts or omissions are within such teacher's scope of employment and are taken in good faith in the course of supervision, care, or discipline of students, unless such acts or omissions were the result of gross negligence or willful misconduct, as provided in Code of Virginia § 8.01-220.1:2, as amended.

5. A copy of these procedures must be available to employees and the public.

6. A current copy of the procedures must be posted on the School Division's website.

7. Printed copies should be available as needed for citizens who do not have online access.

Legal References:

Code of Virginia §22.1-78, as amended. Bylaws and regulations

Code of Virginia §22.1-279.1:1, as amended. The use of seclusion and restraint in public schools; Board of Education regulations.

Virginia Board of Education Regulations, 8VAC20-750-10, as amended. Regulations Governing the use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia.

Adopted by Superintendent: November 2025

STUDENTS

Disruptive Student Behavior - Use of Physical Restraint and Seclusion

All students and staff should be treated with dignity and respect. Educational environments and sponsored activities should be safe, secure, supportive, and conducive to the orderly delivery of educational services. To maintain such environments, the School Division will employ procedures and protocols that proactively manage student conduct, emphasize prevention, positive supports, and effective and ethical approaches. When there is need to manage disruptive or dangerous student behaviors, there must be a balance between ensuring practices that maintain a safe and effective educational environment and those procedures that protect the rights of students and staff members. This Regulation provides guidelines for the use of physical intervention, physical restraint, and seclusion techniques for school staff to respond to and manage aggressive or violent student behavior in emergency, dangerous or potentially dangerous situations. The School Division encourages the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion of students as set forth by the School Division.

A.—Definitions

The following definitions will apply:

- 1.—"Aversive Stimuli"—means interventions that are intended to induce pain or discomfort to a student for the purposes of punishing the student or eliminating or reduction maladaptive behaviors such as: noxious odors and tastes; water and the mists or sprays; blasts of air; corporal; punishment as defined in Code of Virginia §22.1-279.1, as amended; verbal and mental abuse; forced exercise when the student's behavior is related to the student's disability, the exercise would have a harmful effect to the student's health or the student's disability prevents participation in such activities; deprivation of necessities including food and liquid at a time it is customarily served, medication, use of the restroom.
- 2.—"Behavioral Intervention Plan (BIP)" means a plan that utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of a student, the learning of others, or that require disciplinary action. A behavioral intervention plan is the product of a functional behavioral assessment (see definition of functional behavioral assessment).
- 3.—"Corporal Punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. The definition shall not include physical pain, injury or discomfort caused by the reasonable physical contact or other actions designed to maintain order and control as set forth below or by participation in practice or competition in an interscholastic sport or extracurricular activity, or

participation in physical education. See Code of Virginia § 22.1-279.1, as amended. The prohibition on corporal punishment shall not be deemed to prevent:

- a.—The use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;
- b.—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;
- c.—the use of reasonable and necessary force for self-defense or the defense of others; or
- d.—the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substance or paraphernalia, or what is reasonable believed to be any of the above which are upon the person of the student or within the student's control.

4.—"Dangerous, disruptive, emergency, or having the potential to be such" means conduct by a student that is, or is reasonably anticipated to: cause harm, injury or death to the student or others; cause property damage; create an unsafe environment; interrupts or obstructs the educational environment or related activities; and other good and just cause. The School Division will support the reasonable judgment of staff members made at the time of the incident(s) regarding meets this definition:

5.—"Mechanical Restraint" is the use of any material or equipment to restrict a student's freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student that have been prescribed by an appropriate medical or related services professional and are used with parental consent and are for the specific and approved purposes for which such devices were designed, such as:

- a.—Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- b.—Vehicle restraints, including seat belts or harnesses when used as intended during the transport of a student in a moving vehicle;
- c.—Restraints for medical immobilization;
- d.—Orthopedically prescribed devices that permit a student to participate in activities without risk of harm; or
- e.—High chairs and feeding stations used for age or developmentally appropriate students used specifically for feeding.

6.—"Pharmacological Restraint" means a drug or medication used on a student to control behavior or restrict freedom of movement that is not (i) prescribed by a

licensed physician or other qualified health professional under the scope of the professional's authority for the standard treatment of a student's medical or psychiatric condition and (ii) administered as prescribed by a licensed physician or other qualified health professional acting under the scope of the professional's authority.

