

GLOUCESTER COUNTY PUBLIC SCHOOLS

GLOUCESTER, VIRGINIA



**STUDENT CODE OF CONDUCT
MANUAL**

File No. JFC-R

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Foreword

Dear Parents and Guardians:

My hope is for your children to excel academically, physically and socially as they learn and grow while attending Gloucester County Public Schools. In order to have a positive learning environment for all students, specified standards of behavior will be expected. I believe that in order for teaching and learning to take place in schools and classrooms, a climate of cooperation, respect and decorum must exist.

The purpose of the **Student Code of Conduct** is to inform all students and parents of their rights and responsibilities, the consequences of listed violations of school rules, and the procedures for dealing with such violations. Knowledge of the expectations should lead to cooperation and adherence to those expectations. It is important that we as individuals learn that there are consequences for all decisions we make, even as adults. I wish for all students to make good decisions and enjoy the benefits of positive decision-making.

Please read the Student Code of Conduct, discuss it with your children, and return the parent/student signature pages in this book. You may access the Student Code of Conduct on the school division's website at <http://gets.gc.k12.va.us>. Nothing in this manual will preclude the school principal and/or assistant principal from applying any appropriate consequences for the purpose of changing inappropriate behavior to expected behavior.

I appreciate all that you do in supporting a quality education for your children. Your support of dedicated teachers and administrators is appreciated. It is only when the school system is able to work cooperatively with parents that the maximum influence on children occurs. Please do not hesitate to contact the Director of Student Services or me if you have questions.

Sincerely,

Howard B. Kiser, Ed.D.
Superintendent of Schools

Dear Parents and Guardians:

As the Director of Student Services, I have many responsibilities, one of which is to assist with disciplinary issues which arise in the school setting. It is my goal for students and parents to be familiar with school procedures as you enter into another school year.

The Student Code of Conduct outlines the division's expectations regarding student conduct in the school, at all school-sponsored activities, and provides other pertinent information to assist parents/guardians in ensuring the overall success of their students. This document also clearly offers consequences that the school administration, School Board, and I can render for behavior that is unacceptable.

Providing students with a safe and orderly school environment is of the utmost importance. Therefore the cooperation of our students and parents/guardians is extremely necessary. Please encourage your child to respect the authority of the school staff, other children and adults, and school property as you stress the guidelines set forth in this Student Code of Conduct.

As we begin this school year, I hope that you and your child will be fully aware of the school division's expectations for students and partner with us so that our schools will have high success rates in the areas of academics, behavior and attendance. With your partnership and involvement, we can have a successful school year.

Should you have questions about the information that is provided in this manual, please do not hesitate to contact the Office of Student Services.

Thank you for your support and cooperation. Have a wonderful school year!

Sincerely,

Rita H. Cargill-Brown
Director of Student Services

General Philosophy

Public education must be conducted in an atmosphere conducive to learning, free of disruption and threat to person or property, and supportive of individual rights. To this end, the School Board has set forth standards governing student conduct and attendance, which are outlined in this handbook. These are periodically updated/revised and published. Each student of Gloucester County Public Schools will be given a copy of this document for his/her own personal use and reference.

The Gloucester County Public School System recognizes the right of every student to an education without disruption and a corresponding responsibility not to deny this right to any other student. The school system encourages acceptable behavior by working with students in an atmosphere of respect and understanding centered around freedom, firmness, and consistency to build pride and confidence in the students and the school.

It is important that all students attending Gloucester County Schools recognize that the schools are built and operated for their benefit, and that the schools serve to provide students with appropriate and useful educational opportunities. An integral part of this concept is that students share the responsibility for the maintenance of a sound, enjoyable educational climate within the schools.

Every student has the right to an opportunity to learn in an environment, which is safe, clean, peaceful, and well organized. Each student must also recognize that he/she has the responsibility to ensure that his/her actions do not deprive others of the same opportunity.

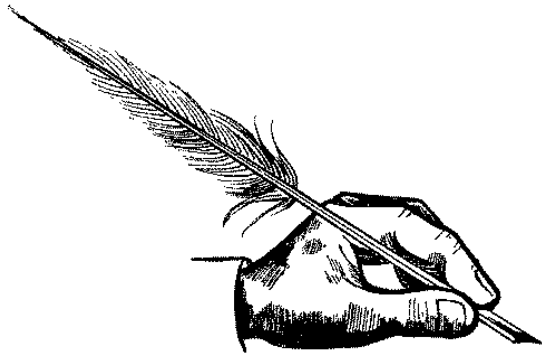
Policy manuals are located in the principal's office and library of each school, as well as the Administrative Offices.



Student Orientation - Code of Conduct

Since it is in the best interest of the students of Gloucester County Public Schools to be fully aware of the regulations governing their behavior, an orientation of the *Student Code of Conduct* will be given by the principal or his/her designee at the beginning of each school year.

Additionally, each student will receive a published copy of this *Student Code of Conduct* for his/her own personal use and reference. This manual includes a page, which must be signed by both parent or guardian and the student, noting that they acknowledge receipt of and agree to read and discuss the manual with their student(s). This form appears on Page 51 and should be signed and returned to the school.



No student can be prevented from participation in any program solely because of his/her race, color, national origin, gender, age, religion, disability, or sexual orientation. A procedure for resolving complaints alleging discrimination on the basis of race, color, national origin, gender, age, religion, or disability may be found in the manual for Policies and Regulations of the Gloucester County Public Schools. The Section 504, Local Homeless Liaison and Title IX Coordinator for the Gloucester County Public Schools is:

Ms. Rita H. Cargill-Brown, Coordinator
Section 504, Local Homeless Liaison and Title IX
Gloucester County Public Schools
6489 Main Street
Building Two, Suite F
Gloucester, VA 23061
(804) 693-7856

Student Rights

The following statements summarize students' rights. They help explain the relationship between students and adults in the school setting. They also show relationships between and among students. In exercising their rights, students shall not disrupt the educational process or force upon, endanger, or deny others of their rights.

EQUAL EDUCATIONAL OPPORTUNITY

The schools must provide all students the opportunity to acquire an education. This means free admission to the schools and the right to attend school until graduation from high school or a student reaches his/her twentieth birthday on or before August first of the school year. The identified disabled student may attend school until age 22. Students have the right to equal educational opportunity without interference from other students and from trespassers on public school property. No student can be prevented from participating in any program solely because of his/her race, national origin, gender, ethnicity, religion, disability, or marital or parental status. A procedure for resolving complaints alleging discrimination may be found in Gloucester County Public Schools policy JB (see Appendix A). The Section 504 and Title IX Coordinator for the Gloucester County Public Schools is:

Ms. Rita H. Cargill-Brown
Director of Student Services
Section 504, Local Homeless Liaison and Title IX
Gloucester County Public Schools
6489 Main Street
Building Two, Suite F
Gloucester, VA 23061
(804) 693-7856

LEARNING ENVIRONMENT

All students have the right to a safe and orderly classroom environment that will ensure the opportunity for optimum learning. This includes the right to an environment free from sexual harassment and harassment based on race, national origin, disability, religion, or sexual orientation as outlined in Gloucester County Public Schools policy JFHA (see Appendix B).

RESTRAINT AND SECLUSION/CORPORAL PUNISHMENT

There may be situations when there is a need to manage aggressive and violent student behaviors in emergency situations. Therefore, the use of restraint and seclusion of Gloucester County Public Schools students shall only be utilized in an emergency situation by school personnel trained and certified by a State-approved crisis intervention training program per GCPS policy #JM.

Corporal punishment is prohibited. No teacher, principal or other person employed by a school board or employed in a school operated by the Commonwealth shall subject a student to corporal punishment. This prohibition shall not be deemed to prevent:

- the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control
- the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself;

- the use of reasonable and necessary force for self-defense or the defense of others;
- the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control;
- physical pain, injury or discomfort caused by participation in practice or competition in an interscholastic sport; or
- participation in physical education or an extracurricular activity.

STUDENT RECORDS

The Gloucester School Board shall maintain accurate and complete individual, permanent, and cumulative records for every student enrolled in the public schools. These records shall include cumulative and confidential information and shall be the student's official school record. Such records, identified as education records in Title 20, §1232(g) of the United States Code and in Chapter 14 of Title 22.1 of the *Code of Virginia, 1950*, as amended, shall be maintained in compliance with all federal and state law.

The superintendent and/or his designee(s) shall be responsible for the collection of data, record maintenance and security, access to and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The superintendent shall also provide for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of the Gloucester Public Schools written policy and procedure on the management of the education records and their location.

FREE EXPRESSION

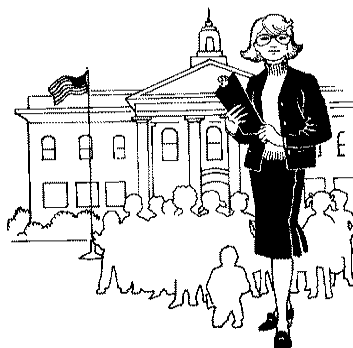
Students are entitled to express their opinions both verbally and in writing. This right does not entitle them to misinform, slander, and/or display pornography as interpreted by the principal. No form of expression will interfere with the rights of others to express themselves or cause a disruption to the conduct of school and classroom activities.

FREEDOM OF ASSEMBLY

Students, with the approval of the principal, have the right to hold meetings at a time, place, and in a manner which does not disrupt or disturb classroom instruction.

DUE PROCESS

The student has the right to procedural due process in the case of a suspension or expulsion. Procedural due process will include a notice of the charge(s), a right to an impartial hearing, and the right to appeal any decision to a higher authority.



Student Responsibilities

A responsibility is an obligation one has in order to retain the privileges associated with a right to certain freedoms.

DISPLAY RESPECT FOR OTHERS

Students are expected to display concern and respect for school board members, school administrators, teachers, fellow students, school support staff, and Gloucester County citizens and guests at all times.

PROTECT THE RIGHTS OF OTHERS TO STUDY AND LEARN

Parents or guardians send their children to school to obtain an education. An individual student may decide not to take advantage of that opportunity; however, no one has the right to interfere with the education of others. The School Board recognizes that electronic surveillance systems may be used as a tool in monitoring activity on school property and in school vehicles to protect the health, welfare, and safety of students and staff.

ATTEND SCHOOL DAILY UNLESS ILL OR LEGALLY EXCUSED

In Virginia, a student is required by law to attend school until the age of 18. Schools cannot promote or certify students for graduation who do not attend class.

BE ON TIME FOR ALL CLASSES

Students who enter a classroom after a lesson has begun are interfering with the rights of others to learn and study. Punctuality is a habit. Future employers are not going to take time to teach it.

OBEY ALL SCHOOL RULES

Rules are created to provide the process for a school to educate students. Schools cannot achieve this goal if they are required to expend valuable instructional time maintaining order. Students must obey the rules of the schools.

VOLUNTEER INFORMATION AND COOPERATE WITH THE SCHOOL STAFF IN DISCIPLINARY CASES

Every community depends upon the willingness of citizens to play a part in upholding the rules by which everyone has agreed to live. Students are expected to provide accurate and truthful information.

COMPLETE ALL IN-CLASS AND HOMEWORK ASSIGNMENTS AND MEET DEADLINES

The responsibility for learning is to be shared with the student, the parent or guardian, and the teacher. Effective education occurs when the teacher directs the work of the student. Everything that must be learned cannot be accomplished during the school day; therefore, some homework should be expected each day.

RESPECT PUBLIC PROPERTY AND CAREFULLY USE AND RETURN ALL MATERIALS AND EQUIPMENT

Schools represent a gift of the community to its young people. It is wrong to abuse that gift. Such abuse forces the community to spend additional money in order to provide the same opportunities for those students who will use the schools after you. Students are required to respect public property.

COME TO CLASS WITH THE NECESSARY BOOKS AND MATERIALS

A teacher should not have to delay starting class because a student has come unprepared to begin work. This is interfering with the rights of others to learn and study. Obtaining an education requires more than being in class, just as keeping a job requires more than showing up for work. Students are expected to come to school with the proper books and materials.

SEE THAT SCHOOL CORRESPONDENCE TO PARENTS REACHES HOME

Education requires a partnership between the parent or guardian, the student, and the school. For a partnership to work, everyone must know what is happening, good and bad.

Parental Rights and Responsibilities

- Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.
- A school board shall provide opportunities for parental and community involvement in every school in the school district. **As outlined in GCPS Civility Policy #GBCC the School Board supports all partners in the educational process. The primary objective of the policy is to promote mutual respect, civility and orderly conduct among district employees, parents and the public. This policy conveys the need to maintain, to the greatest extent possible, safe and harassment-free environments for teachers, students, administrators, staff, parents and other members of the community.**
- Parents of students in grades six through twelve are afforded an opportunity to monitor their child's academics and attendance. Information for middle school students can be accessed through the Home Access Center; high school can be accessed through Pinnacle Internet Viewer. Please contact the guidance department of your child's school to obtain access to these programs.
- **Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct and the notice of the requirements of this section.**
- The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his designee to review the school board's standards of student conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational process.
- The school principal will notify the parents of any student who violates a school board policy when such violation could result in the student's suspension, whether or not the school administration has imposed such disciplinary action. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior; and (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials.
- No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.
- Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior.
- As amended to Section 22.1-4.3 of the Code of Virginia, unless a court order has been issued to the contrary, and a copy of said order is provided to the school, the non-custodial parent of a student enrolled in a public school must be included, upon the request of such non-custodial parent, as an emergency contact for events occurring during school activities.
- **Attendance Waiver**
The principal may consider a request for a waiver of the attendance regulation for extenuating circumstances beyond the parent's and/or student's control. Extenuating circumstances include, but are not limited to, personal illness, death in the immediate family, required court appearances, official college visits and bona fide religious observances. When considering whether to grant a waiver, the student's entire history (attendance, academic, and discipline) will be considered. Parents are responsible for completing the necessary documentation within guidelines outlined on page 12 of the Student Code of Conduct.

