BYLAWS AND POLICIES

A Publication
of
Richmond Public Schools

SCHOOL BOARD

KIMBERLY M BRIDGES, CHAIRMAN
DAWN C. PAGE, VICE CHAIRMAN
DONALD L. COLEMAN
ADRIA GRAHAM SCOTT
KIMBERLY B. GRAY
MAURICE A. HENDERSON
NORMA MURDOCH-KITT
CHANDRA H. SMITH
EVETTE L. WILSON

DR. YVONNE W. BRANDON, SUPERINTENDENT

Section I – Bylaws
Table of Contents

Policy

Article I
1-1.1 Authority and Title
1-1.2 Corporate Seal
1-1.3 Duties and Powers
1-1.4 Board Counsel
1-1.5 School Board Procedures and Standards of Conduct

Article II
1-2.1 Composition of the School Board
1-2.2 Qualifications of School Board Members
1-2.3 Oath
1-2.4 Orientation/In-Service and Professional Development Activities
1-2.5 Compensation and Expenses
1-2.6 Removal from Office
1-2.7 School Board Member Insurance

Article III
1-3.1 School Board Organizational Meeting
1-3.2 School Board Chair and Vice-Chai1
1-3.3 School Board Clerk and Deputy Clerk
1-3.4 School Board Agent and Deputy Agent

Article IV
1-4.1 School Board Members Conflict of Interests
1-4.2 School Visitations

Article V
1-5.1 School Board Committees
1-5.2 Board-Staff Communications
1-5.3 Bylaws Adoption, Amendment and Suspension
1-5.4 Policy Adoption, Amendment and Suspension
1-5.5 Formulation and Adoption of Regulations
1-5.6 Joint Schools

Article VI
1-6.1 Regular School Board Meetings
1-6.2 Agenda Preparation and Reports to the School Board
1-6.3 Order of Business and Quorum
1-6.4 Minutes of Board Meetings

Article VI continued

1-6.5 Voting Method

1-6.6 Special School Board Meetings

1-6.7 Public Participation at Meetings

SECTION 1 – BYLAWS

ARTICLE I

POLICY 1-1.1 AUTHORITY AND TITLE

Authority

Article VIII, § 7 of the Constitution of Virginia places the responsibility for providing an efficient system of free public schools with the General Assembly of Virginia, and further directs the establishment of local school boards to operate, maintain and supervise local schools. The School Board of the City of Richmond (the "School Board") derives its authority from the Constitution of Virginia, the Code of Virginia, and the regulations of the Virginia Board of Education. The School Board is the policy-making body for Richmond Public Schools and serves within the framework provided by law, the will of the local citizenry, and the ethics of professional personnel.

The School Board is a body corporate, and in its corporate capacity, is vested with all the powers and charged with all the duties, obligations, and responsibilities imposed upon school boards by law. School Board members are officers of the Commonwealth of Virginia. School Board members shall have no authority or duties except such as may be assigned to them by the School Board as a whole. School Board members shall have authority only when acting as a board regularly in session. The School Board shall not be bound in any way by any statement or action of any individual School Board member or employee except when such statement or action is pursuant to specific instructions or rules of the School Board.

Title

The School Board is a corporate body whose official title shall be "The School Board of the City of Richmond."

LEGAL REFERENCE: Constitution of Virginia, Article VIII, Section 7; Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-2, 22.1-28, 22.1-71

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-1.2 CORPORATE SEAL

Richmond Public Schools may, by a majority vote of the School Board, adopt a corporate seal for use in the division. The seal shall have engraved thereon the official title of the division and such other inscription as the School Board may direct. The School Board shall serve as custodian of the seal.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-71
Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-1.3 DUTIES AND POWERS

Recognizing the definitions of its duties as prescribed by the Constitution and statutes of the Commonwealth of Virginia, by the regulations of the Virginia Board of Education, and by the charter and ordinances of the City of Richmond, the School Board considers its major responsibilities to be as follows:

1. To select a division superintendent of schools;

2. To determine the studies to be pursued, the government to be employed in the schools, and the length of the school term;

3. To provide suitable school buildings with proper furniture and appliances, and to care for, manage, and control the school property of the city;

4. To provide for the preparation and adoption of the annual budgets;

5. To consider and act upon the recommendations of the division superintendent in all matters of policy, appointment, or dismissal of employees, salary schedules, or other personnel regulations, courses of study and other matters pertaining to the welfare of schools;

6. To receive reports by the division superintendent concerning the condition, efficiency, and needs of the schools;

7. To appraise the effectiveness with which the schools are achieving the educational purposes of the board;

8. To inform the public concerning the progress and needs of the schools and to weigh public opinion as it affects the schools;

9. To provide transportation of pupils; and

10. To adopt bylaws and regulations consistent with state statues and regulations of the Virginia Board of Education for the management of official business and for the supervision of the school division

LEGAL REFERENCE: Constitution of Virginia, 1950, as amended, Article VIII, Section 7; Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-1.4 BOARD COUNSEL

It is the policy of the School Board to employ its own attorney either as a permanent employee or on retainer. The School Board may employ additional special counsel and use the Office of the City Attorney when appropriate.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-82
Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-1.5 SCHOOL BOARD PROCEDURES AND STANDARDS OF CONDUCT

Recognizing that persons holding a position of public trust are under constant observation by the media and interested city residents, and recognizing that maintaining the integrity and dignity of the public office is essential for maintaining high levels of public confidence in institutions of government, every member of the School Board of the City of Richmond should adhere to the following procedures and standards of conduct.

1. While attending meetings and otherwise conducting the business of the School Board, every member should conduct himself/herself in a professional, courteous manner and encourage community involvement, to include:

    a. Working to create a positive environment in public meetings where citizens feel comfortable in their roles as observers or participants.
    b. Avoiding, during public meetings and during the performance of public duties, the use of abusive, threatening or intimidating language or gestures directed at colleagues, citizens or personnel.
    c. Maintaining an attitude of courtesy and consideration toward all colleagues.
    d. Being tolerant, by allowing citizens, employees or colleagues sufficient opportunity to present their views.
    e. Being respectful and attentive, and avoiding comments, body language or distracting activity that conveys a message of disrespect for the presentations from citizens, personnel or colleagues.

2. In responding to questions, School Board members should:

    a. Realize that they are not speaking for the entire School Board.
    b. Realize that any comments they make might be interpreted as an official position of the School Board. Therefore, they should refer to 2(a), above, and emphasize that they are not speaking for the entire School Board. School Board members should feel free to clarify their positions on any publicly discussed matter that has come before the School Board. Furthermore, any School Board member should feel free to openly discuss any aspect of programs, policies or procedures of the school division so long as they are not making any commitment on behalf of the School Board or making judgments about personnel whose rights are protected by the law.
    c. Protect confidential discussions that occur in executive session. Only matters permitted under the Code of Virginia, 1950, as amended, pursuant to Section 2.2-3700, et seq., shall be discussed in executive session.

3. The School Board recognizes that discussion of personnel matters is to remain confidential, must be discussed through appropriate channel processes, and that it is the obligation of each School Board member (and the entire School Board) to protect the privacy of the individual. School Board members should offer criticism of school employees only in private meetings with appropriate individuals or in executive session.

4. The School Board recognizes that its primary role is to make policy and therefore will focus on issues pertaining to programs and operations.

5. The School Board will follow the procedure of communicating directly with the division superintendent and/or the Chair of the School Board regarding all issues to include personnel matters, incidents, problems, questions, etc. This is especially true in situations where School Board members might conceivably be construed as attempting to supervise, direct, or interfere with school personnel and the performance of their duties.

6. School Board members seek to find and use the most equitable, efficient, effective and economical means for getting tasks accomplished. School Board members shall be concise when presenting information, and should avoid the practice of taking more time to address an issue before the School Board than is necessary and essential for an adequate consideration of those matters being discussed.

7. School Board members recognize that matters discussed in executive session pursuant to Section 2.2-3700 et seq., of the Code of Virginia, 1950 as amended, are to remain confidential. School Board members will refrain from the use of electronic devices during executive sessions.

8. The School Board will adopt the School Board Procedures for the current year at its January reorganization meeting.

Evaluation of School Board Operational Procedures

The School Board will review its performance annually to ensure its proper discharge of responsibilities to the community. Evaluation will be based on a positive approach, which will indicate the strengths of the School Board and the areas that need improvement.

To help the School Board meet this goal, the following conditions shall apply to the self-evaluation process:

1. School Board members shall be involved in the development of an evaluation instrument and procedure.

2. The School Board evaluation instrument will be completed by individual School Board members on a confidential basis and submitted to the School Board Chair, or his/her designee, for compilation.

3. The School Board shall meet, with all members present, to review and discuss the composite results.

4. Each judgment shall be supported with as much rational and objective evidence as possible. Upon final discussion of the results, the School Board will develop both short-

and long-range goals and objectives to ensure continued proficiency in its areas of excellence, to strengthen weak areas, and to eliminate those activities no longer applicable.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79
Adopted December 3, 2007
Revised/Adopted December 6, 2010

ARTICLE II

POLICY 1-2.1 COMPOSITION OF THE SCHOOL BOARD

The Richmond City School Board shall be composed of nine (9) members, one from each of the nine election districts of the city, and are elected by the qualified voters of the City of Richmond as authorized by applicable law. Members serve four-year terms. Vacancies occurring in the membership of the School Board shall be filled as provided by law.

Any interested candidate for the position of School Board member must comply with all legal requirements to be a candidate. This includes, but may not be limited to, filing the following documents with the City of Richmond Registrar by the applicable deadline: (1) a declaration of candidacy, (2) a certification of candidacy, and (3) a petition containing the requisite number of signatures of registered voters in the candidate's district.

School Board elections are non-partisan. Candidates are urged to contact the State Board of Elections to obtain complete information.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-28 through 22.1-57.5, 24.2-500 through 24.2-507.

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-2.2 QUALIFICATIONS OF SCHOOL BOARD MEMBERS

Qualifications

At the time of his/her appointment or election to office, each member of the Richmond City School Board must be a qualified voter, a resident of the Richmond City school division (from the district that he/she represents), and meet any other criteria set forth in Virginia law. If a School Board member shall cease to be a resident of the school division or that district which the School Board member represents, the position on the School Board shall be deemed vacant.

Ineligibility for Office

None of the officers listed in the Code of Virginia, 1950, as amended, § 22.1-30 shall serve as a member of the School Board, unless an exception provided in that section applies. No employee of the School Board shall be eligible to serve on the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-29, 22.1-30.

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-2.3 OATH

Prior to participation in the first School Board meeting in the term for which elected, a newly elected School Board member shall take the oath of office as prescribed for officers of the Commonwealth of Virginia in accordance with the Code of Virginia.

The failure of a member of the School Board to take the oath of office as required by the Code of Virginia before attending the first meeting of the School Board held after his or her election shall not be deemed to create a vacancy in the office provided that he or she takes the oath within 30 days after that first meeting.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-31, §24.2-228

Adopted December 3, 2007
Revised/Adopted December 6, 2010
Revised/Adopted June 20, 2011

POLICY 1-2.4 ORIENTATION/IN-SERVICE AND PROFESSIONAL DEVELOPMENT ACTIVITIES

Orientation

Following notification of election or appointment to the School Board and before taking office, each new member shall participate in an orientation program under the direction of the division superintendent. Every new School Board member shall be furnished a copy of the School Board's bylaws, policies and regulations, the current budget, a copy of Virginia school laws to include the Virginia Freedom of Information Act, and other such documents deemed essential to the operation of Richmond Public Schools.

In-Service Programs

The School Board places a high priority on the importance of a planned and continuing program of in-service education for its members. The central purpose of the program is to enhance the quality and effectiveness of public school governance in our community. The School Board shall plan specific in-service activities designed to assist School Board members in their efforts to improve their skills as

members of a policy-making body; to expand their knowledge about trends, issues, and new ideas affecting the educational activities of the local schools; and, to deepen their insights into the nature of leadership in a modern democratic society.

School Board members shall participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel, policies and practices; curriculum and instruction; use of data in planning and decision making; and current issues in education.

Funds shall be budgeted annually to support this program. Any funds budgeted for this purpose but not expended at the end of the fiscal year may be returned to the General Fund or allocated for use within the school division as determined by the School Board annually. The School Board shall develop criteria to determine acceptable uses of professional development funds left at the end of the fiscal year. Individual School Board members shall be reimbursed for out-of-pocket costs incurred through participation in approved activities. The School Board shall retain the authority to approve or disapprove the participation of members in planned activities. The public shall be kept informed through the media about the School Board's continuing in-service educational activities.

The School Board regards the following as the kinds of activities and services appropriate for implementing this policy:

1. Participation in local, state-wide and national School Board conferences, workshops and conventions.

2. Division-sponsored training sessions for School Board members.

3. Subscriptions to publications addressed to the concerns of School Board members.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-253.13:5(D)

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-2.5 COMPENSATION AND EXPENSES

Compensation

The administration shall include in each annual budget a request for sufficient funds, in an amount not to exceed the limits imposed under the law, to compensate members of the School Board. Compensation of School Board members shall be set after the budget is approved.

Expenses

Members of the School Board shall be reimbursed for actual expenses incurred in the performance of official duties including, but not limited to, travel, food and lodging in accordance with Policy 1-2.4. School Board members may be reimbursed for private transportation at the same rate authorized for Richmond Public Schools employees, including travel to and from regular and special meetings.

Application for reimbursement for allowable expenses shall be submitted to the school board clerk for approval by the School Board on the proper form within thirty days following the date when the expense is incurred.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-2823, 2.2-2825, 22.1-32, 22.1-55

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-2.6 REMOVAL FROM OFFICE

Any School Board member may be removed from office in accordance with the provisions of applicable law, including, but not limited to, §§ 24.2-230 through 24.2-237 of the Code of Virginia.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 24.2-230 through 24.2-237

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-2.7 SCHOOL BOARD MEMBER INSURANCE

The School Board shall carry liability insurance to cover negligent acts committed or alleged to be committed while discharging its duties.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-84

Adopted December 3, 2007
Revised/Adopted December 6, 2010

ARTICLE III

POLICY 1-3.1 SCHOOL BOARD ORGANIZATIONAL MEETING

The School Board shall organize annually by the election of officers at its first meeting in January. The division superintendent shall call the meeting to order. The first order of business shall be the election of the School Board Chair. The new Chair shall then assume office and preside over the remainder of the meeting. During this meeting, the School Board will also elect a Vice-Chair.

At its annual organizational meeting, the School Board shall appoint a clerk and other agents as it deems necessary to the proper functioning of the School Board. The agenda for the organizational meeting shall include setting times, places and dates of regular School Board meetings and other items of annual business as appropriate.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-3.2 SCHOOL BOARD CHAIR AND VICE-CHAIR

Election

A School Board Chair and Vice-Chair of the School Board shall be elected by roll call vote for one year terms at the School Board's organizational meeting in January and shall hold office until their successors are elected and qualified.