7.—"Physical intervention" is defined as the use of reasonable and necessary physical contact by school personnel to maintain order and control; quell a disturbance; protect a student, self, and others from the risk of physical injury; prevent damage to property; or to obtain possession of weapons, dangerous objects, or paraphernalia. Teachers/school employees, volunteers or agents may not use corporal punishment ("the infliction of, or causing the infliction of, physical pain on a student as a means of discipline"), but may use:

- a.—Incidental, minor, or reasonable physical contact or other actions designed to maintain order and control;
- b.—Reasonable or necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damaged property;
- c.—Reasonable or necessary force to prevent a student from inflicting physical harm on himself;
- d.—Reasonable and necessary force for self-defense or the defense of others; or
- e.—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 or her control.

8.—"Physical restraint" means the use of any physical method of restricting an individual's freedom of movement, or physical activity, or to prevent a student from moving his/her body to engage in a behavior that places him/her or others at a risk of physical harm. Physical restraint does not include:

- a.—Briefly holding a student in order to calm or comfort the student; or
- b.—Holding a student's hand, wrist, shoulder arm, or back to escort the student safely from one location to another.
- c.—Using incidental, minor, or reasonable physical contact or other actions designed to maintain control, such as intervening in a fight or brief use of reasonable and necessary force to protect oneself or others from physical injury or harm in an emergency or violent situation.

Physical restraint may include the use of approved intervention techniques designed to minimize the potential for injury to students and staff, as used by persons trained in such techniques.

9.—"Prone restraints" means when a student is placed face down on his/her stomach; supine restraints (where the student is face up on his/her back); or any other

physical maneuver that prevents a student from breathing or speaking, is strictly prohibited. Physical restraint shall not include restraining the student in a chair or against a wall.

10. "Seclusion"—Seclusion is the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving until the student no longer presents imminent danger to self or others. This includes any time a student is involuntarily alone in a room and prevented from leaving regardless of the intended purpose or the name of the area where the student is secluded. Provided that no such room or space is locked, seclusion does not include the following activities:

- a.—Supervised in-school suspension or detention;
- b.—Out of school suspension;
- c.—Time-out, which is a behavioral management technique;
- d.—Removal from classroom by the teacher for disruptive behavior;
- e.—Student-requested breaks in a different location in a room or in a separate room;
- f.—Removal of student for short periods of time from room or separate area of room to provide student with opportunity to regain self-control so long as student is not physically prevented from leaving;
- g.—Removal of student for disruptive behavior from a classroom by a teacher, as provided in Code of Virginia § 22.1-276.2, as amended;
- h.—Confinement of a student alone in a room or area from which the student is physically prevented from leaving during the investigation and questioning of the student by school employees regarding student's knowledge of or participation in events constituting a violation of student conduct code, such as a physical altercation, or an incident involving drugs or weapons; or
- i.—Placement decisions made by IEP teams, such as one-on-one instruction.

11. "Seclusion or quiet room"—any rooms or structures used under this Regulation must meet the following criteria:

- a.—shall be free of any objects or physical features that may cause injury to a student;
- b.—shall be of sufficient dimensions and shall have sufficient lighting, heating, cooling, and ventilation to comport with the dignity and safety of the student;
- c.—windows in the room or structure shall be constructed to minimize breakage and otherwise prevent the occupant from harming himself/herself;

d.—all space in the seclusion room shall be visible through the door, either directly or by mirrors;

e.—shall provide for the continuous visual monitoring of any seclusion, either by the presence of school personnel in the room or structure or observation by school personnel through a window, viewing panel or half door

12.—"Time out" means assisting a student to regain control by removing the student from his/her immediate environment to a different, open location until the student is calm or the problem behavior has subsided.

B.—Criteria for the Use of Physical Intervention, Physical Restraint, or Seclusion of Disruptive Students

When student behavior becomes sufficiently disruptive, aggressive, or violent, so as to demonstrate a risk to self or others, a likelihood of property destruction, or to cause interference with the educational process or school operations, appropriate methods of intervention may be utilized to address the situation and assist the student in regaining control:

1.—School personnel may implement physical restraint or seclusion only when other interventions are or would be, in the reasonable judgment of the particular school personnel implementing physical restraint or seclusion in an emergency situation, ineffective and only to:

a.—Prevent a student from inflicting serious physical harm or injury to self or others;

b.—Quell a disturbance or remove a student from the scene of a disturbance in which such student's behavior or damage to property threatens serious physical harm or injury to persons;

c.—Defend self or others from serious physical harm or injury;

d.—Obtain possession of controlled substances or paraphernalia that are upon the person of the student or within the student's control; or

e.—Obtain possession of weapons or other dangerous objects that are upon the person of the student or within the student's control.