Student Dress Code

It is not intended that clothing restrictions be placed on individuals which will infringe upon their personal rights; however, it is felt that certain restrictions must be enacted to prevent situations which may be indecent, unsafe, disturbing, or disruptive to the educational setting of the school. The administration reserves the right to define appropriate and inappropriate dress.

All students will be properly dressed while attending school and school functions. Dress should be appropriate for the age group involved and should not be a cause for disruptive influence on the educational program. Dress for field trips will be decided by the school administration.

Disciplinary Consequences

- The student will be required to change into a suitable garment or cover the offending piece of clothing, whichever is applicable.
- If the procedure outlined above is not possible, the student will be requested to contact his/her parent or guardian in order to obtain suitable clothing. If the parent or guardian cannot be contacted, then the student will remain in detention until the end of the school day.
- A second (2nd) violation of the Student Dress Code may result in detention or suspension, and/or a parent or guardian/administrator conference.
- A third (3rd) violation of the Student Dress Code may result in a suspension from one (1) to five (5) days, and a parent or guardian/administrator conference.

The following is a listing of those clothing items that are considered unacceptable and strictly prohibited from use within the Gloucester County Public Schools. Students in **all grades** will be **prohibited** from wearing the following:

- Dresses, skirts, mini-skirts, shorts, culottes, skorts, and split skirts that do not reach the end of the fingertips when standing with the arms fully extended;
- Tank tops, mesh tops, halters, pajamas, slippers, or bare midriff clothing; no midriff or cleavage can be exposed at any time;
- Stretch pants, tights, or leotards, worn as outer garments;
- Sunglasses in the building;
- Hats, hoods, bandanas, or other inappropriate head covering in the building;
- Curlers, picks, combs, or rakes in the hair;
- Military or inappropriate insignia on clothing (due to Federal Law);
- Fringed garments in vocational areas;
- Dog collars, chains, safety pins, or fishhooks worn as jewelry, accessories, or ornamentation;
- Clothing that can be interpreted to convey inappropriate messages, e.g., hats, T-shirts, sweatshirts, jackets, patches with unacceptable pictures, writing or advertisement of drugs, alcohol, tobacco products, or sexually suggestive messages;
- Clothing symbolic of gangs or disruptive groups associated with threatening behavior, harassment or discrimination;
- Sagging pants; pants must be worn around the waist;
- No underwear can be exposed at any time by anyone and,
- Items of clothing that would impair the health and safety of the student during normal school activities (i.e., roller shoes).

NOTE: In regard to possible violation(s) of the Student Dress Code that may be questionable, a consensus of three (3) persons may be used (i.e., principal, nurse, and/or counselor/teacher/secretary) to determine if a violation exists.

Compulsory Attendance – State Law (Code of Virginia §22.1-254 and 22.1-254.01)

This section deals with compulsory attendance required; excuses and waivers; alternative education program attendance; and exemptions.

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

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

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

- (1) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and
- (2) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in subsection C of § [22.1-253.13:1](#) and in § [22.1-254.01](#).

The requirements of this section shall not apply to:

- (a) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan pursuant to subsection D, and
- (b) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements as set forth in this article.

B. A school board shall excuse from attendance at school:

- (1) Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and
- (2) On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.

C. A school board may excuse from attendance at school:

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

D. Local school boards may allow the requirements of subsection A of this section to be met under the following conditions:

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

- (a) Career guidance counseling;
- (b) Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such GED preparatory program or approved alternative education program to such principal or his designee;
- (c) Counseling on the economic impact of failing to complete high school; and
- (d) Procedures for reenrollment to comply with the requirements of subsection A of this section.

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

E. A school board may, in accordance with the procedures set forth in Article 3 (§ [22.1-276.01](#) et seq.) of Chapter 14 of this title and upon a finding that a school-age child has been:

- (1) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person;
- (2) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of § [16.1-260](#);
- (3) suspended pursuant to § [22.1-277.05](#); or
- (4) expelled from school attendance pursuant to § [22.1-277.06](#) or § [22.1-277.07](#) or subsection B of § [22.1-277](#),

require the child to attend an alternative education program as provided in § [22.1-209.1:2](#) or § [22.1-277.2:1](#).

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

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with

- (1) a crime that resulted in or could have resulted in injury to others,
- (2) a violation of Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2, or
- (3) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

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

G. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.

H. The provisions of this article shall not apply to:

1. Children suffering from contagious or infectious diseases while suffering from such diseases;
2. Children whose immunizations against communicable diseases have not been completed as provided in § [22.1-271.2](#);
3. Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live;
4. Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children live; and
5. Children excused pursuant to subsections B and C of this section.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board of Education.

Legal References: Code of Virginia, (Code 1950, § 22-275.1; 1952, c. 279; 1959, Ex. Sess., c. 72; 1968, c. 178; 1974, c. 199; 1976, cc. 681, 713; 1978, c. 518; 1980, c. 559; 1984, c. 436; 1989, c. 515; 1990, c. 797; 1991, c. 295; 1993, c. 903; 1996, cc. 163, 916, 964; 1997, c. 828; 1999, cc. 488, 552; 2000, c. 184; 2001, cc. 688, 820; 2003, c. 119; 2004, c. 251; 2006, c. 335.)

Attendance Policy

Regular attendance in school is the responsibility of students and their parent(s) or guardian(s). Learning experiences that take place in the school environment are essential to the educational process. The regular contact of students with one another in the classroom and other teacher-supervised activities is vital in reaching educational goals. Regular classroom attendance is an important factor in academic achievement because it develops good habits for advanced study and/or employment. This policy is based on the results of research and practice.

Principals must establish adequate procedures for student accounting, for determining the nature of absences, and for making reports as required by local and state authorities. Principals will comply with all school laws in student accounting including the State Compulsory Attendance Law. Students receiving homebound instruction are considered present for attendance accounting. The principal or designee will distribute copies of the attendance policy and procedures to all students. The principal or designee will devise a procedure for explaining the attendance policy and procedures to all students.

K-12 Attendance Policy

Expectations: The 2010-2011 school calendar has been reduced to 160 days of instruction. Therefore, it is imperative for students to attend school daily. The number of permitted absences has changed to the following:

- High School:
Each student will be limited to **eight (8)** absences per school year in order to receive credit for the class.
- Middle School:
Each student will be limited to **eight (8)** absences per school year in order to receive credit for the class.
- Elementary School:
Each student will be limited to **eight (8)** absences per school year. Excessive absences may result in a student being retained.

Absence Verification:

The parent is required to verify any absence (within three (3) school days) upon the student's return to school; all absences must be documented by the end of each quarter. Extended absences due to illness may require medical documentation. Students who leave school during the school day for any reason without the permission of the administration will be considered truant and receive disciplinary action. This includes leaving school due to illness.

Consequence of Unsatisfactory Attendance:

Excessive absences, in accordance with the above guidelines, will jeopardize a middle/high school student receiving credit for class. A student may be retained at the elementary grade level with excessive absences. Whenever any student fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the student's parent is aware of and supports the student's absence, a reasonable effort to notify the parent shall be made by the school, in most cases, by telephone.

Tardies and Early Dismissals:

Medical appointments should be arranged before or after school when possible. However, when that is not possible, a doctor's note is required upon return of the student to school. A written note from the parent/guardian must accompany all non-medical related tardies and/or early dismissals.

Tardies or early dismissals for reasons other than personal illness, required court appearances, or emergency reasons, as determined by a building principal or designee, may be counted toward an absence.

- Middle/High School - three (3) unexcused tardies/early dismissals to the same class may be counted as one full day of absence for that class.
- Elementary School - three (3) unexcused tardies/early dismissals may be counted as one full day of absence from school.
- Notification will be provided to the parent/guardian of any student with three unexcused tardies/early dismissals and an on-campus parent, teacher, student, counselor, and/or administrator conference may be required.

- On the middle school and high school level, any student who missed more than fifty (50%) of a class will be counted as absent.

Make-up Work For All Students:

Students who are absent from school may make up and receive credit for all missed assignments. Due dates for make-up work will be assigned at the discretion of the classroom teacher. **It is the student's responsibility to request make-up work and adhere to the due dates.** If a parent fails to verify an absence, the teacher has the discretion to adjust the grade of any make-up work. The student may receive a failing grade for the assignment if the work is not submitted by the assigned due date.

Attendance Waiver

The principal may consider a request for a waiver of the attendance regulation for extenuating circumstances beyond the parent's and/or student's control. Each waiver request will be considered on an individual basis, taking into consideration documentation provided and extenuating circumstances. The principal may request additional documentation from a medical professional when absences due to illness are excessive and/or a pattern appears to exist.

Extenuating circumstances include, but are not limited to, personal illness, death in the immediate family, required court appearances, official college visits and bona fide religious observances. When considering whether to grant a waiver, the student's entire history (attendance, academic, and discipline) will be considered.

- A parent of a middle/high school student may submit a waiver request as follows:
 - **Nine-week Course** - no earlier than ten (10) days prior to the end of the course and no later than the last day of the course.
 - **First Semester Course** – no earlier than the first school day of January but not later than the first school day of February.
 - **Second Semester Course** – no earlier than the first school day of May but not later than the first school day of June.
 - **Year-long Course** – no earlier than the first school day of January and April.
- A parent of an elementary school student may submit a waiver anytime during the month of May but no later than the first school day of June.

The principal shall act on the waiver within ten (10) administrative days after receiving it. The parent or guardian shall be notified of the decision in writing within five (5) administrative days after the administrative decision has been made.

The school shall have available in the main office and/or guidance office the Gloucester County Public Schools Attendance Waiver Request Form.

Appeal of Waiver Decision

- A parent may appeal the decision of the principal by submitting a written request to the Director of Student Services within three (3) days of receipt of the decision from the principal.
- A parent may appeal the decision of the Director of Student Services to the Assistant Superintendent for Administration within (3) days of the decision rendered by the Director of Student Services. The Assistant Superintendent's decision is final.

NOTE: According to Section 22.1-264.1 of the *Code of Virginia* any parent or guardian can be charged with a Class 4 misdemeanor for knowingly making a false statement concerning the residency of a child in a particular school division or school attendance zone if the purpose is to avoid tuition or to enroll the student in a school outside the attendance zone in which the student resides.

NOTIFICATION TO PARENTS OF ABSENCES/TRUANCY

The following methods may be used to inform parents of their student's absences or truancy:

ABSENCES

- A phone call is made daily for each student who has been absent.
- A letter is sent for any student who has three full-day absences.
- A mid-quarter interim progress report is sent home indicating the number of absences.
- A report card is sent home at the end of each grading period indicating the number of absences.

TRUANCY (as outlined in guidelines)

- Whenever any student fails to report to school on a regularly scheduled school day and no indication has been received by school personnel that the student's parent is aware of and supports the student's absence, a reasonable effort to notify by telephone the parent to obtain an explanation for the student's absence shall be made by the attendance office or other school personnel. Telephone calls for most schools are made to verify absences by voice mail.
- Whenever any student fails to report to school for five scheduled school days for the school year and no indication has been received by school personnel that the student's parent is aware of and supports the student's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation, by referring the case to the visiting teacher/truancy officer so that the visiting teacher/truancy officer can obtain an explanation of the student's absence and to explain to the parent the consequences of continued nonattendance. The visiting teacher/truancy officer, the student, and the student's parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the student's nonattendance. (as defined in Sections 22.1-258, 22.1-259, 22.1-266, 22.1-267 and 22.1-279.3)
- If the student is absent an additional day after direct contact with the student's parent and the attendance officer has received no indication that the student's parent is aware of and supports the student's absence, the principal or designee shall schedule a conference within ten school days with the student, his parent, the visiting teacher/truancy officer, and other school personnel as appropriate. This conference may include other community service providers to assist in resolving the issues relating to the student's nonattendance. This conference shall be held no later than fifteen school days after the sixth absence.
- Upon the next absence by such student without indication to the attendance office that the student's parent is aware of and supports the student's absence, the school principal or his designee shall notify the visiting teacher/truancy officer who shall do one of the following: (I) file a complaint with juvenile and domestic relations court alleging the student is a child in need of supervision as defined in Section 16.1-228 or (ii) institute proceedings against the parent pursuant to Section 18.2-371 or 22.1-262. In filing a complaint against the student, the visiting teacher/truancy officer shall provide written documentation of the efforts to comply with these procedures.
- It is expected that parents will cooperate with the attendance officer and other school officials to remedy the student's attendance problem. Where direct contact with a parent cannot be made, despite reasonable efforts, or where parents otherwise fail to cooperate in remedying the student's attendance problem, the superintendent or the visiting teacher/truancy officer may seek immediate compliance with the compulsory school attendance laws. The visiting teacher/truancy officer shall institute proceedings against any parent who fails to comply with the requirements of the compulsory attendance laws. Where the complaint arises out of the parent's failure to comply with the requirements of § 22.1-258, the visiting teacher/truancy officer shall document the school division's compliance with this Code section.
- In addition to any other actions taken, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

NOTE: When both parents have been awarded joint physical custody and the school has received notice of the joint custody order, required notices of absences will be sent to both parents.

Student Records

Generally

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

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

Definitions

For the purposes of this policy, Gloucester County Public Schools has used the following definitions of terms:

Student - any person who attends or has attended a school in Gloucester County Public Schools.

Eligible student - a student who has reached age 18.