Duties

The School Board Chair shall preside at all meetings of the School Board, appoint committees when authorized by the School Board, prepare School Board meeting agendas with the assistance of the division superintendent, sign all legal documents approved by the School Board, and perform such other duties as may be prescribed by law or by action of the School Board. The Vice-Chair shall preside in the absence of the Chair and shall perform such other duties as may be assigned by the School Board. The Vice-Chair shall serve as Chair in the event of a vacancy in the office of Chair or the inability of the Chair to act.

Vacancies

In the event that the School Board Chair of the School Board should vacate his/her office prior to the expiration of his/her term, the Vice-Chair shall assume the office of Chair and the School Board shall fill the Vice-Chair position by election from its membership at its next regular meeting following the acceptance of notice of the Chair's vacating the office.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §22.1-76

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-3.3 SCHOOL BOARD CLERK AND DEPUTY CLERK

Election

A Clerk and Deputy Clerk shall be elected by roll call vote for one year terms at the School Board's organizational meeting in January and shall hold office until their successors are elected and qualified.

Their compensation shall be fixed by the School Board and they shall furnish the School Board a corporate surety bond. The School Board shall fix the amount of such bonds in an amount not less than ten thousand dollars and the premiums shall be paid by the School Board.

Duties

The duties of the Clerk of the School Board shall be:

1. To keep a record of proceedings of all meetings of the School Board;

2. To keep safely all books, papers, and reports pertaining to his/her office and furnish copies of any papers or reports when required for publication or other purpose by the School Board;
3. To cause written or printed notices of all regular and special meetings of the School Board and committees to be sent to each member thereof;

4. To notify the proper state and municipal authorities in writing that School Board members have qualified before all proper authority following their election and also to notify them concerning election of School Board officers and all vacancies in the membership of the School Board;

5. To make and keep a full and accurate description with location, of all real estate and an inventory of all property under the control of the School Board; and

6. To perform such other duties as may be required by law or by resolution of the School Board or by the division superintendent.

Vacancies

A vacancy in the office of Clerk or Deputy Clerk shall be filled in the same manner in which the previous incumbent was originally appointed.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-76, 22.1-77

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-3.4 SCHOOL BOARD AGENT AND DEPUTY AGENT

Election

Upon the recommendation of the division superintendent, an Agent and Deputy Agent shall be elected by roll call vote for one year terms at the School Board's organizational meeting in January and shall hold office until their successors are elected and qualified.

Salaries and Bond

The salary of the Agent and Deputy Agent shall be fixed by the School Board. The Agent and Deputy Agent shall furnish the School Board a corporate surety bond. The School Board shall fix the amount of such bonds in an amount not less than ten thousand dollars and the premiums shall be paid by the School Board.

Duties

The Agent and Deputy Agent shall perform the duties specified by statute and such other duties as may be prescribed by the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-122

Adopted December 3, 2007
Revised/Adopted December 6, 2010

ARTICLE IV

POLICY 1-4.1 SCHOOL BOARD MEMBERS CONFLICT OF INTERESTS

A. Each School Board member shall comply with all applicable provisions of the "State and Local Government Conflict of Interests Act (the Act)." The Clerk of the School Board shall furnish each School Board member with a copy of the Act. Each School Board member shall disclose all conflicts of interest to the School Board and shall refrain from acting in any manner inconsistent with the requirements of the Act.

B. The division superintendent or his/her designee shall ensure that all employees of the School Board are aware of the requirements of the Act and that they are advised that the School Board demands compliance with both the words and intent of the law.

C. Each School Board employee who holds a position at director level or above shall certify, as a condition of assuming such office or employment, and annually on or before January 15, that he or she is in compliance with all applicable provisions of the Act. Such certification shall remain on file in the Department of Human Resources.

D. Each School Board member and all employees who hold a position at director level or above shall attend an orientation held annually in January of each year on the provisions of the Act. Each School Board member shall attend the orientation at least once during his or her term of office. Employees who are required to attend the orientation shall do so upon assuming the position and biennially thereafter or as directed by the division superintendent. The School Board Clerk shall maintain a record of the attendance of each School Board member; records of the attendance of employees required to attend the orientation shall be maintained in the Department of Human Resources.

E. Any School Board member or employee who knowingly violates any provision of the Act shall be guilty of malfeasance in office or employment, and upon conviction thereof is subject to, in addition to any other fine or penalty provided by law, forfeiture of office or employment.

F. A School Board member may request a written advisory opinion from the Commonwealth's Attorney regarding the provisions of the Act. The request, which shall be in writing, shall set forth a full disclosure of the facts. The opinion of the Commonwealth's Attorney shall be a public record and shall be released upon request.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-3100 et seq., 2.2-3100.1, 2.2-3121, 2.2-3122, 2.2-3128, 2.2-3129

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-4.2 SCHOOL VISITATIONS

Each School Board member, when acting in their official capacity, will attempt to visit various schools throughout the year when invited for regular programs and special events or when the School Board member has time available or has special interest in a particular program.

School Board members acknowledge that they are guests in any school they visit. They will stop first at the principal's office to advise the principal of their presence and determine if there are any special considerations that should be observed while visiting. Principals are encouraged to have School Board members visit the total school when possible rather than attempting to present only selected programs.

As a courtesy, School Board members, when acting in their official capacity, will make an effort to notify the division superintendent prior to visiting a school. School Board members will contact the division superintendent if they have questions or concerns resulting from their visits.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-79

Adopted December 3, 2007
Revised/Adopted December 6, 2010

ARTICLE V

POLICY 1-5.1 SCHOOL BOARD COMMITTEES

Committee-of-the-Whole

The School Board of the City of Richmond shall generally operate as a Committee-of-the-Whole on matters relating to governance of the school division. Work sessions will be scheduled for presentations on and discussions of subjects that may be deemed appropriate.

Disciplinary Committee

A Disciplinary Committee composed of at least three School Board members, shall preside over all cases involving appeals of long term suspensions and expulsions within Richmond Public Schools. The decision of the Disciplinary Committee shall, if unanimous, be the final decision of the School Board. In non-unanimous decisions, the pupil shall have the right to appeal his or her case to the full School Board. The School Board shall render a final decision in such cases within thirty (30) days.

Standing Committees of the Board

The School Board may establish standing committees to assist the Board in accomplishing its work. The general functions of standing committees are advisory, and they shall not have the power to act for the School Board. All standing committees shall report their findings and recommendations to the board as promptly as practical. No standing committee shall have any executive function or any power to direct the action of the administration or other employees of the board. The standing committees of the School Board shall be authorized by resolution.

Each standing committee shall consist of no more than three board members appointed by the Board Chair. The division superintendent or his/her designee shall be invited to attend all committee meetings but shall not be considered a member of the committee.

A majority of the appointed members of a standing committee shall constitute a quorum. Minutes of action taken at each committee meeting shall be kept and copies shall be distributed to the full board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-78, 22.1-86, 22.1-253.13:1 through 22.1-253.13:4, 22.1-275.1, 22.1-279.8.

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-5.2 BOARD-STAFF COMMUNICATIONS

The School Board supports and encourages the concept of two-way communication between the School Board and its employees. The division superintendent is the official representative of the School Board as its chief administrative officer in its relations and communications with employees.

All reports and recommendations to the School Board from any officer or employee under the direct supervision of the division superintendent shall be made through the office of the division superintendent, except when otherwise specifically directed by the School Board. All School Board actions requiring or authorizing the doing of any act by an officer or employee or requiring any report, shall be directed to the division superintendent. Specifically, any request by any School Board member for information from an officer or employee of the Richmond Public Schools shall be made through the division superintendent's office, with courtesy copies of such requests provided to the School Board Chair. It is the intent of this section that the School Board and its members shall deal only with the division superintendent in respect to all matters for which the division superintendent is responsible.

The School Board desires to develop the best possible working relationship with the employees of the Richmond Public Schools and with representatives of employee organizations. The School Board welcomes the viewpoints of employees during the public information session of its regular meetings in accordance with Policy 1-6.7. The School Board shall not discriminate against any employee by reason of his/her membership in an employee organization or participation in any lawful activities of the organization. The School Board likewise shall not discriminate against any employee for exercising his/her right to speak publicly on matters of public concern.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-253.13:7(C)(1)

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-5.3 BYLAWS ADOPTION, AMENDMENT AND SUSPENSION

Adoption and Amendment

Bylaw proposals and suggested amendments to or revisions of existing bylaws shall be adopted by two-thirds (2/3) vote of the School Board at a meeting called for which the proposed additions, amendments, or revisions shall have been described in writing. Bylaw proposals and suggested amendments to or revisions of existing bylaws shall be submitted to all members of the School Board in writing prior to a regularly scheduled School Board meeting in which such proposed bylaws, amendments, or revisions shall be read and discussed. A vote for adoption shall take place at the next succeeding regular meeting of the School Board. The School Board may suspend this rule by two-thirds (2/3) vote and bring the proposed policy up for immediate adoption. A majority vote of the membership of the School Board shall be needed for the adoption of a bylaw.

Suspension

Bylaws of the School Board shall be subject to suspension only upon a two-thirds (2/3) vote of the School Board at a meeting.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-78
Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-5.4 POLICY ADOPTION, AMENDMENT AND SUSPENSION

The School Board, representing the people of the division, is the legislative body which determines all questions of general policy to be employed in the conduct of Richmond Public Schools. The School Board shall be guided by written policies that are readily accessible to the School Board, division employees, students, and citizens. All School Board policies shall be reviewed at least every five years and revised as needed. A current copy of the division policies will be posted on the division's website. Because the School Board makes its policies available online, the School Board will ensure that printed copies of the policies are available to citizens who do not have online access. The division superintendent or his/her designee shall ensure that an annual announcement is made at the beginning of the school year and, for parents of students who enroll later in the academic year, at the time of enrollment, advising the public that the policies are available in such places.

Proposals regarding school division policies and operations may originate at any of several sources: a parent, a taxpayer, an employee, a member of the School Board, a clerk, the division superintendent, a consultant, a civic group, etc.

Action on such proposals, whatever their source, is taken finally by the School Board in accord with its bylaws. The School Board should take action after hearing recommendations presented to the School Board by the division superintendent or his/her designee. The recommendations of the division superintendent or his/her designee may be based upon the outcomes of studies and upon the judgment of the staff and study committees.

Adoption and Amendment

The School Board shall, from time to time, adopt policies and cause them to be published. Policy proposals and suggested amendments to or revisions of existing policies shall be submitted to all members of the School Board and to the division superintendent in writing prior to a regularly scheduled School Board meeting in which such proposed policies, amendments, or revisions shall be read and discussed. A vote for adoption shall take place at the next succeeding regular meeting of the School Board. The School Board may suspend this rule by two-thirds (2/3) vote and bring the proposed policy up for immediate adoption. A majority vote of the membership of the School Board shall be needed for the adoption of a policy.

Suspension

Policies of the School Board shall be subject to suspension only upon a majority vote of the School Board at a meeting in the call for which the proposed suspension has been described in writing, or upon a two-thirds (2/3) vote of the School Board when no such written notice has been given.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-253.13:7

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-5.5 FORMULATION AND ADOPTION OF REGULATIONS

The School Board hereby delegates to the division superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. Such rules and detailed arrangements shall constitute the administrative regulations governing the schools. They must be in every respect consistent with the policies adopted by the School Board.

In the absence of applicable policy, the division superintendent is authorized to establish needed regulations subject to later confirmation in policy, should the School Board so wish. The School Board reserves the right to review and veto administrative regulations should they, in the School Board's judgment, be inconsistent with the policies adopted by the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-253.13:7

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-5.6 JOINT SCHOOLS

The School Board Chair will appoint representative(s) and alternates, as appropriate, from its membership to committees or boards governing regional projects or joint schools in accordance with state and federal laws or regulations or joint agreement with other school boards and/or agencies.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-26; Virginia Administrative Code, 8 VAC 20-281-10, 8 VAC 20-281-20

Adopted December 3, 2007
Revised/Adopted December 6, 2010

ARTICLE VI

POLICY 1-6.1 REGULAR SCHOOL BOARD MEETINGS

Regular Meetings

The time for holding regular meetings shall be fixed at the annual organizational meeting in January as detailed above in Policy 1-3.1. The date and meeting place of a regular meeting may be changed by the Board Chair, in consultation with the Vice-Chair, provided that every member is notified and due notice is given to the public. Generally, the School Board of the City of Richmond will conduct two meetings on the first and third Mondays of each month.

The first meeting shall be a work session and normally will begin at 4:00 p.m. The School Board shall receive reports and presentations for discussion during the 4:00 p.m. work session. Unless otherwise agreed, the School Board shall recess at 6:30 p.m. and reconvene to conduct its remaining business at 7:00 p.m. in its regular business meeting. The second meeting shall be a business meeting, during which the School Board shall take action on matters pending before the School Board. Nothing in this bylaw, however, shall prevent the School Board from taking action on items during a work session.

Open Meetings and Executive Sessions

Meetings of the School Board shall be open to the public except those sessions when the School Board adjourns to an executive session as prescribed by the Virginia Freedom of Information Act. The public shall be encouraged through all reasonable media to attend School Board meetings.

Electronic Participation in Meetings

A School Board member may participate in a meeting through electronic communication means from a remote location that is not open to the public under the following conditions:

1. The School Board member who desires to participate from a remote location must notify the Chair of the School Board, on the day of the meeting, that he/she is unable to attend the meeting due to an emergency or a temporary or permanent disability or other medical condition that prevents physical attendance, and must identify with specificity the nature of the emergency or condition;

2. The School Board approves the member's remote participation by a majority vote of the members present;

3. A quorum of the School Board is physically assembled at the primary or central meeting location;

4. The School Board makes arrangements for the voice of the remote participant to be heard by all persons present at the primary or central meeting location; and

5. The School Board records in its minutes the specific nature of the emergency or condition and the remote location from which the member participated.

Such participation by a School Board member shall be limited to the fewer of: 1) two meetings per calendar year; or 2) twenty-five percent (25%) of the meetings of the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3708.1, 2.2-3711, 22.1-72

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-6.2 AGENDA PREPARATION AND REPORTS TO THE SCHOOL BOARD

Agenda Preparation

The agenda for School Board meetings shall be prepared by the Chair and the division superintendent. It shall be distributed to School Board members at least three (3) days in advance of the meeting.

All School Board members may suggest items for placement on the agenda. The School Board may add or delete items from the agenda by a motion, properly made and seconded, and adopted by a majority vote of the members present. All items requested for inclusion on the agenda, including presentations, reports, certificates and recognitions, shall be presented in writing in the Office of the Clerk to be compiled by the Chair and the division superintendent. No individual member of the School Board shall be listed as patron of any measure. Any recognition of a person or organization shall be made by the Chair on behalf of the full School Board. Full copies of each proposed certificate or recognition need not be distributed to the School Board, but the text of any proclamation or other proposed certificate or recognition shall be summarized and distributed to the School Board and made available upon request.