2.—Physical restraint and seclusion shall be discontinued as soon as the imminent risk of serious physical harm or injury to self or others presented by the emergency, dangerous or potentially dangerous situation has dissipated.

3.—Nothing in this section shall be construed to require school personnel to attempt to implement a less restrictive intervention prior to using physical restraint or seclusion when, in the reasonable judgment of the school personnel in an emergency situation, a less restrictive intervention would be ineffective.

4.—Unless a student's damage to property creates an imminent risk of serious physical harm or injury to the student or others, the damage of property does not itself

indicate an imminent risk of serious physical harm or injury and shall not be the justification for the restraint or seclusion of a student.

- 5.—Any incident involving physical restraint or seclusion in any of the circumstances described in this section shall be subject to the requirements of 8VAC20-750-50 through 8VAC20-750-100, as amended.

G.—Methods of Intervention in Emergency or Dangerous Situations

Appropriate methods of intervention when emergency situations arise include the following:

- 1.—"Time Out"—Time out, or removal from the Learning environment, is a less restrictive intervention on the continuum of interventions for managing disruptive, aggressive, or violent student behavior.
 - a.—Primary purpose of time out- the primary purpose of time out is to assist a student to regain control by removing the student from his/her immediate environment to a different location until the student is calm or the problem behavior has subsided.
 - b.—Where time out can occur- time out may occur within the classroom, or an area outside of the classroom, such as the principal's office or another room in the school building.
 - c.—Less restrictive measures before time out- when time out is used, the well-being and safety of the student is paramount. Before utilizing time out, staff should, if possible, use less restrictive measures to assist the child in regaining control or correcting his/her behavior within the learning environment.
 - d.—Escorting to time out- students, who are unable to regain control or correct their behavior using less restrictive measures, should be passively escorted by staff to the time out location.
 - e.—Duration of time out not to exceed 10 minutes- when students are removed to a separate location in which no other persons are present, each time out intervention should be of short duration, developmentally appropriate, and should not exceed 10 minutes. If a student has not regained control after the initial 10 minutes, time out may be extended in 10-minute increments thereafter.
 - f.—Observation and continuous monitoring- students must be observed and continuously monitored by at least one adult staff member in any time out area. At the end of each time out intervention, staff will work with the student to develop a plan for returning to the learning environment.
 - g.—Referral to School Intervention Team- if a student requires systematic time out interventions, a school intervention team will develop or revise a Functional Behavioral Assessment (FBA) and Behavior Intervention Plan

(BIP) including a review of any existing BIP for data which documents the implementation of positive behavior supports with fidelity:

h.—Time Out Log Sheet—All time-outs require documentation on the Time Out Log Sheet and notice of all time-outs must be reported to the principal or designee and to the parents/guardians as provided in Section IV of this regulation:

2.—"Physical Intervention"—Physical intervention is a more restrictive method for managing disruptive, aggressive, or violent student behavior in emergency situations. Given imminent risk to self or others, or imminent risk of property destruction, or disruption to the educational process or school operations, staff may use physical intervention as an appropriate response to the situation. As with other interventions, physical intervention should be utilized in such a manner as to ensure the safety of the student, the intervener, and others. Where available, staff trained in approved physical intervention techniques shall be utilized to minimize the potential for injury to students and staff. However, the absence of formal training in physical intervention techniques shall not prohibit staff from intervening when exercising reasonable judgment under the circumstances:

a.—Following physical intervention, staff should discuss with the student the reasons requiring the use of the intervention and request the student to assist in the development of a plan to prevent further occurrences of the behaviors requiring the physical intervention. If a BIP is already in place, a school intervention team should review/revise the plan:

b.—Staff should also review the student's Individualized Education Program, or 504 Accommodations Plan, if applicable:

c.—All incidents involving the use of physical intervention shall be promptly reported to the principal/designee and notice provided to the student's parents/guardians as provided in Section ___ of this Regulation, using the appropriate forms:

3.—"Seclusion (Use of Quiet Room)"—In certain emergency situations, staff may use seclusion techniques to respond to disruptive, aggressive, or violent student behavior where less restrictive interventions are not possible or have failed. Seclusion involves the use of a quiet room to provide an opportunity for a student to regain self-control and composure. Quiet rooms are designated areas intended to be used as safe, protected, less stimulating settings to support the student in regaining self-control. Use of a quiet or seclusion rooms or freestanding units not meeting the definition of seclusion or quiet room are prohibited. The following procedures should be followed when using a quiet room:

a.—The special needs of the student shall be weighed against the risk to self, others, destruction of property, or disruption to the educational process when determining whether use of a quiet room is appropriate. In

determining whether or not use of a quiet room is reasonable and necessary, consideration should be given to factors such as the student's developmental age, disability, health concerns, and background factors as well as imminent risks to student, staff, and others, destruction of property, or disruption to the educational process:

- b.—If, after consideration of less restrictive interventions, staff determines that the use of a quiet room is a reasonable and necessary intervention to resolve the emergency situation, the student may be placed in the quiet room with the door secured in a closed position:
- c.—The Quiet Room Log Sheet (Form) shall be used to record student behavior at one-minute intervals:
- d.—The staff person monitoring the student shall maintain ongoing visual contact with the student through the window in the quiet room door, while maintaining pressure on the lock mechanism to secure the door. Notations on the Log Sheet should reflect observable behavior. The Log Sheet shall be submitted to the principal/or designee for review and signature at the end of the day:
- e.—Quiet room door may not remain closed without opening longer than 10 minutes. The quiet room door should not remain in the closed position beyond 10 minutes without opening the door to obtain a further assessment of the status of the student. Ten-minute time intervals should be adjusted accordingly to take into consideration the factors outlined in Step 1 above, such as developmental age. If the student does not demonstrate behavior which indicates he/she is calm and non-threatening, the door shall be secured, and the process begun again following consultation with the principal or his/her designee and agreement that the student is continuing to demonstrate behavior that indicates an imminent risk to others, destruction of property, or unacceptable disruption to the educational environment. The quiet room door should be opened as soon as these risks are no longer imminent:
- f.—Harm to self while in Quiet room. If a student is demonstrating behaviors which indicate harm to self while in a quiet room, staff may need to consider the use of physical intervention to prevent self-injury to the student. These assessments should be clearly documented on the Log Sheet:
- g.—Destructive behavior beyond 30 minutes. If the student continues to demonstrate destructive behavior for a period of time beyond 30 minutes, staff and the principal/designee should consider an alternative course of action, i.e., parental involvement, police assistance:
- h.—Return to calm, nonthreatening behavior. Once the student demonstrates a return to calm, non-threatening behavior, the Quiet room door shall be

moved to the open position, and staff shall direct the student to remain calm in the quiet room. Upon completion of a short interval of time determined by staff (not to exceed 10 minutes), the student shall then be given a directive to exit the quiet room and assisted to reintegrate into the learning environment.

i.—When possible, staff shall communicate with the student the reasons for the use of the quiet room and request the student's participation in developing a plan to prevent further occurrences of disruptive behavior.

j.—All incidents involving use of seclusion or quiet room shall be promptly reported to the principal/designee and the student's parents/guardians, using the procedures set forth in this Regulation and appropriate attachments to this Regulation.

D.—Prohibited Practices as defined in this Regulation

The practices set forth below are prohibited:

- 1.—Prone restraints;
- 2.—Aversive Stimuli;
- 3.—Corporal Punishment;
- 4.—Mechanical Restraint;
- 5.—Pharmacological Restraint.

E.—Reporting Requirements and Notice to Parents/Legal Guardians of Minor Students of Intervention

- 1.—The school personnel involved in an incident where any student has been physically restrained or secluded shall report the incident and the use of any related first aid to the school principal or designee as soon as possible but no later than the end of the day in which the incident occurred;
- 2.—A student behavior report in the student information system shall be completed by the teacher or appropriate staff person at the conclusion of any incident resulting in the use of time out, physical intervention, physical restraint, or seclusion. The report should be submitted for review by the principal or designee by the end of the school day in which such intervention occurred if reasonably possible but no later than two school days after the incident.
- 3.—The school principal or designee should make reasonable attempts to contact the parent/legal guardian of a minor student by telephone or electronic communication as quickly as possible following the incident to inform the parent/legal guardian of any actions or interventions.
- 4.—Written notification to the parents/legal guardians of the student's intervention and reasons therefore shall be provided using Form _____ to this Regulation. The written

notification should be provided in most cases by the end of the school day. If circumstances arise to prevent written notification to the parent/legal guardian by the end of the school day when the intervention occurred:

- 5.—The written notification and a copy of the student information system report shall be mailed home to the parent/legal guardian no later than two school days from the date of the event giving rise to the intervention:
- 6.—The parents/legal guardians shall be provided with an opportunity to meet with the teacher and a school administrator to discuss the student's behavior, the possible consequences if such behavior does not cease, and appropriate measures to respond to such behavior in the future. Any written notification, and any telephone or electronic communication with the parents/legal guardians regarding the incident, shall also inform the parents/legal guardians of the right to meet with the teacher and a school administrator to discuss the student's behavior, possible consequences of such behavior, and appropriate measures to respond to such behaviors in the future.
- 7.—Within two school days of an incident of physical restraint or seclusion, the principal or designee will review the incident with all school personnel who implemented the use of physical restraint or seclusion to discuss: a) whether the use of restraint or seclusion was implemented in compliance with this chapter and local policies; and 2) how to prevent or reduce the future need for physical restraint or seclusion.
- 8.—As appropriate, depending on the student's age and developmental level, following each incident of physical restraint or seclusion as soon as practicable, but no later than two school days or upon the student's return to school, the principal or the designee shall review the incident with the student involved to discuss: a) details of the incident in an effort to assist the student and school personnel in identifying patterns of behaviors, triggers, or antecedents; and 2) alternative positive behaviors or coping skills the student may utilize to prevent or reduce behaviors that may result in the application of physical restraint or seclusion.
- 9.—The principal or designee shall regularly review the use of physical restraint or seclusion to ensure compliance with School Board policy and procedures. When there are multiple incidents within the same classroom or by the same individual, the principal or designee shall take appropriate steps to address the frequency of use.

F.—Additional Considerations

- 1.—Following incidents leading to the interventions identified in this Regulation, particularly where there is a pattern of similar events, additional considerations may include the following:
 - a.—Staff consultations to discuss the effectiveness of the interventions;

- b.—Development of positive behavior supports to assist the student in preventing future incidents of disruptive behavior;
 - c.—Implementation or review of a FBA and/or BIP, if applicable;
 - d.—Review of Individualized Education Program or 504 Accommodations Plan, if applicable;
 - e.—Conference(s) with parents/legal guardians of minor students and principal, teacher, and/or school counselor; and
 - f.—Request central office support or resources.
- 2.—Building administrators will notify the appropriate the Department of School Leadership annually of a date when the staff in their building has been trained in the implementation of this regulation and related procedures.
 - 3.—All School personnel will receive initial training that focuses on skills related to positive behavior support, conflict prevention, de-escalation, and crisis response.
 - 4.—All School personnel will review initial training regarding the regulations, policies, procedures governing the use of physical restraint and seclusion. Such training shall be evidence based.
 - 5.—At least one administrator in each school building and the school personnel assigned to work with any student whose IEP or Section 504 team determines that the student is likely to be physically restrained or secluded will receive advanced training in the use of physical restraint and seclusion.
 - 6.—The Department of School Leadership or designee is responsible for monitoring and implementing this Regulation.
 - 7.—This Regulation shall be reviewed annually and revised as needed.

Legal References

Virginia Board of Education 8 VAC 20-750, et seq., as amended. Regulations governing the use of seclusion and restrain in public elementary and secondary schools in Virginia.

Code of Virginia § 8.01-220.1:2, as amended. Civil immunity of teachers under certain circumstances.

Code of Virginia § 22.1-276.2, as amended. Removal of students from classes.

Code of Virginia § 22.1-296.1, as amended. Corporal punishment prohibited.

Approved by Superintendent: December 10, 2020

Revoked by Superintendent: November 2025

COMMUNITY RELATIONS

Relations with Employment/Career Agencies: Employment Counseling and placement services

The School Board encourages the exploration of new and developing employment trends as well as the focus on relationships that address the employment needs of the city and region. For the purposes of making available to secondary students employment counseling and placement services, the Superintendent or designee shall establish relationships with governmental and non-governmental organizations/agencies (including the Virginia Employment Commission and the Virginia Department of Labor and Industry), businesses, the military, career education programs/schools, college programs, labor organizations, and other related entities. Such relationships will be for the purposes of providing secondary students with information regarding employment opportunities, apprenticeships, internships, educational and career training and readiness, military service, teaching profession opportunities, and local and national employment needs.

Legal Reference

Code of Virginia § 22.1-209, as amended. Employment counseling and placement services.

Related Links

School Board [Policy 5-70](#)

Adopted by School Board: October 20, 1992

Amended by School Board: June 20, 2000

Amended by School Board: August 19, 2014

Amended by School Board: August 25, 2020