Parent - either natural parent of a student, a guardian, or an individual acting as a parent or guardian in the absence of the student's parent or guardian.

Education records - any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other medium) maintained by Gloucester County Public Schools or an agent of the school division which contains information directly related to a student, except:

1. Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record.
2. Records created and maintained for law enforcement purposes by the Gloucester County Public Schools law enforcement unit, if any. A law enforcement unit is an individual, department or office of the school division that is authorized to enforce any state or federal law, report enforcement matters to appropriate authorities or maintain the physical security and safety of the school division.
3. An employment record which is used only in relation to a student's employment by Gloucester County Public Schools.
4. Records created or received after an individual is no longer in attendance and that are not directly related to the individual's attendance as a student.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

Dissemination and Maintenance of Records About Court Proceedings

Adjudications

The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G. contained in a notice received pursuant to § 16.1-305.1 of the Code of Virginia, 1950, as amended, to school personnel responsible for the management of student records and to other relevant school personnel, including, but not limited to, the principal of the school in which the student is enrolled. The principal shall further disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

A parent, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident

upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefore. The parent shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

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

Petitions

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

- if the juvenile is not enrolled as a student in a public school in the division to which the notice was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed and may forward the notice of petition to the superintendent of the division in which the juvenile is enrolled, if known;
- prior to receipt of the notice of disposition, the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the division superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students or school personnel within the division; and
- after the student has been taken into custody, whether or not the student has been released, the principal may further disseminate the information only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety, appropriate educational placement or other educational services.

Annual Notification

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

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

Procedure to Inspect Education Records

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

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

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

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

Copies of Education Records

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

Fees for Copies of Records

The fee for copies will be 20¢ per page. The actual cost of copying time and postage will be charged. Gloucester County Public Schools shall not charge for search and retrieval of the records. Gloucester County Public Schools shall not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

Types, Locations, and Custodians of Education Records

The Gloucester Public Schools shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the school division. A student education record is maintained for each student attending Gloucester County Public Schools and is kept in the school in which the student is enrolled. The school principal or his/her designee(s) shall be the custodian of student education records. These records contain identifying data pertaining to the student -- record data disclosure form; name and address of student, birth date and number; name and address of parent; program of studies plan; scholastic work completed; level of achievement, including grades and grade point average; type of diploma or certificate; attendance; test data, including results of normative tests, such as achievement batteries and inventories; cumulative health record, including pre-school physical examination report and school entrance examination report; certificate of immunization; social security number; notice of school status; student conduct statement; and all other information required by Virginia Board Regulations Governing Secondary School Transcripts.

In addition to the information that must be collected and maintained in every student's education record, certain specialized information may be collected for some students. This list is not exhaustive in nature. Other information, not listed above or below, may be collected and maintained, if necessary. The following serves only to provide information about the required management of some specific types of information in student education records.

- Special Education Information - Gloucester County Public Schools must maintain information and documentation relative to student eligibility and special education and related services in the student's education record in order to provide appropriate services and for auditing purposes. This documentation includes, but is not limited to the following information: records of referral; reports of assessment, including educational, physiological (medical, speech, hearing, vision), psychological, sociological; permission for testing; permission for placement; summary of eligibility minutes; and IEPs.
- Legal Documents - When a child's parents are divorced or separated, it is important for school officials to know whether the non-custodial parent has been restricted and/or prohibited from exercising parental rights by the court. There is no requirement, however, that Gloucester County Public Schools maintain complete custody or adoption papers in the student's education record. If an administrator is provided with a court order governing divorce, separation, custody or adoption, or a legally binding instrument which provides that a parent may not have access to a child and/or his/her records, the administrator may instead make a notation in the student's scholastic record referencing the written evidence that was presented and its date. In this way, the records will contain only the information necessary for school officials to protect the student.

- Disciplinary Records - Disciplinary records are defined as records which are directly related to a student and any disciplinary action taken against that student for violation of school rules or policies occurring on school property or at school sponsored events. These records must be maintained as part of the student's education record.
- Notice of Court Disposition - Beginning July 1, 1994, Virginia courts were required to send notices of adjudication of conviction of certain offenses to the school division a student attended at the time of disposition, or if not enrolled at that time, at the time of the offense.
- Notices of the Filing of a Petition - Beginning July 1, 1995, the *Code of Virginia, 1950*, as amended, Section 16.1-260, requires that Virginia Courts notify division superintendents whenever a petition is filed alleging that a juvenile has committed one of several enumerated crimes.
- HIV Records - The *Code of Virginia, 1950*, as amended, Section 32.1-36.1 specifically provides for the confidentiality of test results regarding human immunodeficiency virus (HIV/AIDS).

Disclosure of Education Records

Gloucester County Public Schools shall disclose education records or personally identifiable information contained therein only with the written consent of the parent or eligible student subject to the following exceptions. The school division may disclose education record information without consent:

1. To school officials who have a legitimate educational interest in the records.

A school official is:

- A person employed by the Division as an administrator, supervisor, instructor, or support staff member.
- A person appointed or elected to the School Board.
- A person employed by or under contract to the school division to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
- A contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education records.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in his or her position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.
- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. If records or information are released under this provision, the student's parents will be notified of the release, receive a copy of the record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency

responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.

6. To organizations conducting certain studies for or on behalf of the school division.
7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
 - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
 - the parties to whom the division disclosed the information.
11. Directory information so designated by the school division.
12. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

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

DIRECTORY INFORMATION

Gloucester County Public Schools designates the following data as directory information: name of the student in attendance or no longer in attendance; gender; address; telephone listing; date and place of birth; dates of attendance; participation in officially recognized activities and sports; weight and height of members of athletic teams; degrees or awards received by students; student's major field of study; and other similar information.

The following applies:

1. Gloucester County Public Schools may designate and release information designated as Directory Information provided that public notice of the categories of information to be disclosed has been given and a reasonable period of time after notice has been allowed for parents and eligible student to object to disclosure.
2. Directory Information will be made available to the Armed Services unless the parent objects to disclosure.
3. After notice for disclosure, if Gloucester County Public Schools does not receive a written request for non-disclosure from a parent or eligible student within fifteen (15) administrative days, Gloucester County Public Schools may disclose directory information.
4. Gloucester County Public Schools is not required to maintain a record of the disclosure of directory information.

MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING

The Gloucester County Public Schools will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' name, addresses, and telephone listings.

A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released without prior written parental consent. The school division will notify parents of the option to make a request and will comply with any request.

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

RECORD OF REQUESTS FOR DISCLOSURE

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

The requirements related to records of disclosure stated above do not apply to disclosures made pursuant to an ex parte order issued by a court at the request of the United States Attorney General (or any Federal officer or employee, in a position not lower than an Assistant Attorney General, designated by the Attorney General) seeking to collect education records relevant to an authorized investigation or prosecution of international terrorism as defined in 18 U.S.C. § 2331 or other acts listed in 18 U.S.C. § 2332b(g)(5)(B).

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

CORRECTION OF EDUCATION RECORDS

The following procedures will be used to correct inaccurate or misleading records or information believed to be in violation of the privacy rights of parents or eligible students:

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

The Gloucester Public Schools shall notify the parent and eligible student of their right to file with the FERPA Office a complaint concerning an alleged failure by the school division to comply with federal law.

CONFIDENTIALITY OF HIV AND DRUG AND ALCOHOL TREATMENT RECORDS

The Gloucester Public Schools shall comply with the confidentiality requirements of Section 32.1-36.1 of the *Code of Virginia, 1950*, as amended, providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, the school division shall maintain confidentiality of drug and alcohol treatment records as required by federal and state law.

SEX OFFENDER REGISTRY INFORMATION

Gloucester County Public Schools take every precaution regarding our students' safety, including being informed of updates to the Sex Offender Registry, which is maintained by the Virginia State Police. In our effort to keep parents informed, please know that this registry can be accessed at the Virginia State Police's web site: <http://sex-offender.vsp.virginia.gov/sor/index.htm>.

SCREENING PROCEDURES

The State Regulations Governing Special Education Programs for Children with Disabilities in Virginia, as adopted by the Virginia Board of Education, require that Gloucester County Public Schools establish and maintain screening procedures to assure the identification of children with suspected disabilities residing within its jurisdiction and requiring special education. We are required to provide the parents with a written notice of scheduled screenings and, if the child fails the screening, the results of the screening. Results of the screening will be kept in each student's scholastic record and all provisions associated with confidentiality will be maintained. The screening process for all children enrolled in Gloucester County Public Schools, including transfer students, is as follows:

- Speech, voice, language, and fine and gross motor will be screened within 60 administrative days of school entry for all kindergarten students, including those who transfer into the division.
- Hearing and vision screenings will be conducted within 60 administrative days of school entry for all children in grades kindergarten, 3, 7, and 10, including those who transfer into the division.
- Educational information on scoliosis is provided to parents for all children in grades 5-10 within 60 administrative days of school entry. (See "Annual Notification to Parents – Scoliosis Information" in the Gloucester County Public Schools *Student Code of Conduct Manual*).
- The local school division may recognize screenings reported as part of the child's pre-school physical examination required under the *Code of Virginia* if the screenings were completed within 60 business days prior to the start of school.
- Specific measures or instruments will be employed which use:
 - Observational and performance techniques; and
 - Techniques which guarantee nondiscrimination
- Children who fail any of the above screenings may be rescreened if the original results are not considered valid.
- Children shall be referred to the special education administrator or designee no more than three business days after screening or rescreening if results suggest that a referral for evaluation for special education and related services is indicated. The referral shall include the screening results.
- Applicable screenings (as indicated above) for students in kindergarten, third, and fifth through tenth grades and who are home-schooled, migrant, homeless, or attend private schools, are available at no cost by contacting the GCPS Special Education Department.

If parents have any questions, please contact the Office of Special Education at 693-7880.

ANNUAL NOTIFICATION TO PARENTS

Scoliosis Information

The Virginia General Assembly requires schools to conduct annual scoliosis screenings or provide educational material to parents of students in grades five through ten. In accordance with House Bill # 1834, Gloucester County Public Schools is providing the following educational material to parents.

What is scoliosis?

A normal spine, when viewed from behind, appears straight. However, a spine affected by scoliosis has a sideways curve, making it appear like an “S” or a “C”. Scoliosis is a type of spinal deformity that should not be confused with poor posture. Scoliosis can occur at any age, but the most common type occurs in teens and preteens as they go through their growth spurt.

Scoliosis occurs in 2-3 percent of adolescents by the end of their growth period. Mild curves generally do not cause problems. However, 3-5 out of every 1,000 adolescents have curves large enough to warrant treatment. Progressive, untreated scoliosis can lead to limited motion, back pain, deformity, and in extreme cases impaired function of the heart and lungs. Early detection and treatment may prevent scoliosis from progressing.

A simple check for scoliosis is part of a routine physical exam. However, it would not normally be detected at routine visits for illnesses such as colds and sore throats. Parents/guardians are strongly encouraged to have their child evaluated by their primary care provider for scoliosis as part of a regular checkup.

What are the signs of scoliosis?

- One shoulder may be higher than the other.
- One scapula (shoulder blade) may be higher or more prominent than the other.
- With arms hanging loosely by the side, there may be more space between the arm and the body on one side.
- One hip may appear higher or more prominent than the other.
- The head is not centered over the pelvis.
- When the patient is examined from the rear and asked to bend forward until the spine is horizontal, one side of the back appears higher than the other.



What causes scoliosis?

In most cases (80 to 85%), the cause of scoliosis is unknown, a condition called idiopathic scoliosis. Scoliosis is more common in females than males. It commonly affects adolescents as they complete their last major growth spurt between ages 10 and 18. Idiopathic scoliosis frequently runs in families and may be due to genetic or heredity influences.

How is scoliosis diagnosed?

Scoliosis is suspected on physical exam when any of the above signs are noted. If a significant curve is suspected, an x-ray is done to measure the actual angle of the curve in the spine. The Scoliosis Research Society defines scoliosis as a curvature of the spine measuring 10 degrees or greater on x-ray. The physician will look for signs in the medical and

family history as well as the physical examination that suggest an underlying cause for scoliosis. If this is suspected, other tests may be done.

Treatment of scoliosis

The goal of treatment is to stop the progression of the curve and avoid long-term problems. Treatment depends on the degree of the curve and the amount of growth the child is expected to have.

- Observation and repeated examinations are done for smaller curves, to determine if the spine is continuing to curve. Curve progression normally slows down or stops after a child reaches puberty. However, it is important to follow up every 4-6 months or as instructed, to be sure no further treatment is necessary.
- Bracing may be used when the curve measures between 25 to 40 degrees on an x-ray, but skeletal growth remains. The type of brace and the amount of time spent in the brace will depend on the adolescent's condition. Modern braces often can be hidden under clothing.
- Surgery may be recommended when the curve measures 50 degrees or more on an x-ray and bracing is not successful in slowing down the progression of the curve.

According to the Scoliosis Research Society, there is no evidence to show that other methods for treating scoliosis (i.e. manipulation, electrical stimulation, and corrective exercise) prevent the progression of the disease.

Long-term outlook for an adolescent with scoliosis:

The management of scoliosis is individualized for each adolescent depending on age, amount of curvature, and amount of time remaining for skeletal growth. Scoliosis will require frequent examinations by the adolescent's doctor to monitor the curve as the child grows and develops. Early detection and follow-up is very important to prevent the serious consequences that can occur from untreated scoliosis.

If you have any concern that your child may have scoliosis, or if your child has not had a routine physical exam in the past year, we urge you to make an appointment with your child's primary care physician.

Where Can You Get More Information?