Reports to Board

Except in an emergency approved by the Chair, all routine reports and recommendations for School Board action shall accompany the agenda sent to School Board members.

Oral reports of an informational nature shall be made to the School Board at the discretion of the School Board members.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-79, 2.2-3707

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-6.3 ORDER OF BUSINESS AND QUORUM

Order of Business and Procedures

The normal order of business at the work session and regular board meetings of the School Board shall be as follows:

4:00 p.m. Work Session

1. Roll call
2. Informational reports/presentations and discussion
3. Executive session (if necessary)
4. Recess

7:00 p.m. Business Session

1. Reconvene and roll call
2. Pledge of allegiance
3. Invocation/moment of silence
4. Adoption of agenda
5. Recognitions
6. Public information period
7. Minutes of previous meetings and presentation of official business by the Clerk
8. Report of the division superintendent
9. Other informational items
10. Consent Agenda (if necessary)
11. Additional Items for Action (if necessary)
12. Executive session (if necessary)
13. Adjournment

Quorum

A majority of the School Board shall constitute a quorum for any School Board meeting.

Rules of Order

The School Board shall observe Robert's Rules of Order, revised, except as otherwise provided by these bylaws or by statute.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-73
Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-6.4 MINUTES OF BOARD MEETINGS

Minutes

Minutes shall be recorded at all open meetings and shall include, but are not limited to, (i) the date, time and location of the meeting; (ii) the members of the School Board recorded as present and absent, and (iii) a summary of the discussion on matters proposed, deliberated or decided, and a record of any votes taken.

The official minutes of the School Board shall be signed by the Chair and the Clerk, kept in a safe place by the Clerk, distributed to all School Board members as soon as possible, and shall be made available to any citizen desiring to examine them during the hours when the Office of the Clerk is open.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, 22.1-74, 22.1-77, 2.2-3707
Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-6.5 VOTING METHOD

The Clerk shall record all matters voted on by the School Board as passed or defeated in the minutes. Voting shall be by voice, yes or no, unless there is a negative or abstaining vote, in which case the Chair may call for a poll of the School Board. A poll of the School Board shall be made at the request of any School Board member. The official vote on all decisions that are unanimous shall be recorded in the official minutes. The minutes of the meeting shall reflect the method and result of all votes. Except as otherwise required by law or School Board policy, all matters shall be passed when they have received the affirmative vote of a majority of the members present.

In any case in which there shall be a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it shall again be voted upon even if all members are not present. In complying with this procedure, or in any case in which there is a tie vote when all the members of the School Board are present, the Clerk shall record the vote and immediately notify the tie breaker, if any, to vote as provided by Section 22.1-75 of the Code of Virginia of 1950, as amended. If no tiebreaker has been appointed as authorized by state law, any tie vote shall defeat the motion, resolution or issue voted upon.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-44, 22.1-75, 2.2-3707**,** 2.2-3710

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-6.6 SPECIAL SCHOOL BOARD MEETINGS

The School Board may hold special meetings when necessary. Special meetings may be called by the Chair or at the request of any three members. No business shall be transacted at any special meeting which does not come within the purpose set forth in the call for the meeting unless all members of the School Board are present and unanimously agree to the consideration of the additional item or items.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-69, 22.1-72, 2.2-3707

Adopted December 3, 2007
Revised/Adopted December 6, 2010

POLICY 1-6.7 PUBLIC PARTICIPATION AT MEETINGS

Public Information Period

The School Board is responsible by law for the development, review, revision and adoption of division-wide policies to guide the operation of Richmond Public Schools. The School Board believes that public awareness of the policy making process is highly desirable and that consideration should be given to the views of teachers, parents and other concerned citizens in the development and implementation of school division policies.

The School Board welcomes citizen input and participation in matters concerning the operation of the school division. The "public information" segment of the agenda at regular meetings, not to exceed thirty (30) minutes, is allotted for the hearing of citizens concerning the services, policies and affairs of the Richmond Public Schools. Each citizen desiring to comment on any matter concerning such services, policies and affairs shall be allotted such time within the thirty (30) minute period as determined and allotted by the presiding officer. Each citizen will receive up to three (3) minutes to speak. The Chair may allow up to five (5) minutes for citizens representing organizations.

Every citizen desiring to comment on matters before the School Board as herein specified shall, no later than 12:00 noon on the last business day before the meeting at which such citizen desires to be heard, request the School Board Clerk for an allotment of time. In the event that time remains during the public information session, the School Board may allow citizens who have not made a request an opportunity to be heard.

Conduct of Speakers

Speakers shall state their full legal name prior to addressing the School Board. Speakers will address the School Board as a whole, rather than individual School Board members, the division superintendent, School Board attorney, Clerk, or any other staff member. The School Board will listen to comments but will not respond during the public information period.

Speakers must supply the Clerk, when requesting time, with a description of their topic and they must confine their comments to that subject only.

Persons appearing before the School Board will not be allowed to:

a) Campaign for public office;
b) Promote private business ventures; or
c) Use profanity or vulgar language.

Testimony that criticizes individual students or staff members by name will not be permitted in order to protect the confidentiality and legal rights of those involved. If a citizen's comments during the public information session relate to school-based issues, the Chair may refer that individual to Richmond Public Schools' administration for one-on-one consultation and follow-up.

It is important that all citizens who wish to participate in the public information period abide by the guidelines set forth in this policy. Refusal to abide by the policy will result in the forfeiture of the remaining time that has been allotted to the speaker.

Citizens may express their views in writing in lieu of any oral presentation.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-253.13:7

Adopted December 3, 2007
Revised/Adopted December 6, 2010

SECTION 2
ADMINISTRATION
TABLE OF CONTENTS

2.01 Philosophy and Purpose
2.02 Lines of Responsibility
2.03 Organizational Chart
2.04 Communications with Staff
2.05 Committees and Councils
2.06 Administrative Leeway in Absence of Policy
2.07 Review of Administrative Decisions
2.08 Travel Expenses
2.09 Administrative Salary Guides
2.10 Superintendent
2.11 Assistant Superintendents
2.12 Principals: Responsibilities
2.13 School-Based Planning and Management

ADMINISTRATION

Section 2.01
P

2.01 Philosophy and Purpose

The purpose of school administration is to help create and to foster an environment in which pupils can learn most effectively. All administrative duties and functions should be appraised in terms of the contribution that is made to better instruction and more effective learning, which will result in the development of worthwhile citizens who have the ability to think and who are capable of using their abilities wisely. One of the most important responsibilities that rests upon the administration is to select good teachers who will discover and develop abilities in pupils that might otherwise remain dormant.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

ADMINISTRATION

Section 2.02
P

2.02 Lines of Responsibility

The superintendent in administering this policy shall be guided by the knowledge that the school board values the freest possible interchange of ideas outside the established framework of direct responsibility as pre-eminently desirable in the schools of Richmond. Nothing provided herein shall be interpreted as intending to interrupt the free and open flow of ideas and assistance among personnel at every level.

The following principles shall govern the administrative operation of the school system:

1. Responsibility shall flow simply and clearly from students through teachers, principals, and the superintendent to the school board.

2. Each member of the staff shall be told to whom he/she is responsible and for what functions.

3. Whenever possible, each member of the staff shall be made responsible to only one immediate superior for any one function.

4. Each staff member shall be told to whom to appeal in case of disagreement with the person to whom he/she is responsible.

5. Each staff member shall be told to whom to go for help in working out his/her own functions in the school program.

6. Each employee in the school system shall be responsible to the school board through the superintendent.

7. All personnel shall refer matters requiring administrative action to the administrative officer immediately in charge of the area in which the problem arises.

8. Administrative officers shall refer such matters to the next higher administrator when necessary.

9. Employees shall have the right to appeal any decision made by an administrative officer to the next high authority and through successive steps as provided in the appropriate appeal process.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

2.03 Organizational Chart

The superintendent shall prepare an organizational chart and distribute it to the school board and to members of the school division staff for purposes of communication.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

2.04 Communications with Staff

The superintendent shall issue such administrative bulletins, circulars, manuals or booklets of instruction as may be deemed necessary for the effective operation of the schools, consistent with the policies of the board, and shall distribute them to the employees directly concerned who shall be bound by them.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990

Section 2.05
Section 2.06
P

2.05 Committees and Councils

The school board approves the creation of such committees of employees as the superintendent may deem appropriate for the consideration of any problems affecting the security, satisfaction, conditions of work, general welfare of employees, or of other matters pertaining to the welfare of the schools.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

2.06 Administrative Leeway in Absence of Policy

In cases where action must be taken within the school division where the board has provided no policy, the superintendent shall have power to act, but decisions by the superintendent shall be subject to review by action of the board at its regular meeting. It shall be the duty of the superintendent to inform the board promptly of such action and of the need for policy.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

2.07 Review of Administrative Decisions

All matters having to do with management of personnel of the school division shall first be discussed with the proper administrative officers and shall not be brought before the school board until they have been reported to the superintendent; except, however, that communications directed to the school board through the superintendent shall be presented by the superintendent to the board. Any employee or group of employees may present matters to the school board at the public information period consistent with the bylaws of the board.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990

2.08 Travel Expenses

Necessary traveling expenses for administrators to attend conventions, conferences, and such other meetings as shall benefit the school division shall be budgeted and paid by the school board. The superintendent shall promulgate regulations governing approval of and payment for such expenses.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990

ADMINISTRATION

Section 2.09
Section 2.10
P

2.09 Administrative Salary Guides

The compensation to be paid the superintendent and the superintendent's staff shall be set by the board at a level necessary to secure and retain the quality of leadership which the board requires.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

2.10 Superintendent

A. The superintendent of schools shall be the chief executive and administrative officer of the school board and shall have, in addition to the powers and duties specifically imposed on his office by statute, all executive and administrative powers or duties in connection with the conduct of the schools which are not required by statute to be executed directly by the board or by some other officer. The enumeration in this section or elsewhere in these policies of specific powers and duties shall not be construed to lessen responsibility for those duties of a general nature hereby imposed.

B. It shall be the responsibility of the superintendent to direct and supervise the work of all the schools and employees of the school board, and all such employees shall be responsible to the superintendent in all matters, including those specifically assigned to a particular department, division, or official.

It is the superintendent's responsibility under the direction of the school board to mobilize and coordinate all available resources in the development of an educational program designed to stimulate the best effort in all pupils.

2.10 Superintendent (continued)

Other duties of the superintendent include the following:

1. To enforce the policies of the school board;

2. To prepare and submit the annual budgets for adoption by the school board;

3. To approve and direct all expenditures within the appropriation adopted by the school board;

4. To prepare the annual calendar for adoption by the school board;

5. To attend meetings of the school board and its special committees and assist them in their deliberations;

6. To make continuous study of the development and needs of the schools;

7. To prepare reports to the school board on the conditions and needs of the schools;

8. To acquaint the public with the activities and needs of the schools;

9. To cause a copy of the policies and regulations and a copy of any amendment thereto to be placed in the hands of or made available to each regular employee of the school board;

10. To cause to be prepared and printed for submission to the city manager, to the mayor of the City of Richmond, to the city council, and to any other person or organization requiring or desiring it, an annual report covering the many and various activities of the Richmond Public Schools; and

11. To maintain or cause to be maintained accurate attendance records; the daily presence or absence of pupils to be recorded on a full-day basis.

2.10 Superintendent (continued)

When any work or thing is required to be done by the superintendent, the doing of such work or thing by any officer or employee to whom the responsibility has been delegated in the regular course of duty or by the direction of the superintendent, respectively, shall be deemed to be the doing thereof by the superintendent, except in such matters as by statute or by terms of any resolution of the board may not be delegated.

C. Qualifications

The superintendent shall meet the qualifications established by the State Board of Education and the school board.

Legal Reference:

Code of Virginia, Section 22.1-59. Qualifications of superintendent.

Code of Virginia, Section 22.1-60. Appointment and term of superintendent.

Code of Virginia, Section 22.1-63. Certain officers ineligible for or to hold office of superintendent.

Code of Virginia, Section 22.1-70. Powers and duties of superintendent generally.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted September 5, 1989

2.11 Assistant Superintendents

Assistant superintendents shall be appointed annually upon the recommendation of the superintendent. They shall be paid an annual salary in accordance with the current salary schedule as established by the school board. They shall assume all responsibilities delegated to them by the superintendent.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

2.12 Principals: Responsibilities

The principal is the administrative and professional leader of the school, and as such is directly responsible to the superintendent for its successful operation. The major effort of principals shall be in the field of educational leadership and supervision, with stress on the improvement of teaching and learning. To accomplish optimum results, the principal shall cooperate with parents, teachers, and pupils in planning and executing all phases of school activities, both within and without the school.

The principal shall make the decisions involving the activities and personnel of the school within the limits of policy established by the school board and the regulations of the superintendent. The principal shall develop and maintain a cordial relationship between the home and the school.

The principal shall carry out administrative regulations designed to provide physical conditions and an educational environment under which teachers and pupils work with staff in a manner that results in an efficient and cooperative group of people. The principal shall stimulate the teacher to guide and direct the physical, mental, social, and emotional growth of the boys and girls.

Legal Reference:

Code of Virginia, Section 22.1-293. School boards authorized to employ principals and assistant principals; certificate required; powers and duties.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted October 16, 2000

2.13 School-Based Planning and Management

A. Definition

School-Based Planning and Management describes a collection of practices in which more individuals at the school level make decisions for the school. It is a process by which decisions most directly affecting the school are made at the building level by those persons affected by the decisions. It is a philosophy of management by which the individual school becomes a self-directed, responsible, and educationally accountable entity within the parameters approved by the school board and superintendent, and where decisions are economical, efficient and facilitate learning.

B. Implementation of School-Based Planning and Management

Pursuant to the Standards of Quality, the Standards for Accrediting Public Schools in Virginia, and the strategic goals of Richmond Public Schools, school-based planning and management shall be implemented in Richmond Public Schools.

C. School-Based Planning and Management Teams

Each school shall have a school planning and management team (SPMT) of at least 8 members. All segments of the school community shall be represented on the SPMT, including, but not limited to:

- principals
- teachers
- parents
- community representatives
- support staff
- students

Membership shall be balanced among all groups represented.

D. Appointment of SPMT Members

Each school principal shall appoint a maximum of two SPMT members. The appointed members will be counted as segments of the group(s) they represent. Other SPMT members shall be appointed by the groups they represent. The principal shall form a Planning Committee with one representative from each group to establish the composition of the SPMT, the number of representatives from each group, and the selection process to be used. Each school's PTA president and chief representative of the Richmond Education Association (REA) shall be a standing SPMT member and shall serve during his/her term of office.

2.13 School-Based Planning and Management (continued)

E. SPMT Bylaws

Each SPMT shall develop bylaws which define the purpose of the SPMT and govern its operation in accordance with the administrative procedures established by the Administration.

F. Duties and Responsibilities of SPMTs

SPMTs shall develop a three-year School Improvement Plan (SIP) which shall be approved by the superintendent and shall be responsible for achieving all division-wide goals and reporting student progress.

G. Implementation

The administration shall develop a "School Improvement Planning Guide" for the implementation of this policy.

Adopted January 6, 1997
Revised/Adopted June 4, 2001

Section III – Business
Table of Contents

Policy

Article I
3-1.1 Philosophy
3-1.2 Management of Funds
3-1.3 Cafeteria Funds
3-1.4 Record Keeping

Article II
3-2.1 Annual Operating Budget
3-2.2 Capital Improvement Plan

Article III
3-3.1 Custody and Disbursement of School Funds
3-3.2 Financial Accounting and Reporting
3-3.3 Reporting Per-Pupil Costs
3-3.4 Purchasing
3-3.5 Vendor Relations
3-3.6 Payment and Payroll
3-3.7 School Sponsored Credit Card
3-3.8 School Activity Funds
3-3.9 Cash in Schools
3-3.10 Disposal of Surplus Property
3-3.11 Non-Locally Funded Programs/Competitive Grants
3-3.12 Fines and Fees
3-3.13 Gifts, Donations, Grants, and Bequests
3-3.14 Free Admissions
3-3.15 Tax Exemption
3-3.16 Income
3-3.17 Travel and Expenses
3-3.18 Minority-Owned Business Participation

Article IV
3-4.1 Insurance
3-4.2 Blanket Bonds

ARTICLE I

POLICY 3-1.1 PHILOSOPHY

Spending for the Greatest Benefit to Pupils

School business administration is responsible for ensuring that each dollar spent for education is spent effectively and that the greatest benefit is derived by the pupils. School business officials and the School Board of the City of Richmond must be accountable for the funds spent such that a sound educational program is being provided. All persons involved in school business administration shall be fully cognizant of the fact that their jobs are supportive of the instructional program of the school division.

Continual Evaluation of Procedures

School business administration is becoming progressively more complex as more accountability is demanded by the School Board and the public for the expenditure of the school dollar. The School Board directs the division superintendent or his/her designee to continually evaluate the school business procedures making the best possible use of sound business practices and resources for the most efficient use of the funds made available to the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Adopted April 19, 2010

POLICY 3-1.2 MANAGEMENT OF FUNDS

School Board Manages Funds

The School Board shall manage and control the funds made available to it for Richmond Public Schools and may incur costs and expenses. The division superintendent or his/her designee shall be responsible for administering the School Board budget consistent with School Board policies and applicable state and federal law.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-89 through 22.1-124; Virginia Administrative Code, 8 VAC 20-210-10, 8 VAC 20-260-10.

Adopted April 19, 2010

POLICY 3-1.3 CAFETERIA FUNDS

Self-Sustaining School Nutrition Program

The Richmond Public Schools' School Nutrition Program shall be maintained on a self-sustaining basis. In the event that funds for the operation of the program appear to be insufficient during the fiscal

year, the School Board may appropriate such funds as are necessary to sustain the current program. All School Nutrition Program funds shall be maintained in a separate fund for all receipts and expenditures.

School Nutrition Services

The division superintendent or his/her designee has the responsibility of presenting to the School Board a School Nutrition Program budget in which estimated receipts of cash and commodities are balanced with the estimate of disbursements required to run the food services program in a manner that satisfies state and federal requirements.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-24, 22.1-89.1, 22.1-207.3; Virginia Administrative Code, 8 VAC 20-290-10, et seq., 8 VAC 20-580-10, et seq.

Adopted April 19, 2010

POLICY 3-1.4 RECORD KEEPING

Chief Operating Officer/Chief Financial Officer to Keep Financial Records

The division superintendent shall ensure that the chief operating officer/chief financial officer keeps such financial records as may be necessary for accurate and complete analysis of the cost of any part of the school program. This includes receipts and disbursements of school funds and all statistical information which may be required by the Virginia Board of Education. Such records shall be kept in accordance with applicable law and as required by the Library of Virginia's Records Retention and Disposition Schedules.

Maintenance and Storage of Records

All financial records shall be retained in a safe, economical and efficient manner in compliance with Virginia law, Virginia Board of Education regulations, and state and local retention schedules and regulations, including the Library of Virginia's Records Retention and Disposition Schedules. No records shall be destroyed without the authorization of the division superintendent or the chief operating officer/chief financial officer on forms of the Virginia State Library and Archives.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-68, 22.1-89.2, 42.1-76, et seq.

Adopted April 19, 2010

ARTICLE II

POLICY 3-2.1 ANNUAL OPERATING BUDGET

Generally

The annual school budget shall be viewed as a guide to discretionary spending. Such budget shall be an estimate of receipts and expenditures of the school division and shall contain a description of the educational program to be provided.

The School Board has final authority in determining what is included and what is excluded in the annual budget; however, the School Board is advised by the division superintendent or his/her designee of the financial needs of the school division to achieve the programs approved by the School Board.

In order for the annual budget to have the fullest support of the staff, School Board members and stakeholders, it is imperative that a transparent procedure be established which will take the budget-making process to all stakeholders.

Fiscal Year

The fiscal year is defined as beginning on the first day of July and ending on the thirtieth day of the following June.

Drafting of the Budget

Calendar

The School Board and administration highly value community and stakeholder input throughout the budget drafting process. To this end, the public will be notified of all methods through which it may provide input regarding the budget drafting process.

The division superintendent or his/her designee shall prepare a budget calendar identifying all deadlines for the annual budget making process, which shall be published on the division website. The calendar shall include work sessions for reviewing the budget and at least one public hearing on the budget. The final public hearing shall be held at least seven days prior to the approval of the budget. Notice of the time and place for the public hearing must be published, at least ten days in advance, in a newspaper having general circulation within the school division.

Classification of Expenditures

The budget shall include the following major classification of expenditures:

1. Instruction;
2. Administration, attendance and health;
3. Pupil transportation;
4. Operation and maintenance;
5. School food service and other non-instructional operations;
6. Facilities;
7. Debt and fund transfers;
8. Contingency reserves; and

9. Technology.

The School Board may require further detail within the above listed classification of expenditures.

Presentation to School Board

The division superintendent's budget, including the estimated required local match, for the following school year shall be presented to the School Board by the second scheduled meeting in January, or as otherwise required by law.

Publication of the Budget

All final drafts of the division superintendent's proposed budget submitted to the School Board for consideration shall be published on the division website.

Upon approval of the annual budget, the Clerk of the School Board shall publish the budget, including the estimated required local match, on the School Board website. Additionally, hard copies of the budget shall be made available to the public upon request.

Monthly Report of Expenditures to the School Board

The adoption of the capital and operating budgets by the School Board carries with it the authority of the administration to make such expenditures within the limits of the budget.

The division superintendent or his/her designee shall render each month to the School Board a statement of the funds in his or her hands available for school purposes and the status of each budget item.

Annual Report of Expenditures to the Richmond City Council

At least annually, the School Board shall submit to the Richmond City Council a report of its expenditures. Such report shall also be made available to the public either on the school division website or in hard copy at the central school division office. This report shall take the form of a template prescribed by the Virginia Board of Education.

Budget Transfers

The division superintendant's approval is required for all budget transfers. The School Board approval is required on any request for budget transfers in excess of $10,000. All budget transfers, including transfers for less than $10,000, shall be presented to the School Board or a committee thereof. All budget transfers presented to a committee shall be immediately forwarded to the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79, 22.1-89 through 22.1-124, 15.2-2500 through 15.2-2513; Virginia Administrative Code, 8 VAC 20-210-10, 8 VAC 20-521-10, et seq., Richmond City Charter, Section 6.14.

Adopted April 19, 2010

POLICY 3-2.2 CAPITAL IMPROVEMENT PLAN

The division superintendent or his/her designee shall draft and the School Board shall approve a capital improvement plan that will project school division capital needs over a five-year period and submit it to the Richmond City Council. Individual capital projects shall be assigned priorities. The plan shall be reviewed annually at the beginning of the budget process and updated at the conclusion of the budget process.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79(3), 22.1-115, 22.1-253.13:6 (A).

Adopted April 19, 2010

ARTICLE III

POLICY 3-3.1 CUSTODY AND DISBURSEMENT OF SCHOOL FUNDS

Deposit of Money

All public money, except money generated by school activities and classified "school activity fund (internal) accounts" (see School Board Policy 3-3.8), must be deposited with the Richmond City Treasurer, who shall be in charge of the receipt, custody and disbursement of school funds.

Disbursement of Funds

The adoption of the capital and operating budgets by the School Board carries with it the authority of the administration to make such expenditures within the limits of the budget.

A report of the status of the general operating budget shall be presented to the School Board for its information at the regular monthly meeting.

State Funds

State funds, both categorical and general, are based upon objective formulae. The division superintendent or his/her designee shall file the reports and forms necessary to secure the amount of state funds to which the School Board is entitled.

Federal Funds

The School Board must approve the receipt and use of federal funds. The School Board may request of the Richmond City Council an appropriation in anticipation of the receipt of federal funds for any specific project or program. The funds for such federally funded program or project shall be maintained and accounted for in accordance with state and federal requirements.

Funds in Excess of those Available May Not be Expended

The School Board, division superintendent or his/her designee, shall not expend or contract to expend, in any fiscal year, any sum of money in excess of the funds available for school purposes for that fiscal year without the consent of the governing body or bodies appropriating funds to the School Board. Any member of the School Board or any division superintendent or other school officer violating, causing to be violated or voting to violate any provision of this section shall be guilty of malfeasance in office.

Authorized Signatures

Authorized signatures for all checks for the payment of claims against the School Board shall be those of the Richmond City Treasurer and those School Board employees on a list maintained by the chief financial officer/chief operating officer and/or division superintendent or his/her designee.

Personal Loans

No personal loans of any kind shall be made from school funds.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-88, 22.1-89, 22.1-91, 22.1-116 through 22.1-118.

Adopted April 19, 2010

POLICY 3-3.2 FINANCIAL ACCOUNTING AND REPORTING

Generally

The division superintendent or his/her designee shall establish and be responsible for implementing an accounting system that satisfies the Virginia Department of Education's regulations regarding accounting practices and that is consistent with applicable federal, state, and local laws. The School Board shall receive statements of revenues and expenditures of the general operating budget for approval at the regular monthly meeting.

Inventory

The chief financial officer/chief operating officer and/or division superintendent or his/her designee shall make an annual inventory of school property for the purposes of fire insurance, program accountability, and purchasing.

School Level Accounting System – School Activity Accounts

Each school is required to maintain an accurate, up-to-date accounting system of all money, with the exception of PTA funds, collected and disbursed by the school. These funds will be deposited in accounts in the name of the school. There shall be no co-mingling of School Activity Funds and PTA funds.

A record of all receipts and disbursements will be maintained in accordance with regulations issued by the Virginia Board of Education.

Each principal shall prepare and forward to the division superintendent or his/her designee monthly financial statements, including a statement of revenues and expenditures, showing the financial condition of the school as of the last day of the preceding month.

Audits

In accordance with state and federal law, all financial records of the school division will be audited by an independent certified public accountant in accordance with the specifications furnished by the Auditor of Public Accounts following the close of each fiscal year.

External Auditors

An audit of general and federal funds shall be made annually by an external auditing firm, as prescribed by the Charter of the City of Richmond.

Internal Auditors

Internal Auditing shall assess the various functions and controls in the school division and advise the division superintendent and audit committee concerning their condition. The Internal Audit Charter identifies the purpose, authority and responsibility of the Internal Audit Services.

In addition, student activity funds and special accounts shall be audited annually, as directed by the School Board.

Internal Audit Services personnel report to the Chief Auditor, who is supervised and evaluated by the School Board. The Chief Auditor shall give to the School Board and/or to a committee thereof as so established by the School Board status reports and other reports as requested.

Internal Audit Charter

This charter identifies the purpose, authority, and responsibility of Internal Audit Services.

Purpose

Internal Auditing is an independent**,** objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Professional Standards

The Internal Audit staff will govern themselves by adherence to The Institute of Internal Auditors' *Code of Ethics* and the Institute's *International Standards for the Professional Practice of Internal Auditing.* These Standards will be used in conjunction with the Government Auditing Standards (generally accepted government auditing standards) issued by the Comptroller General of the United States. In addition, Internal Audit will adhere to Richmond Public Schools policies and procedures.

Role and Organization

Internal Audit Services established by the School Board, functions in accordance with the bylaws and policies of the School Board. The Chief Auditor is supervised and evaluated by the School Board. The Chief Auditor shall give to the School Board and/or to a committee thereof as so established by the School Board status reports and other reports as requested. These reporting relationships ensure departmental independence, promote comprehensive audit coverage, and assure adequate consideration of audit recommendations.

The Chief Auditor shall, at a minimum, meet with the School Board and/or to a committee thereof as so established by the School Board on a quarterly basis to discuss audit issues, reports, and plans.

Authority

In performance of their duties, the Internal Audit staff will be granted full and complete access to any of the school division's records (either manual or electronic), properties, and personnel as may be required, but with equivalent accountability for safekeeping and confidentiality.

The Chief Auditor and audit staff shall allocate resources, set frequencies, select subjects, determine scopes of work, and apply the techniques required to accomplish audit objectives.

Objectivity

Internal auditors have no direct responsibility or any authority over any of the activities or operations that they review. The performance of these reviews does not relieve management of any assigned responsibilities.

Objectivity is essential to the audit staff in the proper fulfillment of their duties. They should not develop and install procedures, prepare records, and/or engage in activities which would normally be reviewed by internal auditors.

Responsibilities

The Chief Auditor and audit staff are responsible for assessing the various functions and control systems in the school division and for advising management concerning their condition. The fulfillment of this accountability is not confined to but includes:

Developing a flexible annual audit plan using appropriate risk-based methodology, including any risks or control concerns identified by management, and submit that plan to the School Board for review and approval;

Implementing the annual audit plan, as approved or as amended, including, and as appropriate, any special tasks or projects requested by management and approved by the School Board;

Maintaining a professional audit staff with sufficient knowledge, skills, experience, and professional certifications to meet the requirements of this Charter;

Appraising the effectiveness and application of administrative and financial controls and reliability of data that is developed within the school division;

Evaluating employee’s compliance with the School Board’s plans, policies and procedures and compliance with governmental laws and regulations;

Ascertaining the adequacy of controls for safeguarding assets, and when appropriate, verifying the existence of assets;

Reviewing and appraising the economy and efficiency with which the school division’s resources are employed and make appropriate recommendations to management;

Reviewing operations or programs to ascertain whether results are consistent with established objectives and goals and whether the operations or programs are being carried out as planned;

Coordinating audit planning and scheduling activities with Richmond Public Schools management;

Performing consulting services, beyond internal auditing's assurance services, to assist management in meeting its objectives. Examples may include facilitation, process design, training, and advisory services;

Assisting in the investigation of significant suspected fraudulent activities within the organization and notify management and the School Board of the results;

Establishing a quality assurance program by which the CAE assures the operation of internal auditing activities;

Issuing periodic reports to the School Board and management summarizing results of audit activities; and

Considering the scope of work of the external auditors, as appropriate, for the purpose of providing optimal audit coverage to the organization at a reasonable overall cost.