- National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS), http://www.niams.nih.gov/Health_Info/Scoliosis/default.asp
- National Scoliosis Foundation, 800-673-6922, <http://www.scoliosis.org/>
- The Scoliosis Association, Inc, 800-800-0669, <http://www.scoliosis-assoc.org/>

Public Awareness Campaign In Special Education

A federal law enacted in 1975 requires that all school divisions provide a free and appropriate public education to disabled students. The reauthorization of the Individuals with Disabilities Education Act in 1994 prompted the need to revise Virginia's special education regulations. Special education services are provided in Gloucester County Public Schools. GCPS is seeking information on any child or youth who may not be receiving appropriate services.

A disabled student is a child between the ages of 2 and 21, inclusive, who needs special education and related services because of certain educational disabilities.

A child with a disability is a child who has been properly tested under state law and has been found to have one of the following disabilities:

Autism - A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child's educational performance is adversely affected primarily because the child has an emotional disturbance. A child who manifests the characteristics of autism after age three could be identified as having autism if the criteria in this definition are satisfied.

Deafness - A hearing impairment that is so severe that the child is impaired in processing linguistic information through hearing, with or without amplification, that adversely affects the child's educational performance.

Deaf-blindness – Simultaneous hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational needs that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

Developmental Delay – A disability affecting a child ages two by September 30 through six, inclusive:

1. Who is experiencing developmental delays, as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development, or (ii) who has an established physical or mental condition that has a high probability of resulting in developmental delay;

2. The delay(s) is not primarily a result of cultural factors, environmental or economic disadvantage, or limited English proficiency; and

3. The presence of one or more documented characteristics of the delay has an adverse affect on educational performance and makes it necessary for the student to have specially designed instruction to access and make progress in the general educational activities for this age group.

Emotional Disability - A condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child's educational performance:

1. An inability to learn that cannot be explained by intellectual, sensory, or health factors;

2. An inability to build or maintain satisfactory interpersonal relationships with peers and teachers;

3. Inappropriate types of behavior or feelings under normal circumstances;

4. A general pervasive mood of unhappiness or depression; or

5. A tendency to develop physical symptoms or fears associated with personal or school problems. Emotional disability includes schizophrenia. The term does not apply to children who are socially maladjusted, unless it is determined that they have an emotional disability as defined in this section.

Hearing Impairment - An impairment in hearing in one or both ears, with or without amplification, whether permanent or fluctuating, that adversely affects a child's educational performance but that is not included under the definition of deafness in this section.

Intellectual Disability - The definition formerly known as "mental retardation" and means significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child's educational performance.

Multiple Disabilities - Simultaneous impairments (such as intellectual disability with blindness, intellectual disability with orthopedic impairment), the combination of which causes such severe educational needs that they cannot be accommodated in special education programs solely for one of the impairments. The term does not include deaf-blindness.

Orthopedic impairment – A severe orthopedic impairment that adversely affects a child's educational performance. The term includes impairments caused by congenital anomaly, impairments caused by disease (e.g., poliomyelitis, bone tuberculosis, etc.), and impairments from other causes (e.g., cerebral palsy, amputations, and fractures or burns that cause contractures).

Other health impairment - Having limited strength, vitality or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, and sickle cell anemia and Tourette syndrome that adversely affects a child's educational performance.

Specific learning disability - A disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, that may manifest itself in the imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations, including conditions such as perceptual disabilities, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia.

Specific learning disability does not include learning problems that are primarily the result of visual, hearing, or motor disabilities; of intellectual disabilities; of emotional disabilities; of environmental, cultural, or economic disadvantage. (§ 22.1-213 of the Code of Virginia; 34 CFR 300.8(c)(10))

Dyslexia is distinguished from other learning disabilities due to its weakness occurring at the phonological level. Dyslexia is a specific learning disability that is neurobiological in origin. It is characterized by difficulties with accurate and/or fluent word recognition and by poor spelling and decoding abilities. These difficulties typically result from a deficit in the phonological component of language that is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction. Secondary consequences may include problems in reading comprehension and reduced reading experience that can impede growth of vocabulary and background knowledge.

Speech or language impairment - A communication disorder, such as stuttering, impaired articulation, expressive or receptive language impairment, or voice impairment that adversely affects a child's educational performance. (34 CFR 300.8(c)(11))

Traumatic brain injury - An acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury applies to open or closed head injuries resulting in impairments in one or more areas, such as cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem-solving; sensory, perceptual, and motor abilities; psychosocial behavior; physical functions; information processing; and speech. Traumatic brain injury does not apply to brain injuries that are congenital or degenerative, or to brain injuries induced by birth trauma.

Visual impairment including blindness - An impairment in vision that, even with correction, adversely affects a child's educational performance. The term includes both partial sight and blindness.

Signs of a potential educational disability may be exhibited in a delay of speech and language, vision, hearing, and/or fine and gross motor skills. Early intervention provides the best chance a child has for correcting or learning to cope with a disability.

Gloucester County Public Schools also offers related services, such as occupational and physical therapy, counseling, special transportation, etc. Children ages 2 to 21, inclusive, who are suspected as being disabled and are not receiving services should be referred to the Director of Special Education.

For more information, contact the Office of Special Education at 693-7880.

Minimum Standards for Participation in Extra-Curricular Activities/Teams (School Board Policy – File No. JJ and JJ-R)

The Gloucester County School Board subscribes to the Virginia High School League's (VHSL) control, supervision, and regulations of interscholastic athletics and other VHSL activities. This includes, but is not limited to, the requirement that the student shall be currently enrolled in not fewer than five subjects offered for credit and shall have passed five subjects. However, the Board imposes higher scholastic standards than VHSL, as set forth in this policy.

Many extra-curricular student activities are district-sponsored and directed activities designed to provide opportunities for students to improve skills through group or individual involvement at school and public events. While it is desirable that students participate in such activities to the extent that they further their educational development, it is of paramount importance that such participation neither jeopardizes students' academic achievement nor exploits their time and talents.

In addition, the Board seeks improvement of student achievement, and the implementation of this policy requires the awareness and commitment of all members of the school community to their respective responsibilities. The school district, the school, the parents, and the students must develop channels of communication and cooperation for the successful implementation of this policy. Therefore, the Board establishes the requirement of a 2.0 academic average for all VHSL activities and any other organized activities that incorporate established eligibility requirements. (A list of such activities is attached to File No. JJ-R; the list may not be all-inclusive.)

Eligibility

Eligibility may be met by one of the following:

- (1) Eligibility is determined by the previous semester grades. Should a student not be eligible as determined by the grades at the end of the spring semester, that student may attempt to improve his/her grades by attending summer school. If, as a result of attending summer school, the student meets the necessary requirements, he/she is considered eligible and may participate in activities in the fall.
- (2) If a student's semester average falls below a 2.0, but the cumulative average is above the 2.0, the student will be allowed to participate.

Those participants who fail to meet one of the eligibility standards will be declared ineligible and must be excluded from all such activities for a semester. The ineligibility will be declared the next school day following distribution of report cards.

Exemptions

Exemptions are permitted for the following students:

1. Students entering the first semester of the seventh (7th) grade and the first semester of the ninth (9th) grade for the first time will be exempt from the 2.0 grade point average during that semester only.
2. Any transfer student enrolling in Gloucester County's secondary schools for the first time will be exempt from the 2.0 grade point average until the end of that initial semester.
3. A request for an exemption from the grade point average requirement may be made by a student with a Section 504 Plan or a special education student who is not pursuing an advanced studies or general studies diploma but meets all eligibility requirements except the 2.0 grade point average. (The school division does not have the authority to exempt said student from the minimum VHSL requirements.) The appeals committee must certify in writing that the student making the request meets all eligibility criteria, except the 2.0 grade point average, and is working to meet his or her Individualized Educational Plan goals and is granted an exemption from the grade point average requirement. The principal will make the final decision on the exemption request.
4. A student who participates in a winter sports program should remain eligible to the end of the winter sport season.

Waivers

Students may apply for a semester waiver of the 2.0 requirement one time during the middle school period and one time during the high school eligibility. Such waivers will be granted only for extenuating circumstances or hardship incidents as determined by the Gloucester County School Board. An appeals committee of not less than three (3) members shall be established by the School Board to hear requests for exemptions and waivers and render decisions thereon. The decisions of this appeals committee shall be final. The Superintendent shall develop regulations, as needed, to direct this committee.

Incompletes

"Incompletes" must be made up within ten (10) school days. However, in unusual circumstances this period may be extended with permission from the principal. "Incompletes" become effective on the day report cards are distributed, but are not counted in determining eligibility. Students may participate in extra-curricular activities during the ten-day period an "incomplete" is in effect.

Advisory Committee

An advisory committee will be established to monitor and to make recommendations to the Division Superintendent regarding the administration of this policy.

The committee will make recommendations to the principal regarding opportunities that may be initiated to assist students in complying with this eligibility requirement.

An advisory committee, under the direction of the Assistant Superintendent for Instruction or a designee, will monitor and make recommendations to the Division Superintendent regarding the administration of File No. JJ. The membership of the committee includes, but is not limited to, the high school principal (or a designated assistant), the athletic/activities director, and two representatives from each of the following:

1. Parents of students active in extra-curricular programs;
2. Sponsors of programs other than sports;
3. Coaches of sports programs; and,
4. Student participants.

The advisory committee will administer the standards of participation using the following guidelines:

1. Extra-curricular activities for which the minimum 2.0 standard is required are all VHSL activities and any other organized activities that incorporate established eligibility requirements. Co-curricular club activities required by the Department of Education are exempt from these requirements.
2. In order to assist coaches/sponsors with identifying students who are eligible to participate, the student will be required to obtain a form from the Academic Counselor certifying that they meet the requirements for participating before the student is allowed on the playing field or at the first practice. Students who have not met the 2.0 eligibility standard will not be permitted to practice with their respective sports teams.
3. Grade point averages will be based on all courses taken for credit.
4. The grading scale should be the current scale used by the school division, including weighted classes.
5. Summer school may count in two ways:
 - a) Repeat classes: When students repeat a course previously passed with a grade of "D", only the higher earned grade of the two will be recorded. Only one (1) credit toward graduation can be earned for each course. A student's grade point average will be determined by dividing the total number of grade points earned by the number of courses attempted.
 - b) New classes: Students should be permitted to add grades from new classes to semester grades.

Special programs, opportunities, and strategies will be available for students who are in danger of falling below the 2.0 average or who have not attained said average. The guidance department will maintain a list of such student

opportunities. Students should seek guidance and information concerning assistance from their guidance counselor, coach, teachers, or principal.

The academic advisor will notify the athletic director when an athlete has had excessive absences throughout the school year. The athletic director, the coach, and the academic advisor may decide on a course of intervention to help stem an athlete's absenteeism.

During the scheduled activity (season or time period), if a student's grades drop below a "C" on any progress report or report card, the student will be required to attend study sessions with his/her teachers, to attend study sessions with a tutor, or to be assigned to a study hall before or after school. Students who participate in an activity such as weightlifting during the off season for their said sport will be required to meet the study session requirement before attending the activity.

The advisory committee will meet at least semi-annually, and will make recommendations to the Division Superintendent regarding the implementation, administration, and monitoring of the policy. Consideration will be given, but not limited to, the following topics:

1. Activities affected;
2. Students affected;
3. "Safety-nets" needed;
4. Alternatives/exceptions required;
5. Remediation/tutorial opportunities desired; and,
6. Any and all other revisions to the referenced policy as needed.

Parents and students will be requested to sign an acknowledgement of this policy and regulation. Such acknowledgement will be provided with the *Student Code of Conduct*, along with other forms that are contained at the end of that regulatory document. Enforcement of this policy shall be the responsibility of the building principals, athletic director, coaches, and sponsors.

Appeals

Requests for waivers and exemptions shall be considered by the appeals committee, which shall be appointed by the Gloucester County School Board.

1. Committee Membership: The committee shall be composed of a building administrator of a building other than the school attended by the waiver applicant; a central office administrator; and a teacher, who is not currently teaching the applicant and who did not teach the applicant in a subject for which the grade is the basis of the waiver.
2. Waivers may be granted for extenuating circumstances which meet the following criteria and which are directly related to the student's academic performance in the semester for which the waiver is being requested:
 - a) medically documented extended illness of the student;
 - b) medically documented extended illness of the parent, guardian, or other immediate family member (parent, sibling, child); and/or
 - c) other documented family or personal hardship causing a sudden drop in the applicant's grades.

The grade level of the applicant will be considered in conjunction with the criteria listed above.

3. The student requesting a waiver must submit the request in writing, addressed to the school principal, no later than the following dates: for fall activities by July 15; for winter activities by November 1; and, for spring activities by February 14.
4. The waiver request must include the following:
 - a) a statement of the reason for the waiver request;
 - b) a statement of how the reason for the request meets the criteria for waiver described above;
 - c) support documentation as appropriate; and,
 - d) consideration for the grade level of the applicant.
5. All waiver and exemption requests shall be heard prior to the official commencement of the practice season or first meeting of the activity, whichever occurs first. Students shall not practice or participate in a sport/activity for which they have been determined to be ineligible.

6. The student applicant and his or her parent(s) or guardian(s) may address the committee regarding the information contained in the waiver request and accompanying documentation.

STUDENT-ATHLETE CONCUSSIONS DURING EXTRACURRICULAR ACTIVITIES (School Board Policy – File No. JJAC)

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

Prior to participating in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review concussion training materials provided by the Concussion Management Team (CMT) and sign a statement acknowledging receipt of such information at each preseason parent meeting. The signed statements acknowledging the receipt of concussion training materials shall be valid for one calendar year and will satisfy the concussion training requirements for all of a student-athlete's extracurricular physical activities for a calendar year.