Reporting Accountabilities

A draft report will be prepared and issued by the Chief Auditor to the administrator of the activity or department reviewed and the division superintendent. The administrator will review the draft report and submit a written response to the Chief Auditor in a timely manner. The response to the audit findings and recommendations will indicate the administrator's concurrence or non-concurrence and the basis for the latter. In addition, the response will indicate what actions are planned in regard to the specific findings and recommendations in the audit report. An action plan with a timetable with anticipated completion dates will be included.

The Chief Auditor will issue a final audit report including management's response to the School Board and send a copy to the division superintendent.

Internal Audit shall be responsible for appropriate follow-up on audit findings and recommendations. All significant findings will remain in an open issues file until cleared by the Chief Auditor.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-68, 22.1-89, 22.1-115, 15.2-2511, 15.2-2511.2; Virginia Administrative Code, 8 VAC 20-240-10.

Adopted April 19, 2010

POLICY 3-3.3 REPORTING PER-PUPIL COSTS

The division superintendent or his/her designee shall annually notify each parent, guardian or other person having control or charge of a child enrolled in the Richmond Public Schools, on a form provided by the Virginia Department of Education, of the estimated per pupil cost for public education in the school division for the coming year. Such notification shall (i) include all information prescribed by the Virginia Board of Education; (ii) comply with § 22.1-92(A) of the Code of Virginia of 1950, as amended; and (iii) be published on the school division's web-site or in hard copy upon request.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-92.

Adopted April 19, 2010
Revised/Adopted June 20, 2011

POLICY 3-3.4 PURCHASING

Mission

The mission of the Division of Purchasing is to establish and carry out centralized purchasing procedures designed to acquire high quality, appropriate goods and services at a reasonable cost and in a timely manner for the schools and departments that it serves. All procurement procedures shall be conducted in a fair and impartial manner to avoid even the appearance of impropriety. Specifications shall be developed to reflect the procurement needs of the School Board rather than to favor one vendor over another.

The Purchasing Office shall adhere to the legal requirements established by the General Assembly through the Virginia Public Procurement Act.

Purchasing Authority

The Purchasing Office for the school division may purchase or contract for all supplies, materials, equipment, and contractual services required by the school division subject to federal and state laws and School Board policies and administrative procedures.

The chief operating officer and/or his/her designee shall be responsible for maintaining a written Purchasing Manual in accordance with School Board policies, administrative regulations, the Virginia Public Procurement Act and any applicable state and federal laws, and shall use the Commonwealth of Virginia Agency Procurement Manual as a model. The Purchasing Manual shall be reviewed by the end of each fiscal year and revised as necessary.

All personnel in the school division who desire to purchase equipment and supplies shall follow the established procurement procedures for the issuance of a requisition or purchase order. All purchase orders must be forwarded to the division superintendent or his/her designee for approval and processing.

Authority to Sign Contracts

Authority to sign contracts, and contract amendments, for purchases up to $50,000 shall be given to the manager of purchasing and controls or his/her designee(s). Contracts, and contract amendments, in

excess of $50,000 but less than $250,000, shall be signed by the chief financial officer/chief operating officer and/or the division superintendent or his/her designee.

All contracts, and contract amendments, over $250,000 and/or contracts regarding capital expenditures, and contract amendments regarding the same regardless of amount, shall be signed by the division superintendent or his/her designee after the approval of the School Board. For the purposes of this policy, capital expenditure contracts are defined as contracts to acquire or upgrade buildings, machinery, equipment or vehicles.

For the purposes of this policy, contract amendments are amendments to the existing contract which substantially modify the terms and financial obligations thereunder. This section is to be read in conjunction with any applicable state and federal laws.

Reporting of Contracts to the School Board

All contracts in excess of $25,000 must be reported to the School Board at the next appropriate meeting in written form in a format agreed upon between the division superintendent and the School Board. Any contract amendments for previously executed and/or approved contracts shall also be included on the written report.

Availability of Funds

All contracts entered into on behalf of the School Board shall include the following statement:

"The School Board shall be bound under this contract only to the extent that funds are available to perform its obligations hereunder."

Purchasing Procedures

All purchases shall be made in accordance with the Purchasing Manual, the Virginia Public Procurement Act, and all other applicable state and federal laws. The Virginia Public Procurement Act permits public bodies to establish written small purchase procedures which do not require competitive sealed bids or competitive negotiation for single or term contracts that do not exceed the limits set forth in the Act. In all instances, the small purchase procedures shall provide for competition wherever practicable, as outlined in the Purchasing Manual.

Sole Source Contracts

Definition

A sole source contract situation arises where a particular supplier or person is identified as the only qualified source available to the School Board.

Approval

Sole source contracts shall have the division superintendent's approval. Proper documentation detailing the reason for the sole source contract shall accompany a request for the contract. Such documentation shall be prepared by the Purchasing Office and submitted to the chief financial officer/chief operating officer. Upon receipt of the appropriate documentation, the division superintendent or his/her designee, shall issue a written notice stating that only one (1) source was determined to be practicably available, and identifying that which is being procured, the contractor

selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Public notice may also be published on the Department of General Services' central electronic procurement website and other appropriate websites. Awards of sole source contracts shall be reported to the School Board at the next regular meeting for informational purposes.

Emergency Contracts

Definition

An emergency is an occurrence of a serious and urgent nature that requires Richmond Public Schools to take immediate action to protect personal safety or property.

Nature of Purchases Permitted

Emergency procedures may be used to purchase only that which is necessary to cover the requirements of the emergency. Subsequent requirements shall be obtained using normal purchasing procedures.

Approval

Emergency contracts shall have the division superintendent's approval. Proper documentation detailing the reason for the emergency contract shall accompany a request for the contract. Such documentation shall be approved by the chief operating officer. The School Board Chairperson and the School Board shall be immediately notified of an emergency purchase in as much detail as is practical or possible. On the day such approval is granted, the Division of Purchasing shall publicly post a written notice of the award.

Prompt Payment

Unless otherwise specified in the contract, any procurement of goods or services or other business by contract with a nongovernmental, privately owned enterprise shall be promptly paid for by either:

1. The date on which payment is due under the terms of the contract; or,
2. If no date is established by contract:
    a. not more than forty-five days after goods or services are received; or
    b. not more than forty-five days after the invoice is rendered, whichever is later.

Separate payment dates may be specified for contracts under which goods or services are provided in a series of partial executions or deliveries to the extent that the contract provides for separate payment for partial execution or delivery.

Richmond Public Schools shall notify the supplier of any defect or impropriety that would prevent payment by the payment date within twenty days after the receipt of the invoice or goods or services.

Debarment

Generally

The School Board and Richmond Public Schools shall not contract for goods and/or services with any person or entity that is currently debarred by the Commonwealth of Virginia or the Federal Government from submitting bids or proposals on contracts for the type of goods and/or services covered by the Richmond Public Schools solicitation.

Debarment of Construction Contractors for Improper Activities

Any construction contractor or bidder, or any principal thereof or person associated therewith, found to have engaged in substantial and intentional misrepresentation concerning either good faith minority participation efforts, minority ownership status, or unsatisfactory performance shall be debarred from any Richmond Public Schools contracting for a period of two years. This debarment shall also extend to any successor firm substantially controlled or managed, whether directly or indirectly, by any debarred individual. This determination shall be made by the chief operating officer or his/her designee. Any debarment shall be reported in writing to the School Board.

Appeals

Protests of awards or for decisions to award must be submitted in writing to the chief operating officer within ten calendar days of the notice of award or announcement of decision to award, who shall issue a final decision stating the reason for the action taken.

Use of the Richmond Public Schools Tax Identification Number

Only authorized purchases made by authorized Richmond Public Schools' employees from the approved budget may use Richmond Public Schools' tax identification number.

Drug-Free Workplace Contract Provisions

Required Provisions in Contracts over $10,000

Every contract with Richmond Public Schools over $10,000 shall include the following provision**:**

> During the performance of this contract, the contractor agrees to (i) provide a drug-free workplace for the contractor's employees; (ii) post in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violations of such prohibition; (iii) state in all solicitations or advertisements for employees placed by or on behalf of the contractor that the contractor maintains a drug-free workplace; and (iv) include the provisions of the foregoing clauses in every subcontract or purchase order over $10,000, so that the provisions will be binding upon each subcontractor or vendor.

"Drug-Free Workplace"

For purposes of this policy, "drug-free workplace" means a site for the performance of work done in connection with a specific contract awarded to a contractor in accordance with the Virginia Public Procurement Act, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of the contract.

Background Checks of Contract Employees

Certifications Required for Some Contract Employees

As a condition of awarding a contract to agencies, businesses and individuals for the provision of services that require the contractor or his employees to have direct contact with students on school property during regular school hours or during school-sponsored activities, the contractor shall certify that all persons who will provide such services have not been convicted of a felony or any offense against a child, including without limitation, the sexual molestation or physical or sexual abuse or rape of a child. For purposes of the certification, "direct contact with students" means being in the presence of students during regular school hours or during school-sponsored activities.

Penalty for False Statement

Any agency, business, or individual making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and, upon conviction, the fact of such conviction shall be grounds for the revocation of the contract to provide such services and, when relevant, the revocation of any license required to provide such services. Richmond Public Schools shall not be liable for materially false statements regarding the certifications required under this policy.

Emergency Exception

This policy shall not apply to a contractor or his employees providing services to Richmond Public Schools in an emergency or exceptional situation, such as when student health or safety is endangered or when repairs are needed on an urgent basis to ensure that school facilities are safe and habitable, when it is reasonably anticipated that the contractor or his employees will have no direct contact with students.

Failure to Follow Policy

Any individual purporting to execute contracts, who executes a contract or contract amendment on behalf of the School Board without the requisite School Board authority in accordance with this policy may be held personally liable for any or all of the obligations imposed on the Board by such contract or change order and may be subject to disciplinary action.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-4300 et seq., 2.2-4303(E)-(H), 2.2-4312, 2.2-4321, 2.2-4352, 2.2-4360, 22.1-89, 22.1-253.13.6, 22.1-296.1.

Adopted April 19, 2010
Revised/Adopted June 6, 2011

POLICY 3-3.5 VENDOR RELATIONS

Vendor Manual

All vendor relations shall be in accordance with the Virginia Public Procurement Act, Conflict of Interests Act, other applicable federal and state laws and the Vendor Manual. The Vendor Manual shall be reviewed by the end of each fiscal year and revised as necessary.

Sales Representatives

Generally

The School Board recognizes that sales representatives play an important role in the dissemination of educational and product information. However, the School Board discourages any activity that might serve to distract administrators and teachers from their primary purpose of educating pupils. Therefore, only authorized representatives of firms approved for Richmond Public Schools payroll benefit deductions are permitted to visit school staff and only at such times approved by the principal. A listing of approved firms will be provided to principals (periodically) from the Finance Department.

It shall be the responsibility of the principal to use all just and legal means to prevent vendors from selling products during school hours.

Sales representatives are not permitted to make appointments with individual Richmond Public Schools employees without permission of the principal and/or the division superintendent or his/her designee. No sales representative is permitted to sell, arrange demonstrations of products or services, or take orders for goods and services without prior authorization from the principal or division superintendent or his/her designee.

This section should be read with "small purchases" in the Purchasing Manual.

Sales to Students

The sale of items to students during the school day, other than food in the cafeteria, shall be limited to those items and times approved by the division superintendent or his/her designee. The proceeds from any such sales shall be used for school-related activities.

Vending Machines

Vending machines dispensing food, beverages, or personal necessities for student consumption and use may be permitted in the schools subject to state and federal school food service regulations and guidance from the division superintendent or his/her designee and shall be limited to those items and times, including after school hours, approved by the division superintendent or his/her designee. Funds derived from such sales are school activity funds (internal accounts) as described in School Board Policy 3-3.8.

Sales after School Hours

The division superintendent or his/her designee may permit school-sponsored organizations to sell food items and materials after school hours. All proceeds from such sales shall be for the benefit of school-related or student activities.

Concessions

School-related organizations may sell food and other items after school hours to spectators at athletic events under regulations of the division superintendent or his/her designee. All proceeds from such sales shall be for the benefit of school-related or student activities.

Prohibition on Solicitation or Acceptance of Gifts

No employee with responsibility for procurement transaction may request, accept or agree to accept from a bidder, offeror, contractor or subcontractor anything of more than minimal value unless consideration of substantially equal or greater value is exchanged. The School Board may recover the value of anything conveyed in violation of this Policy, as authorized by applicable law.

Disclosure of Subsequent Employment

No employee or former employee with official responsibility for procurement transactions may accept employment with any bidder, offeror or contractor with whom the employee or former employee dealt in an official capacity concerning procurement transactions for a period of one year from the end of employment by the School Board unless the employee or former employee provides written notification to the School Board two weeks prior to the commencement of employment by that bidder, offeror or contractor.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-3100 through 2.2-3131, 2.2-4300 through 2.2-4377, 22.1-293.

Adopted April 19, 2010

POLICY 3-3.6 PAYMENT AND PAYROLL PROCEDURES

Salary Schedule

All compensation for salaries, wages and supplements paid to employees will be paid in accordance with an annual salary schedule approved by the School Board. Records that accurately reflect the compensation and related benefits of each employee will be maintained. All compensation to employees shall be paid in the most economically efficient manner possible.

Salary Deductions

Federal and state taxes will be automatically deducted from each School Board employee's compensation based on the most recent withholding statement provided by the employee. In the absence of a withholding statement, deductions will be made based on federal and/or state tax regulations. A list of all voluntary deductions available to employees will be published annually and provided to all employees. Any additional voluntary deduction requests must be recommended by the division superintendent and approved by the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-296.

Adopted April 19, 2010

POLICY 3-3.7 SCHOOL SPONSORED CREDIT CARD

Use

The use of school-sponsored credit cards by School Board members and employees is authorized for official school business only. The School Board shall review and approve both the establishment of all credit card accounts (bank, gas, telephone, etc.) and their maximum credit limits annually at its first meeting in October of each fiscal year. Approval will be based upon recommendation by the division superintendent of schools or his/her designee. The use of school-sponsored credit cards is not limited to travel; it may be used in the regular course of business.

The School Board shall receive quarterly reports of the use of school-sponsored credit cards from the division superintendent or his/her designee. There shall be an annual audit conducted by the Internal Auditor of the use of school-sponsored credit cards.

Establishment of Credit Card Accounts

School Board Members

All School Board members and employees of the School Board may have a credit card as approved by the School Board for purposes of business and conference travel, and other purchases as necessary.

Budget Holders

Any budget holder whose duties require that he/she have a school-sponsored credit card on a continuous basis may submit a request for such card, with justification, to the division superintendent. If the division superintendent concurs, a recommendation will be submitted through the division superintendent to the School Board requesting approval.

Alternatives for Travel

In lieu of using credit cards for business and conference travel, the School Board may establish credit accounts with travel agencies for the purpose of providing transportation and lodging for persons traveling on official school business.

Travel and related expenses shall be determined to benefit the school division by either being a requirement for operations or for staff development. Usually conference travel should be for professional educational associations, federal grant agencies, or systems user groups. Although national conferences are authorized, in-state conferences are preferred to facilitate greater staff participation. Prior written authorization for all out-of-town travel is required.

Other Expenditures/Purchases

Other travel-related purchases with the school-sponsored credit card are not authorized since such use circumvents both budget compliance safeguards and established purchasing procedures. However, if an employee on an approved out-of-town trip encounters an emergency which dictates an expenditure for

other purposes (i.e., repair of school vehicle), an exception may be authorized by the appropriate department director for School Board employees and through the School Board Clerk for School Board members. The school-sponsored credit card may be used for school-related purchases other than travel, as necessary or convenient.

Issuance of Guidelines

All holders of school-sponsored credit cards shall be issued a copy of all internal policies and guidelines for the proper use of the credit card and proper documentation of expenses. This issuance shall be overseen by the chief operating officer or chief financial officer.

The division superintendent shall establish administrative implementing procedures to address specific types of expenses and reimbursement requirements. Individuals identified as failing to fully comply with these policies, guidelines, and implementing procedures may receive disciplinary action up to and including termination of employment.

Personal Use Prohibited

The personal use of school-sponsored credit cards is prohibited. If an individual conducts out-of-town travel with his/her spouse, all expenses related to the spouse should be paid directly with personal funds. This means that the individual must request the hotel to identify the difference (if any) in the single and double room occupancy rates and this difference must be paid by the individual and not charged on the school-sponsored credit card. Separate bills should be requested for all meals. If the eating establishment will not bill separately, the cash register receipt must also be attached to the bank card receipt. The cash register receipt must be annotated to identify items consumed by the employee and those consumed by the spouse. A check made payable to Richmond Public Schools for the total of the spouse's food (including tax and share of tip) must be submitted to the Department of Finance upon completion of travel. Individuals failing to immediately submit a check to the Department of Finance for unavoidable personal use will have that amount, a non-refundable overhead and processing collection fee, and any fee assessed by the banking institution, up to the maximum amount allowed by law, withheld from their compensation.

Disciplinary Action for Improper Use

Improper use of the school-sponsored credit card renders the user liable for all associated costs. Improper use of the school-sponsored credit card may result in immediate disciplinary action against the user, up to and including termination. Fraudulent use of school-sponsored credit cards will be referred to the Office of the Richmond Commonwealth’s Attorney for additional review.

Cash Advances

Cash advances on school-sponsored credit cards for purposes other than those specifically mentioned in this policy are not authorized.

Approval Process

All employees shall have school-sponsored credit card purchases approved by their division head. Division heads shall have school-sponsored credit card purchases approved by the division superintendent. The division superintendent shall have school-sponsored credit card purchases approved by the School Board Chairman.

Payment Process for School Credit Cards

Credit card statements will be mailed directly to cardholders. Cardholders are responsible for:

1. Attaching receipts for every charge to the statement;
2. Attaching supporting documentation/justification when necessary;
3. Certifying that all expenditures are official school business;
4. Preparing departmental invoice and indicating the correct fund cite number/s to be charged; and
5. Submitting the departmental invoice with all supporting documentation to the Department of Finance five working days prior to the due date.

The required supporting documentation/justification noted on item two above will be as follows:

Conference Travel

Permission-to-Attend forms and Conference Brochures must include registration fees, dates, hotel rates, location of conference and any other pertinent information needed for justification of expenses.

Meals

Meal expenses are limited to $25.00 per individual per meal; however, an individual's daily totals are not to exceed $50.00. Alcoholic beverages shall not be purchased with school funds. Receipts for meals must have the individual's name printed on the back of the receipt, along with where he/she is from (i.e., school district for vendor) and the purpose of the meal. Maximum gratuity allowance authorized is 15%, which is in addition to the $50.00 daily maximum.

Other Expenditures/Purchases

Other purchases with the school-sponsored credit card are not authorized since such use circumvents both budget compliance safeguards and established purchasing procedures. However, if an employee on an approved out-of-town trip encounters an emergency which dictates an expenditure for other purposes (i.e., repair of school vehicle), an exception may be authorized by the appropriate department director for School Board employees and through the School Board Clerk for School Board members. In this instance, receipts clearly detailing the date, item/service purchased, and the cost associated therewith must be submitted along with the departmental invoice to the Department of Finance.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-88.

Adopted April 19, 2010

POLICY 3-3.8 SCHOOL ACTIVITY FUNDS

Student Activity Funds

"School Activity Funds" Defined

All funds derived from extracurricular activities, such as entertainment, athletic contests, cafeterias, club dues, concessions, yearbook sales, and from any and all activities of the school involving school personnel, students, or property, are school activity funds (internal accounts).

Handling and Deposit of Funds

The principal shall be responsible for establishing a system of handling and accounting for all money collected for any purpose within his/her school as prescribed by the Virginia Board of Education and local auditors. All money must be deposited in a designated bank account that is FDIC insured. When possible, daily deposits shall be made. All money collected during the school day by teachers shall be deposited with the principal or his/her designee before the end of the school day. Activity funds shall be kept in accordance with regulations issued by the Virginia Board of Education and the office of the division superintendent.

The division superintendent or his/her designee shall provide all Richmond Public Schools a student activity fund accounting manual that provides detailed procedures for safeguarding, accounting for, and managing activity funds in accordance with Virginia Board of Education regulations. All funds received in connection with school activities shall be handled under the budgetary control of the school administration.

Audits and Reporting

School activity funds (internal accounts) shall be audited at least once a year by a duly qualified accountant or accounting firm approved by the School Board and a copy of the audit report shall be filed in the office of the division superintendent. Monthly reports of such funds shall be prepared and filed in the principal's office, and annual reports shall be filed in the office of the principal or division superintendent. The cost of such an audit is a proper charge against the school operating fund or school activity funds (as funds are available).

Evidence or any report of fraud, waste, or abuse may require additional audits as deemed necessary.

School Activity Fund Purchases

Schools may enter into single term contracts not to exceed $30,000 for caps and gowns, photographs, class rings, yearbooks and graduation announcements that will be available for purchase or rental by students, parents, faculty or other persons using nonpublic money through purchase procedures established under the Purchasing Manual, however, such purchases shall provide for competition whenever practical.

Requirements for other goods and services other than those stated above which exceed $500 must be entered on-line via an approved purchase order into the CIMS system. Goods and services which do <u>not</u> exceed $500 may be ordered directly.

Use of Student Activity Funds

Student activity funds shall be used to finance a program within the school of student activities augmenting, but not replacing, the activities provided by the School Board. Funds derived from the student body as a whole must be expended in a timely manner that will benefit the student body as a whole. Fund raising profits raised by an individual club or group are to be expended in a timely manner to benefit that individual club or group. As much as possible, student activity funds also should be expended in a timely manner for the benefit of those students who contributed them.

Student Body Business

Student body business shall be operated in such a way as to offer minimum competition to commercial concerns while still benefiting the student body as a whole.

School Store

In extenuating circumstances a school may apply to the division superintendent to operate a school store. The merchandise to be sold must be needed by the pupils to facilitate classroom instruction.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 2.2-4303(G)-(H), Virginia Administrative Code, 8 VAC 20-240-10, 8 VAC 20-240-20, 8 VAC 20-240-40.

Adopted April 19, 2010

POLICY 3-3.9 CASH IN SCHOOLS

Petty Cash Funds

Upon recommendation of the division superintendent, the School Board may establish a petty cash fund in the Department of Finance, not to exceed $500, for the payment of claims arising from commitments made pursuant to provisions of law. The School Board shall review and approve the petty cash fund annually at its first meeting in October of each fiscal year. In no event shall the petty cash fund exceed the maximum amount as permitted by § 22.1-123 of the Code of Virginia of 1950, as amended.

The School Board may appoint an agent or other person who shall be authorized to approve payment of claims from the petty cash fund without a prior receipt and audit of the claim(s) by the School Board, and without approval and issuance of the warrant of the School Board. The Clerk of the School Board shall report any claims paid from the petty cash fund to the School Board or to any appointed agent of the School Board for approval and reimbursement at least within thirty days of the month following the month in which any claim has been paid.

Bond Required

Any agent or person into whose hands such petty cash fund is placed shall give bond with surety in the amount of $4,000, provided additional bond shall not be required of any agent or person already bonded in the required amount. This bond shall be paid by the School Board.

Authorization

Any school or department requiring the establishment of a petty cash fund shall submit a written request with justification through the chief operating officer to the division superintendent.

Upon concurrence of the division superintendent, a recommendation will be submitted to the School Board requesting establishment of such fund.

Uses

Petty cash funds are intended to pay for small miscellaneous expenses of less than $50.00. The petty cash fund may not be used for any item that is available from the warehouse. Cash receipts are required for every reimbursement. Budget holders must ensure that prices paid are reasonable and that their budget balance is sufficient to cover expenses.

Holding Cash within Schools

Receipts from events, clubs, and other collections should be deposited daily into an approved bank account except where such receipts total less than $25. Cash shall not be left in teachers' desks, lockers, or closets unattended during the school day. Any cash that remains in the school building overnight shall be turned in to the school office and placed in the school vault (if available) or other designated secure place. Large amounts of cash should be deposited in a night depository.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-123.

Adopted April 19, 2010

POLICY 3-3.10 DISPOSAL OF SURPLUS PROPERTY

Equipment and Personal Property

The division superintendent may designate a qualified employee to dispose of surplus school division equipment and personal property. The division superintendent or his/her designee shall be responsible for maintaining a written procedure using the Commonwealth of Virginia Agency Procurement and Surplus Property Manual as a model.

Equipment Purchased with Federal Funds

Disposition of equipment purchased with federal funds shall be in accordance with federal and state laws and regulations.

Real Property

The School Board may dispose of surplus real property as provided by state law.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-79(3), 22.1-129.

Adopted April 19, 2010

POLICY 3-3.11 NON-LOCALLY FUNDED PROGRAMS / COMPETITIVE GRANTS

Sources of Revenue

In order to provide the best educational opportunities possible for children of Richmond Pubic Schools, the School Board may seek as many sources of revenue as possible to supplement the funds provided through local appropriation and the basic aid offered by the state.

Prior Approval

Grant Proposals Totaling $10,000 or less

Proposals requesting $10,000 or less in grant funding for a single project will require prior approval by the grant-seeker's principal or supervisor and the deputy division superintendent. A report on grants approved under this provision will be made to the School Board as necessary.

Grant Proposals Totaling More than $10,000

Proposals requesting more than $10,000 in grant funding for a single project will require the prior approval of the grant-seeker's principal or supervisor and the deputy division superintendent as well as formal approval prior to submission or as soon thereafter as feasible by the School Board, as a part of the division superintendent's report.

Grants Other Than Those Aligned with the Mission

All grants sought by Richmond Public Schools will support projects that are aligned with the district's mission, vision and goals. Projects that deviate from these goals will require specific prior approval of the division superintendent or his/ her designee.

Financial Applications

Applications for funds or reimbursement requests to grantors must be coordinated through the Department of Finance and signed by the division superintendent or his/her designee prior to submission.

Adopted April 19, 2010

POLICY 3-3.12 FINES AND FEES

Generally

The School Board shall assess and collect only such fees as authorized by applicable law and the Virginia Board of Education.

Willful Destruction of School Board Property

In General

The School Board may institute an action and recover from the parents or either of them of any minor living with such parents or either of them for damages suffered by reason of the willful or malicious destruction of, or damage to, public property by such minor. No more than $2,500 may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based.

Textbooks and Other Property Provided Free of Charge

The School Board may assess a reasonable fee or charge for damages or loss of school property when such property has been provided to students without charge.

Collection of Fines and Fees

The division superintendent is expected to protect the taxpayers of the City of Richmond by making every effort to collect all bills due the school division. Although its intention is not to jeopardize the educational opportunities of students because of the oversight or financial inability of parents, the School Board believes there are important educational values to be learned concerning the payment of obligations. Therefore, the division superintendent will take every fair and reasonable action to ensure the receipt of payment for fines, fees, damages and services.

After exhausting other approaches to the delinquent accounts of adults, the division superintendent is authorized to retain the services of the School Board's legal counsel in the effort to secure collections, advising School Board members of this action as is appropriate under the circumstances. However, no lawsuit shall be filed without the approval of the School Board in a regular or special meeting.

Book Fines and Fees

All students may be required to pay for damages to or loss of textbooks, library books and division materials and will be required to pay fees as assessed by the School Board except in cases of documented hardship. For hardship cases, parents will be required to furnish conditions in writing before fines and fees will be waived. No pupil's scholastic report card or diploma shall be withheld because of nonpayment of any fee or charge.

Significant Amounts

The division superintendent shall be authorized to utilize the following procedures for the collection of significant amounts:

1. Letters to parents and/or guardians requesting payment;
2. Contact with the employer of a parent and/or guardian;
3. Preliminary action through the School Board's legal counsel; or
4. Institute lawsuit, upon approval by the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-6, 22.1-243, 8.01-43.

Adopted April 19, 2010

POLICY 3-3.13 GIFTS, DONATIONS, GRANTS AND BEQUESTS

Oversight and Approval

The division superintendent or his/her designee shall be responsible for seeing that any gifts, bequeaths, donations, grants, and/or bequests to any individual Richmond Public School or the School Board shall be properly administered in compliance with Virginia law.

Gifts of money or materials of more than $1,000 in value may be accepted by a school or student activity only with the written approval of the principal.

Monetary and Substantial Value Gifts

Gifts of money or materials in excess of $1,000 shall be remitted to the Director of Finance.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-126.

Adopted April 19, 2010

POLICY 3-3.14 FREE ADMISSIONS

Members of the division superintendent's cabinet may attend Richmond Public School athletic events free of charge. Employees of a Richmond Public School competing in an athletic contest may be admitted free of charge, whether the game is "home" or "away," provided it is within the Richmond Public School district. Each Athletic Director may make arrangements for reduced or waived admission charges for an organization or group of people provided there is no discriminatory effect per state or federal law.