Violations of the Student Code of Conduct

It is understood that justice can be best served if all people who are subject to specific rules and regulations are fully aware of the expectations that have been placed upon them, and that those who are charged with the management of the rules and regulations are given sufficient flexibility to consider all factors before rendering a decision. Since there are degrees of severity from established rules and regulations and there may be wide variations in the circumstances surrounding each infraction, fairness is better served by establishing a series of suggested alternatives, rather than mandating specific actions.

In line with this reasoning, various violations of established rules and regulations have been identified and have been categorized in terms of their general degree of seriousness, and then suggested approaches for resolution are presented.

It should be understood that this is not a limiting document; not all possible violations have been identified and not all possible methods of resolution have been listed. As in all situations, all charges will be explained, and all such actions may be appealed through procedural due process. Discipline referrals sent to the principal for action are placed in the student's scholastic record. All records of disciplinary action are maintained throughout a student's educational career.

Violations of the Student Code of Conduct have been categorized on the following pages according to the severity of the infraction and are coded in accordance with local and Virginia Department of Education guidelines.

Students are subject to corrective action for any misconduct that occurs:

- **In school or on school property; school property is defined as all property owned, leased, rented or otherwise used by a school including but not limited to the following:**
 - a. **All interior portions of any building or other structure used for instruction, administration, support services, maintenance or storage;**
 - b. **Any indoor facility or portion of such facility owned or leased or contracted for and used for the provision of regular or routine health care, day care, or early childhood development services;**
 - c. **All vehicles used by the division for transporting students, staff, visitors or other persons;**
 - d. **Entire school campus including grounds and athletic fields.**
- **On a school vehicle;**
- **While participating in or attending any school sponsored activity or trip;**
- **On the way to and from school; and**
- **Off school property, when the act: (1) results in an adjudication of delinquency pursuant to Virginia Code §16.1-305.1 or a conviction for an offense listed in Virginia Code §16.1-260 or (2) results in a charge that would be a felony if committed by an adult or (3) negatively impacts the school system.**

Unlawful acts, which will lead to law enforcement notification and may lead to suspension from classes, riding the school bus, exclusion from activities, or expulsion include but are not limited to:

- possession or use of alcohol, illegal drugs, including marijuana, synthetic cannabinoids as defined in Va. Code §18.2-248.1:1, and anabolic steroids, or drug paraphernalia;
- selling drugs;
- assault/battery;
- sexual assault/battery;
- arson;
- intentional injury (bullying, fighting);
- theft;

- bomb threats; including false threats, against school personnel or school property;
- use or possession of explosives as outlined in GCPS policy #JFCD;
- possession of weapons or firearms as outlined in GCPS policy #JFCD;
- extortion, blackmail, or coercion;
- driving without a license on school property;
- homicide;
- burglary;
- sex offenses (indecent exposure, obscene phone calls, sodomy, and child molestation);
- malicious mischief;
- shooting;
- any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs;
- stabbing, cutting, or wounding;
- unlawful interference with school authorities including threats;
- unlawful intimidation of school authorities; and
- other unlawful acts including being an accessory to any of these or other unlawful acts.

DISCIPLINARY OFFENSES (listed alphabetically - not by severity)

ALCOHOL – Bringing/Possession/Distributing (AL1) *Mandatory notification to law enforcement*

For the purposes of enforcement of this policy, “alcohol” shall be defined as any and all substances which expressly include alcohol in any form, and any other substance, such as “Liquid Paper”, cough syrup, any over-the-counter preparations, look-a-likes or other materials when used, distributed, or undoubtedly possessed for the purpose of intoxication by inhalation or ingestion.

If the principal has reasonable suspicion to believe that a student is guilty of possessing, distributing, or selling alcoholic beverages, he/she will immediately contact law enforcement personnel and seek their advice for subsequent action. In addition, he/she has the responsibility of informing the parent or guardian.

AMMUNITION (W1P)

Possessing any type of ammunition, i.e., cartridges, cases, primers, bullets, or propellant powder designed for use in any firearm, on school property or at a school-sponsored event is strictly prohibited.

ARSON (AR1)

“Arson” shall be defined as the intentional setting of a fire.

ASSAULT AND/OR BATTERY (Aggravated/Physical) (BA1, BA2, BA3, BA4, BA5, SB1, SB2, SX3, SX4, SX5, SX6, SX7, SX8) *Mandatory expulsion and notification to law enforcement*

“Aggravated/physical assault or battery” is defined as any action which reflects intentional effort to inflict serious injury on another. Such action may or may not involve the use of a weapon, but generally is characterized by vicious attempts to injure or maim. This also includes any form of sexual assault/battery. Any student who commits battery against a Gloucester County Public Schools employee, including bus drivers, custodians, maintenance employees, etc. is subject to disciplinary action.

NOTE: The principal must report to the local law-enforcement agency the assault, assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity. Any student who commits battery against a full-time or part-time teacher, principal, assistant principal, or guidance counselor engaged in the performance of his/her duties may receive a minimum of 15 days in jail, two of which cannot be suspended.

BOMB THREATS (BBI) *Mandatory expulsion and notification to law enforcement*

The intentional or malicious false reporting of a bomb or other explosive device is a misdemeanor and is strictly forbidden. This would include the conveyance of such information in writing, verbally, electronic transmission, or via telephone.

BREAKING AND ENTERING (BR1) *Mandatory notification to law enforcement*

Breaking and Entering is defined as the unlawful entry or attempted entry into a GCPS facility/vehicle with the intent to commit a crime.

BULLYING (BU1)

Bullying is defined as any repeated negative behavior intended to frighten or cause harm. This may include, but is not limited to verbal, written, electronic transmission, or telephone threats or physical harm.

CAMERA/CELL PHONES OR BEEPERS (C1M, C2M)

The use of a beeper or similar portable communications devices (cellular telephone) on the school bus or during the school day is prohibited and will be subject to seizure by school officials and will be released only to a parent.

CHEATING/LYING (S2V)

Students will neither give nor receive assistance (written, orally, or otherwise) on tests, examinations, final evaluations, or class assignments that are to be graded as the work of a single individual. Cheating or lying encompasses any act, verbal or written, where the violation of rules or truthfulness was intentionally done.

CLASS DISRUPTION (D5C)

Physical or verbal actions which distract students or which otherwise interfere with the teaching process shall be considered to be class disruption.

DESTRUCTION OR DEFACEMENT OF PROPERTY / PRANKS (VA1)

Damaging or destroying school property is prohibited. The Code of Virginia §§8.01-43 allows school boards to initiate action to recover from parents up to \$2,500 for damages for the willful or malicious destruction of school property by their child. Damaging or destroying the property of students or employees (including pranks) is also strictly prohibited. This includes graffiti.

DISORDERLY CONDUCT/INSUBORDINATION)(D1C, D2C, D3C, D8C)

Disorderly conduct includes, but is not limited to, disrespect and insubordination. "Disrespect" shall include statements, actions, gestures or inaction, which show disrespect toward any school employee. "Insubordination" shall be defined as intentional failure to comply with reasonable requests of teachers, administrators, or other responsible school personnel. Insubordinate acts may be by verbal response, defiant action, or inaction. This will also include any interference with staff attempts to discharge any other responsibility or duty (examples: attempts to break up a fight, responding to an emergency, or any other necessary action).

DRESS CODE (S1V)

Any student who violates the dress code as outlined on page 7 of the Code of Conduct is subject to disciplinary action. A first offense will result in the student being required to change into a suitable garment or cover the offending piece of clothing, whichever is applicable. If this is not possible, the student will be requested to contact his/her parent or guardian in order to obtain suitable clothing. If the parent or guardian cannot be contacted, then the student will remain in detention until the end of the school day. A second offense will result in the student receiving a detention or an in-school or out-of-school suspension, and/or a parent or guardian/administrator conference. A third offense may result in the student receiving an in-school or out-of-school suspension from one (1) to five (5) days, and a parent or guardian/administrator conference.

DRUGS - MARIJUANA, A CONTROLLED SUBSTANCE, OR IMITATION CONTROLLED SUBSTANCE, ON SCHOOL PROPERTY OR AT SCHOOL-SPONSORED ACTIVITY (Bringing/Possessing/Distributing) (DR1, DR2, DR4, DR5) Mandatory expulsion and notification to law enforcement

In accordance with Section 22.1-277.08, a school board shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in this article, to have brought/possessed/distributed a controlled substance, imitation controlled substance, or marijuana as defined in Section 18.2-247 onto school property or to a school-sponsored activity. For the purposes of enforcement of this policy, "drugs" shall be defined as any and all substances which are classified as "scheduled" or "controlled" substances by the *Code of Virginia, 1950*, as amended, and to expressly include anabolic steroids, prescription medication for which a student has no legitimate prescription, look-a-likes (any substance that appears to be a drug), or other materials (including drug paraphernalia) when used, distributed, or undoubtedly possessed for the purpose of intoxication by inhalation or ingestion. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate.

If the principal has reasonable suspicion to believe that a student is guilty of possessing, using, selling, or distributing marijuana or a controlled substance or that the student's behavior, without benefit of any tests, is clearly consistent with being under the influence of any drugs as herein above defined, he/she will immediately contact law enforcement personnel and seek their advice for subsequent action. In addition, he/she has the responsibility of informing the parent or guardian.

DRUGS - MARIJUANA OR CONTROLLED DRUGS OR ALCOHOL ON SCHOOL PROPERTY OR AT SCHOOL-SPONSORED ACTIVITY (Theft/Use/Being Under the Influence) (AL1, DR1, DR2, DR3, DR5) Mandatory notification to law enforcement

For the purposes of enforcement of this policy, "drugs or alcohol" shall be defined as any and all substances which are classified as "scheduled" or "controlled" substances by the *Code of Virginia, 1950*, as amended, and to expressly include anabolic steroids, prescription medication for which a student has no legitimate prescription, alcohol in any form, and any other substance, such as "Liquid Paper", cough syrup, over-the-counter preparations, look-a-likes, or other materials (including drug paraphernalia) when used, distributed, or undoubtedly possessed for the purpose of intoxication by inhalation or ingestion. In addition, any substance which is distributed as though it were a "drug" as herein defined, even if analysis shows that it is not, also will be deemed a "drug" for purposes of this policy, including the intent to purchase and/or distribute drugs as herein defined.

If the principal has reasonable suspicion to believe that a student is guilty of possessing, using, selling alcoholic beverages, or a controlled substance or that the student's behavior, without benefit of any tests, is clearly consistent with being under the influence of any drugs, to expressly include alcohol, as herein above defined, he/she will immediately contact law enforcement personnel and seek their advice for subsequent action. In addition, he/she has the responsibility of informing the parent or guardian.

Students with a diagnosis of asthma may be permitted to possess and self-administer inhaled asthma medications under strict guidelines as outlined in policy. Parents must complete the form (FORM D) found at the back of the Student Code of Conduct and return it to the school nurse.

DRUGS - OVER-THE-COUNTER DRUG (Distributing) (D4G, D5G, D6G)

For the purpose of enforcement of this policy, "over-the-counter drug" shall be defined as any and all non-prescription medications and/or substances i.e., Tylenol, aspirin, decongestants, etc.

DRUGS – INHALANTS (D15, D16)

The unlawful using, cultivating, manufacturing, purchasing, possessing, transporting, or importing any inhalants on school property or at a school-sponsored event is strictly prohibited.

ELECTRONICS/LASER DEVICES (C3M)

The use and/or possession of radios, cassette players, compact disc players, laser pens, IPODs, electronic games, or other similar electronic devices are prohibited. Devices of this nature will be subject to seizure by school officials and will be released only to a parent. Please be reminded Gloucester County Public Schools is not responsible if a student brings or possesses any device of this nature on school property or at a school-sponsored event and it is stolen.

EXCESSIVE TARDIES/EARLY DISMISSALS (A1T)

Students are expected to be in every class and on time every day. Developing patterns of frequent tardies merit administrative and parental attention. Driving privileges may be revoked at the discretion of the school principal.

EXPLOSIVES (Use/Possession) (WP6, WP7) *Mandatory expulsion and notification to law enforcement*

"Use" shall be defined as the setting off of any type of explosive or explosive device anywhere on school property. "Possession" shall be defined as having on one's person, or retaining in one's exclusive possession.

EXTORTION (EX1) *Mandatory expulsion and notification to law enforcement*

"Extortion" shall include the unlawful use of threats or physical force/injury for the purpose of gaining money, property, or other benefits from another person. Extortion is a felony.

FALSE FIRE ALARM (BO4)

The intentional pulling of a fire alarm is strictly prohibited.

FIGHTING (FA2)

"Fighting" shall be defined as engaging in a (physical) confrontation, accompanied by blows. Any person encouraging others to fight may also be charged with this offense. Any incidents of fighting will require a mandatory suspension, long-term suspension, or expulsion recommendation as outlined above. A first offense of fighting during the school year may result in a five (5) day out-of-school suspension and/or recommendation for long-term suspension or expulsion. A second offense of fighting during the school year may result in a ten (10) day out-of-school suspension and/or recommendation for long-term suspension or expulsion. A third offense of fighting during the school year may result in a recommendation by the principal for a long-term suspension or expulsion.

FORGERY (S2V)

Writing or using the signature or initials of another person for the expressed purpose of misleading the reader is forbidden.

GAMBLING (G1B)

"Gambling" is defined as the participation in games of chance for the purpose of exchanging items of value. Card games or other games where score is kept for the purpose of a later monetary or material exchange are also considered to be gambling.