LEGAL REFERENCE: Virginia High School League regulations

Adopted April 19, 2010

POLICY 3-3.15 TAX EXEMPTION

Richmond Public Schools is generally exempt from paying State Sales and Use Tax when purchasing tangible personal property for its use or consumption. If vendors request a tax exemption certificate form, buyers/purchasers will provide the VA Department of Taxation Form ST-12 (Commonwealth of Virginia Sales and Use Tax Certificate of Exemption) to vendors. The signature required at the bottom of the form is the person authorizing/certifying the purchase.

Adopted April 19, 2010

POLICY 3-3.16 INCOME

Income: Tuition Fees

Determination of Non-Resident Pupil Tuition Fees

It shall be the duty of the responsible person in the division superintendent's office, by the second meeting of the School Board in January of each year, to ascertain the per capita cost of operation for the preceding session on the elementary level and the secondary level, which shall be reported to the division superintendent.

The division superintendent shall recommend to the School Board the tuition fees to be charged non-resident pupils, unless exempt by law, based on the per capita costs and the actual, additional costs of any special education or gifted and talented program, where applicable. The School Board shall then fix and determine the amount of tuition fees to be charged, not to exceed the total per capita cost of education, exclusive of capital outlay and debt service. The tuition charged based on per capita cost of education may be supplemented by the actual, additional costs of any special education or gifted and talented program provided to a pupil, unless the pupil's School Board of residence and Richmond Public Schools School Board have entered into a contractual agreement fixing the amount of tuition charged.

Students for Whom English is a Second Language

Students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday and who have not reached twenty-two years of age on or before August 1 of the school year may be admitted to programs by the division superintendent or his/ her designee in accordance with applicable law.

Dependent Children of Full-Time Employees

Subject to the approval of the superintendent or his/her designee, parents or guardians of dependent children who are full-time employees of Richmond Public Schools and who are not residents of the City of Richmond may enroll their children in Richmond Public Schools on a tuition waived basis, subject to the availability of space, as determined after Richmond Public Schools has met all local, state and federal requirements regarding the enrollment of resident children, including fully exhausting all open enrollment options. This shall not be deemed to include alternative public school programs for which Richmond Public Schools is assessed per pupil tuition. Any children of an employee attending a Richmond Public Schools facility through placement made prior to the January 4, 2010 revision of this policy may continue in that placement through the terminal grade offered at that school.

Receipt of Payment via Debit or Credit Cards

The School Board may receive payment for goods and services by credit or debit cards. The School Board shall, in addition to any penalties and interest, add to such credit or debit card payments a sum as a service charge for the acceptance of such method of payment. The administration shall promulgate regulations consistent with the policy.

Admission Charges

Schools may make reasonable charges for athletic contests, after-school motion pictures and plays, and other programs outside of school hours. Taxes on admissions to such contests, motion pictures, plays, or other programs shall be paid according to federal, state, and city laws.

The proceeds from such activities shall go into the Student Activity Fund (internal account) and be used for the benefit of pupils of that school.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-5, 22.1-116.1.

Adopted April 19, 2010

POLICY 3-3.17 TRAVEL AND EXPENSES

The School Board encourages attendance and participation by school personnel at professional meetings, conferences and other functions that contribute to professional growth and improvement. Requests for reimbursement from School Board funds for costs associated with attending such professional growth opportunities will be honored only for travel approved in advance by the division superintendent or his/her designee and for which a statement of travel, with supporting documents, is submitted prior to and at the conclusion of the trip, as appropriate. The division superintendent or his/her designee shall develop authorization and reimbursement procedures, criteria and forms.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-67, 22.1-78, 22.1-122, 22.1-253.13:5, 22.1-296.

Adopted April 19, 2010

3-3.18 MINORITY-OWNED BUSINESS PARTICIPATION

A. Minority-Owned Business Utilization Plan

Based upon the findings of a disparity study conducted by National Economical Research Associates, Inc., dated, July 18, 1991, which concluded that minority-owned business enterprises have not enjoyed full and equal opportunity to participate in one or more procurement areas. Richmond Public Schools, in awarding contracts to its contractors and suppliers, shall strive to obtain a minimum twenty percent (20%) of the annual aggregate expenditure of contracts and services from minority-owned business enterprises. Such contracts and services shall include, but are not limited to contracts for the sale and furnishing of supplies, materials and equipment, for providing contractual services, and for writing and furnishing policies of insurance and surety bonds in which Richmond Public Schools is the principal insured or party for whom such bond is written and for which policy of insurance or bond the premium charged is billed to Richmond Public Schools.

(i) Definitions

Minority means a minority that has been subjected to legally mandated racial segregation in the city of Richmond.

Good faith minority participation efforts means the sum total of efforts by a particular business to provide equitable participation of minority employees and subcontractors. For past efforts, the sum total shall be comprised of the record of minority participation over the past five years either through employment, retention, and promotion; or through subcontracting or joint ventures in the private

sector; or through a combination thereof. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of minority employees and subcontractors.

The Administration shall promulgate regulations implementing this policy.

B. Minority Participation in Construction Projects

(i). Minority Participation

It shall be the official policy of Richmond Public Schools to increase the number of minorities who participate meaningfully in all of its construction contracts. To this end, Richmond Public Schools shall use good faith efforts and shall encourage good faith efforts by all parties who engage in construction contracting with Richmond Public Schools to the following ends:

(1) To stimulate the creation and development of minority contractors and subcontractors, and to advance in reasonable and responsible ways, and deliberately and consistently over the long term, their entrance into and participation in the construction industry.

(2) To advance in reasonable and responsible ways, and deliberately and consistently over the long term, the participation of minority individuals at higher skill and responsibility levels within non-minority firms engaged in construction contracting and subcontracting.

(3) To encourage voluntary efforts by the construction industry to increase the participation of minority individuals and businesses in the industry.

All actions taken by Richmond Public Schools in construction contract procurement shall be consistent with this policy.

(ii). Official Goals in Minority Construction Contracting

It shall be the official goal of Richmond Public Schools to increase the dollar value of all of its construction contracts awarded to minority contractors and subcontractors to the highest level that is reasonably achievable for any particular field of contracting. It shall also be the goal of Richmond Public Schools to have fifty percent (50%) minority employment by all construction firms contracting with Richmond Public Schools. This employment goal shall apply specifically to executive and managerial positions and shall not be satisfied by minority employment solely at the lowest skill and pay levels.

It is acknowledged that the availability of minority contractors and subcontractors may be lower in some construction trades than in others, and that such non-availability may impact on the degree to which contractors can reasonably comply with this policy. Therefore, current availability of minority contractors and subcontractors, in addition to other factors, shall be taken into consideration by the School Board and the Administration in the implementation and enforcement of this policy.

(iii). Definitions

Minority, in the context of construction contracts, means a minority that has been subjected to legally mandated racial segregation in the City of Richmond.

Good faith minority participation efforts means the sum total of efforts by a particular business to provide equitable participation of minority employees and subcontractors. For past efforts,

the sum total shall be comprised of the record of minority participation over the past five years either through employment, retention, and promotion; or through subcontracting or joint ventures in the private sector; or through a combination thereof. For future efforts, it shall be comprised of such efforts, which are proposed to allow equitable participation of minority employees and subcontractors.

(iv). Prequalification of Bidders

The Chief Operating Officer is authorized to prequalify bidders prior to any solicitation of bids, whether for goods, services, insurance or construction, by requiring prospective bidders to submit such information as the Chief Operating Officer shall deem appropriate, including but not limited to samples, financial reports, and references. For construction contracts, good faith minority participation efforts previously made and those efforts proposed to be made by the prospective bidders shall be additional information required to prequalify. The prospective bidders past efforts shall comprise ten percent (10%) of the total prequalification score and proposed efforts shall comprise twenty percent (20%) of the total qualification score.

(v). Report of Minority Participation in Construction Contracts

The Chief Operating Officer shall at the conclusion of each fiscal year report to the school board on (1) the number and proportion of minority construction contractors and subcontractors located in the Richmond standard metropolitan statistical area; and (2) the level of minority participation in construction contracts that have been awarded by Richmond Public Schools during that fiscal year, both as prime contractors and as to subcontractors.

(vi). Renewal of Existing Construction Contracts

No construction contract shall be renewed unless the contractor has first reported to the Chief Operating Officer or his/her designee on the good faith minority participation efforts which have been made during the contract period, and the Chief Operating Officer or his/her designee verifies that the reported efforts have in fact been made and are reasonable under the circumstances.

(vii). Construction Contracting, Bonding and Insurance

If any person is found by the Chief Operating Officer or his/her designee to have engaged in discrimination on the basis of race in the granting of construction bonds or insurance to persons who contract with or desire to contract with Richmond Public Schools, or to persons who receive subcontracts or desire to receive a subcontract in connection with a Richmond Public Schools contract, the person shall be deemed unqualified to submit a bond or insurance for a Richmond Public Schools construction contract unless and until the Chief Operating Officer or his/her designee that the discrimination has been purged and the adequate assurances have been made that it will not recur. Any determination by the Chief Operating Officer of a violation of this subsection shall be reported in writing to the school board.

(viii). Implementation

The administration shall promulgate regulations implementing this policy.

(ix). Effective Dates of Policy

This policy shall be in full force and effect upon adoption, and shall expire and terminate two (2) years from the date of its most recent revision/adoption, subject to the school board's decision regarding renewal of the policy of adoption.

Six (6) months prior to the expiration of this policy, the administration shall report to the school board whether there is a continuing need for the implementation of the policy.

REFERENCE: "Availability and Utilization of Minority Business Enterprises at the City of Richmond, Virginia; Richmond School Board; and Richmond Redevelopment and Housing Authority," conducted by National Economical Research Associates, Inc., July 18, 1991.

Adopted April 19, 2010

ARTICLE IV

POLICY 3-4.1 INSURANCE

Insurance Management

The School Board shall maintain adequate insurance to cover all insurance risks relating to the activities of School Board members and employees, and all real and personal property owned or leased by the School Board. Such coverage shall, at least, satisfy the minimum insurance required by law. The division superintendent or his/her designee shall review the terms of the coverage at least annually.

The division superintendent shall notify the Superintendent of Public Instruction of the status of the division's insurance in accordance with applicable law, and shall report to the School Board that such notification has been made.

Property Insurance

The School Board shall maintain insurance coverage on all vehicles, buildings and their contents owned by the School Board. The division superintendent or his/her designee shall periodically solicit bids from insurance companies to provide insurance on vehicles, buildings, contents, and liability coverage. Such coverage shall, at least, satisfy the minimum insurance required by law.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-84, 22.1-188 through 22.1-198; Virginia Administrative Code, 8 VAC 20-70-120.

Adopted April 19, 2010

POLICY 3-4.2 BLANKET BONDS

Minimum Requirements

Before beginning their duties, the division superintendent, principals, administrative assistants/bookkeepers, School Board clerk, deputy clerk, and all others who handle funds in the local schools shall be covered by a blanket bond of at least ten thousand dollars ($10,000) assuring faithful performance. The bond shall be conditioned upon the employee's faithful performance and discharge of his or her duties. The School Board shall pay the associated premiums.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-76; Virginia Administrative Code, 8 VAC 20-240-20.

Adopted April 19, 2010

Section IV – Community Relations
Table of Contents

Article I – Goals

4-1.1 School Board Goals for School - Community Relations

Article II – School Board Members

4-2.1 Access to School Board Records
4-2.2 Sex Offender Registry Notification
4-2.3 Advertising/Sales/Solicitation
4-2.4 Staff Directories
4-2.5 Media Relations
4-2.6 School Publications

Article III – Community Involvement

4-3.1 Community Involvement in Decision-Making
4-3.2 Relations with Outside Agencies & Organizations
4-3.3 Relations with Law Enforcement Authorities
4-3.4 Relations with Federal Programs and Agencies
4-3.5 Membership in National, Regional & State Assoc.
4-3.6 Public Complaints
4-3.7 Visitors to Schools
4-3.8 Rights for Persons with Disabilities

Article IV – Facilities

4-4.1 Community Use of School Facilities
4-4.2 Use of School Equipment
4-4.3 Tobacco Use of School Property

SECTION IV – COMMUNITY RELATIONS

ARTICLE I

POLICY 4-1.1 SCHOOL BOARD GOALS FOR SCHOOL COMMUNITY RELATIONS

The Richmond Public Schools division superintendent shall keep the community informed of the objectives, achievements and needs of the Richmond Public Schools and shall establish channels of communication through which citizens may make their desires and criticisms known to the School Board of the City of Richmond. Persons visiting the Richmond public schools or requesting information regarding a Richmond City school shall be treated in a courteous manner and may expect a prompt and informative reply to legitimate questions.

The School Board may set goals and standards for school-community relations and may regularly evaluate its relationship with the public and its programs for maintaining open channels of communication and good relations with parents, community organizations, the business and industrial sector, the community at large, and media organizations.

Through this school-community relations program, the School Board will encourage the community to, among other things:

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

School-community relations are essential to securing public input and public support for educational programs. To satisfy this objective, the division superintendent, through Richmond Public Schools' strategic plan and with the assistance of appropriate representatives from the school division's various constituencies, shall regularly review and revise the division's public relations goals and practices.

The division superintendent or his/her designee, after receiving input from members of the community, including parents, students, civic and business leaders, may develop and from time-to-time revise the Richmond Public Schools public relations program.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, §§ 22.1-79(2), (8), 22.1-89.4, 22.1-253.13:1(B), 22.1-253.13:6.(B)(C) and 22.1-253.13:7.(C)(4).

Adopted February 22, 2011

ARTICLE II

POLICY 4-2.1 ACCESS TO SCHOOL BOARD RECORDS

The School Board of the City of Richmond is committed to compliance with the Virginia Freedom of Information Act (FOIA) and will process requests for information in accordance with the following procedures.

Generally

Except as otherwise specifically provided by law, public records shall be open to inspection and copying by any citizen of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the administrative offices of Richmond Public Schools. All requests for inspection and/or copying shall be made to the Clerk of the School Board.

When practicable, the following records shall be available on demand at the School Board's administrative offices:

1. approved School Board minutes for the current year and the immediately preceding year;
2. School Board meeting agendas;
3. School Board meeting agenda material;
4. a list of schools, their addresses, phone numbers and principals' names;
5. a copy of the current School Board budget; and
6. the current adopted salary scales.

In an effort to increase public awareness and participation in the transaction of School Board business, the School Board shall make routine Board documents, including the items listed above, available for public viewing on the School Board page of the school division website.