GANGS (GA1) *Mandatory expulsion and notification to law enforcement*

Gang related activities will not be tolerated. This includes, but is not limited to, recruiting, intimidating, wearing of clothing that symbolizes association, rituals associated with, or activities by an identified group of students.

HARASSMENT (HR1)

A student, either individually or as a part of a group, shall not harass others. Prohibited conduct includes, but is not limited to, physical intimidation, taunting, name-calling, and insults and any combination of prohibited activities. Prohibited behavior includes verbal, written, electronic transmission, or physical deeds consisting of comments regarding the race, gender, religion, physical abilities or characteristics or associates of the targeted person.

HAZING (H1Z)

Students shall not recklessly or intentionally endanger the health or safety of a student(s) or inflict bodily harm on a student(s) in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student(s) so endangered or injured participated voluntarily in the relevant activity. Hazing is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of \$2,500, or both, in addition to any disciplinary consequences which may be imposed by the school.

HOMICIDE (HO1, HO2, HO3, HO4) *Mandatory expulsion and notification to law enforcement*

Homicide is defined as any death of a student or GCPS employee as a result of a student's use of a firearm or weapon.

HORSEPLAY (S3V)

Excessive horseplay is defined as including, but not limited to shoving, pushing, kicking, jumping at, pretending to hit or slap, bumping into someone purposefully that may cause injury.

INAPPROPRIATE BEHAVIOR (S3V)

Any minor infraction/behavior including but not limited to instigating a fight, pushing a student, possessing inappropriate personal property, public displays of affection, etc. shall be deemed inappropriate conduct.

KIDNAPPING (KI1) *Mandatory expulsion and notification to law enforcement*

Unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian is considered kidnapping. This includes hostage taking.

LEAVING SCHOOL GROUNDS (A1T)

Gloucester County Public Schools does not have an open campus policy. Unless special permission is granted, students are expected to remain on school grounds from the time they arrive until their last scheduled class is completed. Students are not authorized to leave school grounds for lunch. Driving privileges may be revoked at the discretion of the school principal.

LOITERING (TR1)

"Loitering" is defined as the intentional delay in arriving at designated or assigned locations.

OBSCENE BEHAVIOR (D4C, D6C)

"Obscene behavior" shall include statements, literature, or actions which are obscene in nature. This would include the intentional, direct use of drawing and/or displaying of pictures, indecent exposure, the writing of certain words or statements on the board, desks, or notes, and the wearing of clothing or patches which are sexually suggestive or disruptive to the educational process.

PROFANITY (D6C)

Profanity shall include statements or actions which are obscene in nature. This would include the intentional, direct use of obscenities, and/or threats in an abusive, derogatory manner. If any student uses profanity or uses any violent abusive language to another individual he/she could be guilty of a class 3 misdemeanor.

RECKLESS VEHICLE USE (S3V)

A student must not operate any motorized or self-propelled vehicle on school property in a manner that is a threat to the health or safety of others. Driving privileges may be revoked at the discretion of the school principal.

REPORTS OF CONVICTION OR ADJUDICATION OF DELINQUENCY PURSUANT TO SECTION 16.1-305.1 (S3V)

Any student for whom the superintendent has received a report pursuant to Virginia Code § 16.1-305.1 of an adjudication of delinquency or conviction for an offense listed in subsection G of Virginia Code § 16.1-260 may be suspended or expelled. Violations under this section include a firearm offense, homicide, felonious assault and bodily wounding; criminal sexual assault; manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana; arson and related crimes; burglary and related offenses; and robbery. This will apply only when the school division is notified of the disposition in writing by the court.

RIOT (Inciting) (RT1)

Rioting is defined as the unlawful use of force or violence by three or more individuals that seriously jeopardizes the safety, peace, or order of any individual on school property.

ROBBERY (RO1)

Robbery is defined as the taking, or attempting to take, anything of value owned by another person or organization under confrontational circumstances by force or threat of force or violence or by putting the victim in fear.

SALE OF GOODS (S3V)

The selling or distributing of unauthorized goods or materials on school property for profit is prohibited.

SEXUAL HARASSMENT (SX0)

“Sexual harassment” is defined as unwelcomed sexual advances. It can occur in many different forms and shall include but not be limited to: statements, actions (ogling, leering), pictures which are sexually suggestive, unwanted remarks (written, verbal, electronically transmitted), or unwanted touching (violating space, patting, rubbing, pinching, caressing, kissing). Incidents of sexual harassment could involve outside agencies such as social services or the Sheriff’s Department.

SLANDER/LIBEL (HR1)

“Slander/libel” is defined as the attempt to degrade others, either through a verbal or written act and can be considered harassment.

STALKING (ST1) *Mandatory notification to law enforcement*

It is strictly prohibited for a student to engage in conduct directed at another person with the intent to place that person in reasonable fear of death, criminal sexual assault, or bodily injury. First and second offenses are misdemeanors; third offense is a felony.

TASER GUN (WT1) *Mandatory notification to law enforcement*

Possessing or bringing any mechanism that is designed to emit an electronic, magnetic or other charge or shock through the use of a projectile and used for the purpose of temporarily incapacitating a person is strictly prohibited.

TECHNOLOGY VIOLATIONS (T1C, T2C, T3C, T4C)

The unauthorized use of technology and information gained through its use without permission is prohibited, as specified in School Board policy, File No. IIAB-R Network Acceptable Use and Responsibility.

THEFT (TH1, TH2)

For the purposes of enforcement of this policy, “theft” shall be defined as the taking of and/or stealing or converting to personal use property that belongs to the public school system or to others.

THREATENING BEHAVIOR/ACTIONS TOWARD SCHOOL EMPLOYEES (T11) *Mandatory notification to law enforcement*

Any verbal, written, or electronic transmission that threatens to kill or do bodily harm to any school employee i.e., striking, attacking, pushing, or harming any school employee (or threatening these actions) is prohibited.

THREATENING (T12)

“Threatening” is defined as implying the endangerment of the safety or welfare of others through the use of verbal, physical, written or electronic transmission methods.

TOBACCO PRODUCTS/PARAPHERNALIA (TB1, T4B)

Bringing/sale/use/possession/distribution of tobacco products, pipes, matches, lighters, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking or both on school property is prohibited. Use is defined as lighting, chewing, inhaling or smoking any tobacco product. Smoking is defined as carrying or holding any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

A first offense will result in a parent or guardian/student/principal/superintendent or designee conference, in-school suspension or out-of-school suspension from one (1) to ten (10) school days, possible initiation of legal action, and/or recommendation for long-term suspension or expulsion.

A second offense will result in a parent or guardian/student/principal/superintendent or designee conference, in-school suspension or out-of-school suspension from one (1) to ten (10) school days, possible initiation of legal action, and/or

recommendation for long-term suspension or expulsion, as well as a requirement to complete a smoking cessation program.

TRADING CARDS (S1V)

Bringing to school any type of trading card (i.e., baseball, football, hockey, pokemon, ugo, etc.) is strictly prohibited.

TRESPASSING (TR1)

It is unlawful for any individual, whether or not a student, to enter or remain on any school property without authorization and with no lawful purpose. This includes students who have been suspended or expelled.

TRUANCY/ATTENDANCE (A1T)

Truancy may be charged when a student fails to attend school on a day on which there is no acceptable, justifiable reason for not being in attendance. In most cases, the parent or guardian is not aware of the absence. More frequently, skipping refers to the intentional missing of an assigned class or activity while in attendance for the school day.

UNAUTHORIZED AREA (S3V)

Students are not to be in vehicles or in the student parking areas from the time they report to school until such time as they are preparing to leave at the end of their school day. Because of multiple lunch schedules and traffic control concerns, certain hallways or other interior and exterior areas may be declared "off limits" during certain times of the school day.

VERBAL/PHYSICAL ALTERCATION (F1T)

A confrontation, tussle, or verbal/physical aggression between two or more students that does not result in physical injury.

WEAPON - FIREARM OR WEAPON ON SCHOOL PROPERTY OR AT A SCHOOL-SPONSORED ACTIVITY (WP1, WP2, WP4, WP5, WP6, WP7, WP8, WP9) *Mandatory expulsion and notification to law enforcement*

Having on one's person, or retaining in one's possession anywhere on school property, any type of firearm or weapon is absolutely forbidden. Using instruments such as knives of any type, guns, clubs, brass knuckles, razor blades, box cutters, fireworks, firecrackers, stink bombs, or similar items in such a manner that threatens or inflicts bodily injury to another person, or another person's property, is also forbidden. A student who is determined to have brought/possessed/used a firearm or a weapon on school property or to a school-sponsored activity shall be expelled in accordance with Section 22.1-277.07 of the *Code of Virginia, 1950*, as amended. The School Board may determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action or term of expulsion is appropriate. This is in compliance with Federal Improving America's Schools Act of 1994 (Part F -- "Gun-Free Schools Act of 1994").

WEAPON - LOOK-A-LIKE FIREARM OR WEAPON (Use/Possession) (W3P)

Possession or distribution of "look-a-like" firearms or weapons is strictly prohibited.

WEAPONS, CHEMICAL (W2P)

Possessing or bringing to school or a school-sponsored event any chemical substance to be used as a weapon on school property is strictly prohibited. This includes, but is not limited to mace, tear gas or pepper spray.

WEAPONS, PNEUMATIC (WPO) *Mandatory notification to law enforcement*

Possessing or bringing any BB gun or rifle that is air powered onto school property is strictly prohibited.

WEAPONS, OTHER (W8P, W9P)

The possession of a knife with a blade less than three inches, razor blades, box cutters, fireworks, firecrackers, or bringing stink bombs to school or a school event is strictly prohibited.

All letter and numerical codes shown above are used by school administrators for State and local reporting purposes.

DISCIPLINARY CONSEQUENCES

All violations of rules must be followed by consequences. Disruptive behavior means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment. It should be understood that the following offenses do not include all possible infractions of school rules or consequences. Because all forms of misconduct may not be listed does not mean that they will be permitted.

School officials are authorized to utilize any and all of the disciplinary actions permitted by the Code of Virginia. Appropriate procedures will be followed for all students. The Code of Virginia and Federal Law permit and/or require certain disciplinary actions to be taken, including suspensions and expulsions. **When a student exhibits behavior that is in violation of school rules, the school administrator may impose any of the below consequences:**

- Require a conference with the parent/guardian/student
- In-school suspension
- Short-term out-of-school suspension (ten days or less)
- Recommend a long-term out-of-school suspension
- Recommend expulsion
- Require substance abuse counseling (at the parent's expense)
- Require individual counseling (at the parent's expense)
- Other consequences at the discretion of the school administrator

School level administrators may consult with the Director of Student Services and/or the Superintendent on disciplinary cases.

NOTES:

Repeated violations of offenses suggest a need for strong parent or guardian/administrator communication and coordination. Possible outside assistance may be beneficial.

Extreme or repeated incidents of misconduct may result in the exclusion of the student from school activities.

Five (5) out-of-school suspensions for any reason may be justification for a recommendation by the principal to the Superintendent or his/her designee for long-term suspension or expulsion if it is determined by the Superintendent or his/her designee that the student's continued attendance in the regular program will be disruptive to the learning environment, or dangerous to the student or others.

Seniors may not be allowed to participate in graduation activities because of violation of the Student Code of Conduct.

Students participating in athletic activities also may be subject to corrective action as outlined in the school athletic policy.

Video surveillance may occur on any school property or on any transportation vehicles in accordance with School Board Policy JHFA. The use of video recordings from surveillance equipment shall be subject to the other policies and regulations of the division, including policies concerning the confidentiality of student and personnel records.

Items (hats, electronics, etc.) that are taken from students by a teacher or administrator are subject to be disposed of if not picked up in 90 days by a parent/guardian.

Self-Defense: Students are subject to disciplinary action for misconduct. Cases for which self-defense is claimed must meet the following criteria: (1) the claimant must not have provoked or behaved in a manner to cause the incident; (2) the claimant must have had reasonable fear of danger of harm; and (3) the claimant used no more force than needed for protection from the threatened harm. Such incidents should be reported immediately to school officials. When claims of self-defense have been established, the administrator shall: (1) allow the student to present his version of what occurred and (2) review circumstances and relevant information from others pertaining to the incident, including relationships and previous patterns of interaction among the students involved. Findings from the review of circumstances and other relevant information should be considered in determining appropriate corrective disciplinary action. Claims of self-defense do not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored activity. Weapons are prohibited on school property and at school-sponsored events.

DISPOSITIONS/RIGHTS OF APPEAL

DISPOSITIONS

- **Student Conference**
The first line of discipline is with the classroom teacher. Formal and informal conferences are held between the student and the teacher. If problems become more serious, the principal will hold a conference with the student in an attempt to improve behavior. Many times the student's counselor also will be included in the conference.
- **Parent or Guardian Contact**
The most appropriate person in dealing with student discipline problems is the parent or guardian. Teachers, counselors, and administrators will contact the parent or guardian by telephone or by letter in an effort to keep the parents or guardians informed of student conduct. An effort will be made to notify the parent or guardian by telephone prior to a suspension.
- **School Conference with Parent or Guardian**
Parents or guardians are encouraged to set up an appointment with any teacher, counselor, or administrator to discuss their student's progress or problems. In a time of suspension, a parent or guardian is requested to accompany their student upon return to school after the time of suspension has been completed.
- **Confiscation**
Any student's property which causes a disruption to the learning environment will be temporarily removed from that student's possession and may be kept until a parent comes to pick up the property.
- **Restitution**
The replacement of or payment for property stolen, damaged, or destroyed by a student will be required as provided in the *Code of Virginia*.
- **Detention**
For valid and sound reasons, and on an individual basis, students may be detained after school for a reasonable length of time. Students who are detained must be supervised by a teacher or an administrator. The student's parents or guardians must be notified in advance of the detention and must provide transportation from school at the designated time unless the activity bus is available.
- **Court Referral**
In case of a drug offense, assault, or other violation of the *Code of Virginia*, a petition may be filed against the student through juvenile intake. The plaintiff may be either the school or the victim.
- **Short-term Suspension - In School/Out of School Suspension**
The principal or his/her designee has the authority, for sufficient cause, to suspend a student for not more than ten (10) school days and will report the facts in writing to the Superintendent or his/her designee and the parent or guardian of the student suspended. A parent or guardian must accompany his/her student upon return to school after the time of suspension has been completed.
- **Exclusion**
Exclusion means a Virginia school board's denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.
- **Long-Term Suspension**
Long-term suspension means any disciplinary action whereby a student is not permitted to attend school for more than ten schools days but less than 365 calendar days.
- **Expulsion**
Expulsion means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 days after the date of the expulsion.

- **Emergency Suspension**

Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be summarily removed from school immediately and the notice, explanation of facts, and opportunity to present his or her version required under Suspensions of Ten Or Less Days will be given as soon as practical thereafter. A reasonable effort to contact the parents immediately will be required.

- **Placement in an alternative education program**

A student who has been long-term suspended, excluded, or expelled from the regular school program may be recommended for placement in an alternative education program by the superintendent or his/her designee. The alternative education program shall include but shall not be limited to, night school, adult education, or any other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate. A reasonable effort to contact the parents immediately will be required.

PLACEMENT/SUSPENSION/EXPULSION PROCEDURES

PRIOR TO SUSPENSION:

- √ The student will be apprised of the nature and facts of the alleged misconduct.
- √ The student will be given the opportunity to explain the circumstances of the alleged misconduct from his/her perspective.
- √ The student will be informed of the conditions of the suspension, such as required parental conference prior to return, prohibition from coming on school property, and/or scheduled school activities, etc.
- √ The principal or his/her designee will make an effort to notify immediately the parent or guardian by telephone.
- √ The principal will execute a letter of suspension that sets forth the facts of the case. Copies of the letter of suspension will be given to the student, if possible, and mailed to the parent or guardian.
- √ In general, students are not to be suspended without prior notice unless an emergency exists as determined by the principal or his/her designee.
- √ The right of appeal will be stated on the suspension letter. The procedures for appeals will also be set forth in the *Student Code of Conduct*.

- **Short-term Suspension Appeals (suspensions ten days or less)**

If a student and parent or guardian appeal a student's suspension that was assigned by an assistant principal, the school principal must be notified in writing within seven (7) calendar days of the date that the student is notified that he/she is being suspended. The letter of appeal must include the student's account of the incident as well as reasons for believing the suspension is unjustified. The principal will review the suspension giving the parent, guardian, and/or student an opportunity to be heard. The principal will render a decision regarding the appeal and will notify the student, parent, or guardian in writing within seven (7) calendar days of the date of the appeal. Students may be readmitted upon appeal if, as determined by the principal, the student's presence does not pose a threat to himself/herself or others, or the student's presence is not deemed detrimental to the normal operation of the school.

If the principal's decision is appealed, a written letter of appeal must be received by the Superintendent's designee, the Director of Student Services, within seven (7) calendar days of the principal's decision or the decision of the principal becomes final. The Director of Student Services will review the suspension, giving the parent or guardian and student an opportunity to be heard. The Director of Student Services will render a decision regarding the appeal and will notify the student, parent, or guardian in writing within seven (7) calendar days of the date of the appeal. The decision of the Director of Student Services will be final.

If a student and parent or guardian appeal a student's suspension that was assigned by the school principal, the Director of Student Services must be notified in writing within seven (7) calendar days of the date that the student is notified that he/she is being suspended. The letter of appeal must include the student's account of the incident as well as reasons for believing the suspension is unjustified. The Director of Student Services will review the suspension giving the parent, guardian, and/or student an opportunity to be heard. The Director of Student Services will render a decision regarding the appeal and will notify the student, parent, or guardian in writing within seven (7) calendar days of the date of the appeal. The decision of the Director of Student Services will be final.

- **Placement in an alternative education program**

I. The Superintendent or his/her designee(s) may, for sufficient cause, require students to attend an alternative education program provided:

- √ The student and his parent(s) or guardian (s) are provided written notice of the proposed action and the reason(s) for the action.
- √ The student and the parent or guardians are informed in writing that they have a right to a hearing. This notification will include the date, time, and place of the hearing.
- √ In any case in which a student has been placed in an alternative education program by the Superintendent or his/her designee(s) after a hearing, the student and his/her parent(s) or guardian(s) may appeal the decision to the School Board Disciplinary Committee. Such appeal must be in writing and must be filed with the Superintendent within seven (7) calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The Disciplinary Committee will consider the appeal within thirty (30) calendar days of the appeal.

II. The Superintendent or his/her designee(s) may require any student to attend an alternative education program if the student has been:

- A. charged with an offense relating to the laws of Virginia, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person. The term "charged" means that a petition or warrant has been filed or is pending against a pupil.
- B. found guilty or not innocent of an offense relating to Virginia's laws on weapons, alcohol or drugs, or a crime that resulted in or could have resulted in injury to others or of an offense that is required to be disclosed to the superintendent of the school division pursuant to Va. Code 16.1-260.G;
- C. found to have committed a serious offense or repeated offenses in violation of school board policies;
- D. suspended pursuant to Va. Code § 22.1-277.05; or
- E. expelled pursuant to Va. Code §§ 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code § 22.1-277, to attend such an alternative education program.

- **Long-Term Suspension (Suspension in Excess of Ten Days)**

The principal can recommend a long-term suspension for a student provided the recommendation is made on the Recommendation for Long-Term Suspension form.

The Superintendent or his/her designee(s) may, for sufficient cause, suspend students from school for more than ten (10) school days provided:

- √ The student and his parent(s) or guardian(s) are provided written notice of the proposed action and the reason(s) for the action.
- √ The student and the parent or guardians are informed in writing that they have a right to a hearing. This notification will include the date, time, and place of the hearing.
- √ In any case in which a student has been suspended by the Superintendent or his/her designee(s) after a hearing, the student and his/her parent(s) or guardian(s) may appeal the decision to the School Board. Such appeal must be in writing and must be filed with the Superintendent within seven (7) calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a waiver of the right to an appeal. The School Board will consider the appeal within thirty (30) calendar days of the appeal.

- **Expulsion**

Expulsion is the permanent removal of all educational services to a student. Student expulsion is only by action of the School Board.

The principal can recommend expulsion of a student provided the recommendation is made on the Recommendation for Expulsion form. Recommendations for expulsion for actions other than those specified in Section 22.1-222.07 (Gun Free Schools Act) and Section 22.1-277.08 (Certain Drug Offenses) shall be based on consideration of the following factors:

1. The nature and seriousness of the conduct;
2. The degree of danger to the school community;
3. The student's disciplinary history, including the seriousness and number of previous infractions;
4. The appropriateness and availability of an alternative education placement or program;
5. The student's age and grade level;
6. The results of any mental health, substance abuse, or special education assessments;
7. The student's attendance and academic records; and,
8. Such matters as he/she deems appropriate.

The Superintendent or his/her designee(s) will present the student matter to the School Board Disciplinary Committee. The superintendent or his/her designee will provide the student and his/her parent(s) with a copy of the *Student Code of Conduct* and will notify the student and his/her parent(s) or guardian in writing of the following:

- √ Written notice of the proposed action and the reason(s) for this action, as well as, the date and time of the meeting.
- √ The right to inspect the student's school records.
- √ Written notice of the School Board Disciplinary Committee's decision and applicable appeal rights.

- **School Board Disciplinary Committee**

The procedure for the School Board Disciplinary Committee hearing will be as follows:

The Disciplinary Committee shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing will be private unless otherwise specified by the Disciplinary Committee.

The Disciplinary Committee may ask for opening statements from the principal or his/her representative and the student or his/her parent(s) or guardian (or their representative) and, at the discretion of the Disciplinary Committee, may allow closing statements.

The parties then will present their evidence. Because the principal has the ultimate burden of proof, he/she shall present evidence first. Witnesses may be questioned by the Disciplinary Committee members and by the parties (or their representative). The Disciplinary Committee may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any relevant material or evidence and shall afford the parties the right of cross-examination; provided, however, that the Disciplinary Committee may take testimony of student witnesses outside the presence of the student, his/her parent(s) and their representative if the Disciplinary Committee determines at its discretion, that such action is necessary to protect the student witness.

The parties shall produce such additional evidence as the Disciplinary Committee may deem necessary. The Disciplinary Committee shall be the judge of the relevance and materiality of the evidence.

Exhibits offered by the parties may be received in evidence by the Disciplinary Committee and, when so received, will be marked and made part of the record.

The Disciplinary Committee may, by majority vote, uphold, reject, or alter the recommendation.

The Disciplinary Committee shall transmit its decision, including the reasons therefore, to the student, his/her parent(s), the principal, and superintendent. If the School Board Disciplinary Committee's decision is not unanimous, the pupil or his/her parent may appeal the committee's decision to the full School Board. The School Board shall decide such appeal within 30 days.

- **Trespassing**

An excluded, suspended or expelled student will not be allowed to come onto School Board property (including school buses) during the period of exclusion, suspension or expulsion or attend any school-sponsored activity. Students who violate this may be charged with trespassing.

STUDENT SEARCHES

School authorities may search a student, the student's property, student lockers and desks, or student automobiles under the circumstances outlined in carrying out the school's responsibility to maintain order and discipline and to protect the health, safety, and welfare of students and school personnel. School authorities may seize any illegal, unauthorized, or contraband materials discovered in a search. The student's individual right to privacy and freedom from unreasonable search and seizure is balanced by the school's responsibility to protect the health, safety, and welfare of all persons within the school community.

The term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive to any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student. The locations at which searches of students and student property may be conducted are not limited to the school building or school property, but may be conducted wherever the student is involved in a school-sponsored function. School officials, with a witness present, may conduct the following types of searches:

- Random, systematic, non-selective searches of student classrooms, desks, lockers, or automobiles in accordance with a pre-determined search formula.
- Searches based on reasonable suspicion that evidence will be found that a law or school rule has been broken or is about to be broken.
- Searches with the consent of the student. If a student gives a school official consent for a search, the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the consequences of giving consent. Students should be told of their right to refuse to be searched, and students should not be punished for refusing to grant permission for the search.

Behavior on School Buses

While students are on the bus, they are in the driver's care and must obey the driver. The driver has the authority and is encouraged to assign seats to all students. Once a student boards the bus, he/she may not exit without written permission of the parent or guardian and approval of the principal until he/she reaches home or school. No special stops will be made between regular stops.

Students will not be allowed to ride another bus without written permission of the parent or guardian and approval of the principal. Approval will be denied if a bus has reached its safe maximum load of registered students. Emergency situations will be approved only with the concurrence of the Transportation Office. No student has the right to keep another student from sitting in any vacant seat nor may any student reserve seats for someone else.

Violations of the Student Code of Conduct include misbehavior on school buses. Students who misbehave on the bus will be disciplined according to the disciplinary consequences as outlined in the Student Code of Conduct.

DISCIPLINARY ACTIONS FOR BUS OFFENSES

- A warning may be issued by the driver, and the student may be given an assigned front seat.
- Repeated acts will be referred to the school principal or his/her designee and the Director of Transportation; possible consequences include, but are not limited to:
 - (1) Conference between the bus driver, student, parent or guardian, school principal or his/her Designee, and/or Director of Transportation
 - (2) Suspension from the bus and/or school from one (1) to ten (10) school days can be imposed
 - (3) Recommendation for long-term suspension or expulsion

NOTE: The driver has the authority to revoke a student's riding privilege for one a.m. run for violations that affect the safety and welfare of others on the bus. The driver will make every reasonable effort to notify the student, parent, school principal, and the Director of Transportation.

BUS OFFENSES INCLUDE:

- Making excessive noise **(B1)**
- Not sharing seats **(B2)**
- Calling names **(B3)**
- Failing to take a seat properly **(B4)**
- Failing to exit the bus in a prompt, orderly fashion **(B5)**
- Failing to board the bus properly **(B6)**
- Consuming drinks or food items **(B7)**
- Selling food or other items while on board **(B8)**

- Moving while the bus is in motion **(B9)**
- Opening of emergency exit door without driver permission **(B10)**
- Other violations **(B11)**
- Throwing objects (in, at, or out of the bus) **(BM1)**
- Fighting **(BM2)**
- Using profane or obscene language (see NOTES) **(BM3)**
- Smoking **(BM4)**
- Possessing dangerous objects such as knives, fireworks, or any object that could cause physical harm **(BM5)**
- Bringing forbidden objects on the bus (see NOTES) **(BM6)**
- Extending any part of the body out of the window of the bus **(BM7)**
- Showing disrespect or defying orders of the bus driver **(BM8)**
- Destroying property **(BM9)**
- Repeating minor offenses **(BMM)**
- Committing illegal acts **(BMI)**

NOTES: Students who are off the bus, but use abusive language or actions that could be interpreted as intended for those who are still in the vicinity of school property, will be treated as if they were on school property.

Forbidden objects include but are not limited to: balloons, glass containers, live animals/insects, skateboards or any other object which may adversely affect the safe operation of the school bus.

ACTIVITY BUSES

Activity buses are available to the middle and high school students to enable them to take full advantage of all after school activities. These buses **do not** serve all roads and are not intended to provide door-to-door service. The activity buses serve designated stops on the major roads of the county, which will allow parents to meet their children. Parents whose children expect to ride the activity buses should contact the school to determine the exact drop-off location and times of the activity bus route. Students are reminded that the same code of conduct applies to activity buses.

EQUAL EDUCATIONAL OPPORTUNITIES/NON-DISCRIMINATION**I. Policy Statement**

Equal educational opportunities shall be available for all students, without regard to race, national origin, gender, ethnicity, religion, disability or marital or parental status. Educational programs shall be designed to meet the varying needs of all students.

No student, on the basis of gender, shall be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege, advantage or denied equal access to educational and extracurricular programs and activities.

The School Board shall:

- provide facilities, programs and activities that are accessible, usable and available to qualified disabled persons;
- provide a free, appropriate education, including non-academic and extracurricular services to qualified disabled students;
- not exclude qualified disabled students, solely on the basis of their disabilities, from any preschool, daycare, adult education or career and technical education programs; and
- not discriminate against qualified disabled persons in the provision of health, welfare or social services.

II. Complaint Procedure**A. File Report**

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

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

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

B. Investigation

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

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

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

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

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

C. Action by Superintendent

Within 5 calendar days of receiving the compliance officer's report, the superintendent or designee shall issue a decision regarding (1) whether this policy was violated and (2) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the superintendent determines that prohibited discrimination occurred, the Gloucester County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge.

D. Appeal

If the superintendent or designee determines that no prohibited discrimination occurred, the student who was allegedly subjected to discrimination may appeal this finding to the School Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the superintendent and any other individual the School Board deems relevant.

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

E. Compliance Officer and Alternate Compliance Officer

The Gloucester County School Board has designated the Director of Human Resources [804-693-7889] as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer [Assistant Superintendent of Administrative Services, 804-693-5304].

The Compliance Officer shall:

- receive reports or complaints of discrimination;
- oversee the investigation of any alleged discrimination;
- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy;
- insure that any discrimination investigation is conducted by an impartial investigator who is trained in the requirements of equal education opportunity, and has the authority to protect the alleged victim and others during the investigation.

III. Retaliation

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

IV. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited discrimination including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

V. Prevention and Notice of Policy

Training to prevent discrimination should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the Student Code of Conduct Manual and employee information packets; and (3) sent to parents of all students within 30 calendar days of the start of school. All students and their parents/guardians shall be notified annually of the names and contact information of the compliance officers.

VI. False Charges

Students or school personnel who make false charges of discrimination shall be subject to disciplinary action.

ADOPTED: November 11, 1986

REVISED: July 1, 1991
April 12, 2005

LEGAL REFERENCES:

20 U.S.C. sections 1681-1688.
29 U.S.C. sections 794.
42 U.S.C. sections 2000d-2000d-7.
34 CFR part 106.

**SEXUAL HARASSMENT/
HARASSMENT BASED ON RACE, NATIONAL ORIGIN, DISABILITY, RELIGION AND SEXUAL ORIENTATION**

I. Policy Statement

The Gloucester County School Division is committed to maintaining a learning/working environment free from sexual harassment and harassment based on race, national origin, disability, religion or sexual orientation. Therefore, the Gloucester County School Division prohibits sexual harassment and harassment based on race, national origin, disability, religion or sexual orientation of any student or school personnel at school or any school sponsored activity.

It shall be a violation of this policy for any student or school personnel to harass a student or school personnel sexually, or based on race, national origin, disability, religion or sexual orientation. Further, it shall be a violation of this policy for any school personnel to tolerate sexual harassment or harassment based on a student's or employee's race, national origin, disability, religion or sexual orientation by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

For the purpose of this policy, school personnel include school board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the School Division.

The School Division shall: (1) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability, religion or sexual orientation; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

II. Definitions

A. Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; or
- (ii) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- (iii) that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

Examples of conduct, which may constitute sexual harassment if it meets the immediately preceding definition include:

- unwelcome sexual physical contact
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks.
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions.
- graphic comments about an individual's body.
- sexual jokes, notes, stories, drawings, gestures or pictures.
- spreading sexual rumors.
- touching an individual's body or clothes in a sexual way.
- displaying sexual objects, pictures, cartoons or posters.
- impeding or blocking movement in a sexually intimidating manner.

B. Harassment Based on Race, National Origin, Disability, Religion or Sexual Orientation

Harassment based on race, national origin, disability, religion or sexual orientation consists of physical or verbal conduct relating to an individual's race, national origin, disability, religion or sexual orientation when the conduct:

- (i) creates an intimidating, hostile or offensive working or educational environment; or
- (ii) substantially or unreasonably interferes with an individual's work or education; or
- (iii) otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.

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

- graffiti containing racially offensive language.
- name calling, jokes or rumors.
- physical acts of aggression against a person or his property because of that person's race, national origin, disability, religion or sexual orientation.
- hostile acts which are based on another's race, national origin, disability, religion or sexual orientation.
- written or graphic material which is posted or circulated with the intent to intimidate or threaten individuals based on their race, national origin, disability, religion or sexual orientation.

III. Complaint Procedure

A. Formal Procedure

1. File Report

Any student or school personnel who believes he or she has been the victim of sexual harassment or harassment based on race, national origin, disability, religion or sexual orientation by a student, school personnel or a third party should report the alleged harassment to one of the compliance officers designated in this policy or to any school personnel. The alleged harassment should be reported as soon as possible, and the report generally should be made within fifteen (15) school days of the occurrence. Further, any student who has knowledge of conduct which may constitute prohibited harassment should report such conduct to one of the compliance officers designated in this policy or to any school personnel. Any school personnel who has notice that a student or other school personnel may have been a victim of prohibited harassment shall immediately report the alleged harassment to one of the compliance officers designated in this policy.

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

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

2. Investigation

Upon receipt of a report of alleged prohibited harassment, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 calendar days after receipt of the report by the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the compliance officer determines that more than 14 days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy JHG.

The investigation may consist of personal interviews with the complainant, the alleged harasser, and any others who may have knowledge of the alleged harassment or the circumstances giving rise to the complaint. The investigation may also consist of the inspection of any other documents or information deemed relevant by the investigator. The school division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

In determining whether alleged conduct constitutes a violation of this policy, the investigator shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator in relation to the alleged victim (i.e. whether the alleged perpetrator was in a position of power over the alleged victim); (7) the location of the alleged harassment; (8) the ages of the parties and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

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

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

3. Action by Superintendent

Within 5 calendar days of receiving the compliance officer's report, the Superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the alleged perpetrator. If the Superintendent or designee determines that prohibited harassment occurred, the Gloucester County School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the Superintendent or designee determines that prohibited harassment occurred, the Superintendent or designee may determine that school-wide or division-wide training be conducted or that the complainant receive counseling.

4. Appeal

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

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

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

5. Compliance Officer and Alternate Compliance Officer

The Gloucester County School Board has designated the Director of Human Resources [804 693-7889], as the Compliance Officer responsible for identifying, preventing and remedying prohibited harassment. Complaints of harassment may also be made to the Assistant Superintendent of Administrative Services [804-693-5304] who shall serve as the Alternate Compliance Officer.

The Compliance Officer shall:

- receive reports or complaints of harassment;
- oversee the investigation of any alleged harassment;

- assess the training needs of the school division in connection with this policy;
- arrange necessary training to achieve compliance with this policy;
- insure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity, including the authority to protect the alleged victim and others during the investigation.

B. Informal Procedure

If the complainant and the person accused of harassment agree, the student's principal or designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher, or administrator.

If the complainant and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

IV. Retaliation

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The School Division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings.

V. Right to Alternative Complaint Procedure

Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law.

VI. Prevention and Notice of Policy

Training to prevent sexual harassment and harassment based on race, national origin, disability, religion and sexual orientation should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel, (2) included in the Student Code of Conduct Manual and employee information packets; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

VII. False Charges

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

ADOPTED: April 12, 2005

LEGAL REFERENCES: 20 U.S.C. §§ 1681-1688.
29 U.S.C. § 794.
42 U.S.C. §§ 2000d-2000d-7.
42 U.S.C. §§ 2000e-2000e-17.
34 C.F.R. part 106.

ACKNOWLEDGMENT OF RECEIPT
OF
GLOUCESTER COUNTY PUBLIC SCHOOLS
STUDENT CODE OF CONDUCT

Parents or guardians and students are asked to read and discuss the Student Code of Conduct manual for the Gloucester County Public Schools, sign below, and then return this form to their school.

STUDENT'S NAME: _____
Last First Middle Initial Student's ID #

GRADE LEVEL: _____ SCHOOL ATTENDING: _____

We acknowledge receipt of and agree to read and discuss with our student the *Student Code of Conduct* for the Gloucester County Public Schools. We understand that the *Student Code of Conduct* includes a policy and regulation on the minimum standards for participation in extra-curricular activities (File No. JJ and JJ-R). We understand that the signing of this statement does not waive, but expressly reserves, our rights protected by the constitutions or laws of the United States or the Commonwealth of Virginia and that we have the right to express disagreement with the school division's policies or decisions.

Parent(s)/Guardian(s) Signature

Student's Signature

Date

Mother's e-mail address

Father's e-mail address

DISCLAIMER

By signing and returning this form parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

**GLOUCESTER COUNTY PUBLIC SCHOOLS
MEDICATION CONSENT FORM**

We attempt to discourage administration of medication during school hours and request that whenever possible medication be administered at home. We realize that this is not always possible and will cooperate in the administration of medication when needed.

1. **PRESCRIPTION MEDICATIONS:** The physician **must** complete this form detailing the name of the drug, dosage, and time intervals that the medication is to be taken. The parent or guardian must sign this form requesting that the school district comply with the physician's order. Medication **must** be brought to school in a container appropriately labeled by the pharmacy or physician.
2. **OVER THE COUNTER MEDICATIONS:** The parent or guardian **must** complete this form requesting that the school district administer the medication. All over the counter medication **must** be in the original container and be provided by the parent or guardian.
3. If medication is brought to school by the student, the appropriately labeled container **must** be placed in a sealed envelope. The number of pills being sent **must** be indicated on the envelope.
4. All medication **must** be kept in the school clinic. Violations of this policy could place the student in violation of the Substance Abuse Policy.
5. Medication **MUST** be picked up by the parent/guardian or designated adult. ALL medication not picked up by the last day of school will be destroyed.

PLEASE FILL IN AND SIGN THIS FORM:

Name of Child: _____

Date of Birth: _____ Grade: _____ ID#: _____

Date of Order: _____ **Allergies:** _____

Condition Being Treated: _____

Name of Medication: _____

Dose: _____

Possible side effects: _____

Duration of Order: _____

Physician's Stamp	Signature of Physician	Telephone Number
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I request that the school give the above medication(s) as ordered by the physician.

Signature of Parent/Guardian	Date	Daytime Telephone
------------------------------	------	-------------------

School Name: _____

Fax#: _____

CONSENT FORM
STUDENT COMPUTER USE RULES
(TO BE COMPLETED BY ALL STUDENTS)

Each student and his or her parent/guardian must sign this Agreement before being permitted to use the School Division's computer system.

READ THIS AGREEMENT CAREFULLY BEFORE SIGNING.

Student Name (please print): _____

As a condition of access to Gloucester County Public Schools' computers, I agree to the following:

1. I will be responsible for the computer I am working on and will report any incidents of vandalism or theft to the teacher. These might include writing on the computer, unplugging or changing of hardware components, removing or loosening keyboard keys, removal of mouse balls or the mouse itself, and/or other destructive acts.
2. I will respect the privacy of information in other people's files, and will not copy, destroy, or use it.
3. I will not share my login or password with others, and I will not seek to obtain those of others. I will work only in my own file area and will not communicate anonymously or in another person's name.
4. I will not try to hack the system, nor load onto the computer any hacking programs, nor will I attempt any unauthorized access to the system. I will not attempt to delete, alter, or reposition any electronic documents unless authorized to do so. I will not test our network for security breaches because it is unauthorized and forbidden.
5. I will neither exploit any security gaps I detect nor will I pass the information to anyone else, but I will report them to the teacher immediately. I will not help others to break the rules.
6. I will not send offensive material to others, download it off the Internet, or knowingly access it.
7. I understand that I do not have a right of privacy in my Internet account. I also understand that Gloucester County Public Schools has the right to monitor my use of the computer system and the Internet and will remove obscene, abusive, harassing, or inappropriate communication without notice.
8. I understand that the completion of online forms that request personal information (such as name, address, etc.) on the Internet is strictly prohibited without the permission of a teacher or lab supervisor. I will not respond to any free offers or order items on the Internet.
9. I understand that that I may not use programs or educational games on the computer unless instructed to do so by my teacher. I may not bring any student or commercially prepared software to school.
10. I will not print unnecessarily or waste resources. Teachers will have the right to impose limitations on storage, printing, and access time, and I will not attempt to circumvent these limitations. I will also follow proper shutdown procedures.
11. I will not attempt to install unauthorized software on the system or onto any computer, nor will I attempt to make a copy of copyrighted software. I will use only that software provided by the teachers.
12. I will not enter the operating system or control panels, unless it is part of my course material.

GLOUCESTER COUNTY PUBLIC SCHOOLS

Administrative Offices
and Information

693-5300



Abingdon Elementary School	642-9885
Achilles Elementary School	642-9140
Bethel Elementary School	693-2360
Botetourt Elementary School	693-2151
Petsworth Elementary School	693-6161
Walker Elementary School	693-5445
Page Middle School	693-2540
Peasley Middle School	693-1499
Gloucester High School	693-2526