Unless otherwise specified in this procedure or by the division superintendent or his/her designee, inspection of records shall take place in a designated area at the administrative offices of Richmond Public Schools, and the records shall not be removed from that location. Nonexempt records maintained in a electronic database shall be produced in any tangible medium or format identified by the requester that is regularly used in the ordinary course of business by Richmond Public Schools, including posting the records on a website or delivering the records through an electronic mail address provided by the requester. Copies may be requested in lieu of or at the time of inspection, subject to the charges outlined below.

If school division records have been transferred to any entity, including any other public body, for storage, maintenance or archiving, the school division remains the custodian of the records for purposes or responding to requests and is responsible for retrieving and supplying the records to the requester.

The Clerk or a designee may be present during inspection or copying of records. A record of inspection shall be made and maintained by the Clerk of the School Board.

Procedure for Requesting School Board Records

Requests for public records shall identify the requested records with reasonable specificity. All requests for public records shall be directed to the Clerk of the School Board via U.S. mail or hand delivery at 301 N. Ninth Street, 17th Floor, Richmond, Virginia 23219, via telephone at (804) 780-7716, via facsimile at (804) 780-8133, or via electronic mail at foia@richmond.k12.va.us.

Persons requesting public records shall be provided with a copy of this procedure and may be asked, but not required, to complete a "Request for Public Records" form and to append any written request (whether mailed, hand delivered, faxed or e-mailed) to the form. The requester may be asked (but is not required) to put his or her request in writing. If the requester refuses to complete a "Request for Public Records" form or if the request is made by telephone, facsimile or electronic mail, the requested information shall be transcribed onto the form by the Clerk or his/her designee. Any original request received in writing (whether mailed, hand delivered, faxed or e-mailed) shall be appended to the form.

All requests for public records are subject to FOIA statutory timelines. Promptly, but in all cases within five (5) working days of receiving the request, one of the following written responses shall be provided to the requester:

1. The records shall be made available to the requester for inspection. Copies may be provided in lieu of or in addition to inspection.

2. The requested records are being withheld entirely because their release is prohibited by law or because the Freedom of Information Act gives their custodian the discretion to withhold them. A written explanation identifying with reasonable particularity the volume and subject matter of the withheld records and with respect to each category withheld, referencing the Code section that authorizes the withholding of such records shall be included.

3. The requested records are being provided in part and are being withheld in part because the release of part of the records is prohibited by law or, because the custodian has exercised his or her discretion to withhold a portion of the records. A written explanation identifying with reasonable particularity the subject matter of the withheld portions and referencing, with respect to each category of withheld records, the Code section that authorizes the withholding of such records shall be included.

4. The requested records could not be found or do not exist. However, if Richmond Public Schools knows that another public body has the requested records, the response shall include contact information for the other public body.

5. If it is practically impossible to provide the records or to determine whether they are available within the five work day period, the requester shall be notified of this fact and of the specific conditions which make a response within the five work day period impossible. Such notice shall be provided within five working days of receiving the request, and one of the preceding responses shall be provided within an additional seven work day period.

The five work day period shall begin on the first working day following the day the request is received by the Clerk and shall end at the close of business on the fifth working day following receipt of the request. Any time that elapses between the time the requester is notified of an advance cost determination pursuant to this procedure (as outlined below) and the time the requester responds in writing to that notice shall not be counted in calculating the five work days.

In the event of a FOIA legal action brought against an employee of the Richmond Public Schools, the School Board may provide for the employee's legal defense. Should the employee be found liable by a court for improperly providing or withholding information under FOIA, the employee may be required to reimburse the legal costs associated with defending the suit against the employee.

Processing Requests

The Clerk of the School Board shall, after receiving a request, promptly make an initial determination as to whether the requested records exist, if the record should be fully disclosed, partially disclosed, or is exempt from disclosure, or if additional time will be required to respond. If the Clerk is uncertain whether the requested records exist or where they may be located, efforts shall be promptly initiated to locate the records or determine whether they exist. If the Clerk is unsure whether the requested records should be disclosed or are exempt, legal advice shall be sought promptly.

If the requested records exist and should be fully or partially disclosed, the Clerk shall consult with the appropriate staff to determine the cost involved to assemble the records for inspection and copying.

The following reasonable costs shall be charged at the rate indicated, not to exceed the actual cost incurred in accessing, duplicating, supplying, or searching for the requested records:

1. Employee search time is charged by the quarter hour. Depending upon the employee(s) involved in the search, rates shall be determined by the Department of Human Resources based upon the hourly rate of the employee(s) assigned to access, duplicate, supply, or search for the requested records. When contracted services are required, an average market rate will be quoted. Actual costs will be billed.
2. Actual costs associated with computer printouts and copies.
3. Copies charged at the rate of $.01 per page.

If the requester has asked for an advance determination of the cost, or if the cost is expected to exceed $200, the requester shall be notified of the advance cost determination. The School Board shall, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. No further processing of the request shall take place until the requester responds.

Before processing a request for records, the Clerk may require the requester to pay any amounts owed to the School Board for previous requests for records that remain unpaid 30 days or more after billing.

Any records to be disclosed shall be assembled for inspection and copying by employees under the direction and supervision of the division superintendent or a designee who will handle the disposition of such information to the requester.

LEGAL REFERENCE: Code of Virginia 1950, as amended, §§ 2.2-3700 et seq.

Adopted February 22, 2011

POLICY 4-2.2 SEX OFFENDER REGISTRY NOTIFICATION

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

Annual Notification

At the beginning of each school year, Richmond Public Schools shall notify parents and employees of Richmond Public Schools' policy on the dissemination and use of sex offender registry information.

Receipt and Dissemination of Sex Offender Registry Information

Once notified that a registered sex offender resides in the same or contiguous zip codes as a school within Richmond Public Schools, the division superintendent shall notify principals of those schools and determine which central office and other school employees should be provided the registry information. Sex offender registry information should be provided to employees who are most likely to observe unauthorized persons on or near school property including but not limited to:

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

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

Richmond Public Schools recognizes that it is the responsibility of local law enforcement to notify the community of potential public danger. Therefore, Richmond Public Schools will not disseminate registry information to parents. However, the division superintendent will work closely with local law enforcement to determine when and under what circumstances local law enforcement officials notify the community about the presence of a registered sex offender.

Use of Sex Offender Registry Information

Registry information shall only be used for the purposes of the administration of law-enforcement, screening current or prospective Richmond Public Schools employees or volunteers and for the protection of Richmond Public Schools students and employees. Registry information shall not be used to intimidate or harass others. If a match to the sex offender registry is confirmed, the division

superintendent shall inform the individual, by mail, that he or she may not be on school property without a Court order and approval of the School Board pursuant to Policy 4-3.*7*.

1. Registered Sex Offender Sighted. If a notified employee sees a registered sex offender on or near school property, around any Richmond Public Schools student, or attending any Richmond Public Schools activity, the division superintendent or his/her designee shall be notified immediately. The division superintendent or his/her designee may, in his/her discretion, notify local law enforcement.

2. School Volunteers and Student Teachers. Each staff member shall submit to the principal the name and address of each volunteer the staff member is or may be using as soon as the person is identified. The principal shall screen each student teacher and volunteer's name and address against the registry information. If a match is found, the principal shall notify the division superintendent, who shall confirm the match. If the match is confirmed, the division superintendent shall inform the individual, by mail, that he or she may not be on school property without a Court order and approval of the School Board pursuant to Policy 4-3.*7*. The notice shall provide the reason with reference to this policy. The division superintendent shall also inform the principal and employees that the individual may not be used as a volunteer.

3. Contractor/Contractors' Employee. The division superintendent shall include the following language in all division contracts that may involve the contractor or an employee of the contractor having any direct contact with a student. "The contractor shall certify that Contractor, Contractor's employees, and all other persons that will provide services under this Contract who will have direct contact with students on school property during regular school hours or during school sponsored activities have not been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of child." The Contractor shall be required to execute applicable certifications related to crimes against children contemporaneously with the contract.

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

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

6. Students. Students who are registered sex offenders may not be precluded from attending school.

7. Precautions to Protect Students. When the division superintendent determines it is necessary, because of the presence of a registered sex offender, alternative arrangements may be made for bus and walking routes to and from school, recess and physical

education periods, or any other school activity in order to protect Richmond Public Schools students.

Request for Registry Information

Anyone requesting registry information from Richmond Public Schools shall be referred to the Virginia State Police. Additional information regarding the sex offender registry can be found at the following Virginia State Police website address: http://sex-offender.vsp.virginia.gov/.

LEGAL REFERENCE: Code of Virginia 1950, as amended, §§ 9.1-900, 9.1-912, 9.1-918, 22.1-79

Adopted February 22, 2011

POLICY 4-2.3 ADVERTISING/SALES/SOLICITATION

Distribution of Outside Communications/Materials

Each Richmond Public Schools principal shall in advance approve any outside communications or materials that are distributed in any manner or made available in the Richmond Public Schools or on school property. The principal may regulate the time, place and manner of such distribution consistent with applicable law. Non-instructional materials may not be distributed during instructional time. Materials, banners and signs otherwise permitted under this policy shall be placed on school property in a manner that is neat, aesthetically appropriate and does not disturb instruction and or school/sponsored activities.

If doubt exists at this level as to whether distribution should be made, permission shall be denied until disposition of the matter is made by the division superintendent. Any decision by the division superintendent shall be final.

With the exception of approved fund-raising activities, the distribution, in any manner, to include electronic distribution, of materials or information, which publicly endorse or support groups or organizations involved in a commercial endeavor for profit is prohibited. Further, expressions that are libelous, slanderous, or defamatory are prohibited. The principal shall regulate the distribution of material when there is a reasonable basis for the belief that such publication or expressive activity would:

1. create a clear and present danger of the commission of unlawful acts;
2. violate School Board policies, regulations, or the Student Code of Conduct;
3. materially disrupt classes, class work or the orderly operation of the school; or
4. violate the privacy rights of others.

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

Prohibition on Mandatory Distribution of Political Materials

No Richmond Public Schools student shall be required to convey or deliver any materials that (i) advocate the election or defeat of any candidate for elective office, (ii) advocate the passage or defeat of any referendum question, or (iii) advocate the passage or defeat of any matter pending before the School

Board, the Richmond City Council, the Virginia General Assembly, or the United States Congress. This policy does not prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects and does not prohibit the delivery of informational materials.

Candidates for public office may not distribute campaign materials on school grounds. Approved distribution of materials used at specific voting precincts on Election Day will be allowed.

Advertising in Schools

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

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

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

Public Solicitation in the Schools

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

Public Sales on School Property

No vendor, agent, or sales representative may enter the Richmond Public Schools to advertise or sell goods or services to employees or students except as provided herein. Any person/persons found soliciting goods or services to students and employees in the public schools or on School Board property during school hours without authorization may be subject to legal action.

Outside vendors are not permitted to make appointments with individual Richmond Public Schools employees without the permission of the principal and/or the Richmond Public Schools division superintendent or his/her designee. No vendor is permitted to sell, arrange demonstrations of products or services, or take orders for goods or services without prior authorization from the principal or division superintendent or his/her designee.

This does not prevent authorized representatives of firms regularly supplying goods and services to Richmond Public Schools from having access to the schools in the course of their routine business duties.

Soliciting Funds from School Personnel and Students

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

Emergencies and Disasters

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

Contribution to Charity

School participation in charity projects that involve soliciting/selling in the community (walk-a-thons, read-a-thons, jump rope, etc.) shall be limited during school time. Activities conducted during the school day shall be educational in nature and shall not infringe on required instructional time. The principal shall approve all charity projects affecting his/her school. The division superintendent shall approve all division-wide charity projects.

LEGAL REFERENCE: Code of Virginia 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79; 20 U.S.C. § 4071

Adopted February 22, 2011

POLICY 4-2.4 STAFF DIRECTORIES

The names and employment addresses of Richmond Public Schools employees is compiled annually for use within the school division, but no person shall be authorized to release or sell such directories for use by any commercial or profit-making organization. The division superintendent shall send the staff directory to School Board members on an annual basis and may supply such lists to colleges, universities, and such other organizations as he may judge to be of significant educational value to the staff.

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

Adopted February 22, 2011

POLICY 4-2.5 MEDIA RELATIONS

The School Board wishes to make the widest possible use of the communications media available in the metropolitan Richmond area in order to inform all citizens of the progress in their public schools. The School Board recognizes the importance of accurate and prompt information and therefore

directs the division superintendent to maintain a clearinghouse through which the news media may obtain information concerning the public schools.

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

Adopted February 22, 2011

POLICY 4-2.6 SCHOOL PUBLICATIONS

School publications which are designated for distribution to the community at large are a means by which the public schools are informed about and evaluated by the public. All such publications must meet the basic minimums of good journalism. They shall be well edited, attractive, and reflect credit upon the Richmond Public Schools. Their contents and distribution should be coordinated so as to insure they contribute to the enhancement of the goals and objectives defined by the School Board.

LEGAL REFERENCE: Code of Virginia, 1950 as amended, § 22.1-253.13:7(C)(4)

Adopted February 22, 2011

ARTICLE III

POLICY 4-3.1 COMMUNITY INVOLVEMENT IN DECISION-MAKING

The School Board recognizes that the community's resources and experience can be useful to schools. The School Board may involve citizens both as individuals and as groups to act as advisors and resources for the division. The School Board in light of Richmond Public Schools' goals, current practices, and financial feasibility will carefully consider public input. However, all final decisions on matters pending rest solely with the School Board.

Community Involvement/Volunteers

The School Board encourages the use by individual schools and the administration of the talents and skills of all members of the community who wish to contribute their abilities toward the enrichment of the educational program. The School Board endorses the concept of assistance by parents in the classroom, the library and in other programs designated by school administrators.

Volunteers participating in Richmond Public Schools educational programs and extra-curricular activities do so at the sole discretion of the building principal, division superintendent, and/or the School Board. All volunteers are obligated to adhere to the policies and regulations of the School Board and the Richmond Public administration. However, volunteers' participation is voluntary only, and nothing regarding their service shall be construed as an employment relationship with the School Board, nor are they entitled to any benefits of employment. Volunteers will be required to submit to criminal background and child abuse and neglect checks.

Citizen Advisory Committees

The School Board intends to involve as many citizens as may be practical in the activities of the schools. The School Board, upon recommendation of the division superintendent, shall from time-to-time appoint such advisory committees of citizens of Richmond City as it deems necessary or as may be required by law. The School Board shall provide such committees with specific instructions regarding their authority, the areas or problems they are to consider, and to whom they are to submit reports of their deliberations. Advisory committees of citizens shall be treated in the same manner as "temporary committees" of the School Board. Unless extended, citizen committees shall expire upon rendering their reports, the completion of their assignment, or at the end of their appointment.

Public Hearings

It is the policy of the School Board to conduct public hearings when there is an issue for which many citizens have expressed concern and on those issues for which public hearings are required by law. The time, place, and date of the hearing(s) shall be announced in advance consistent with all applicable law. Public hearings shall be conducted in accordance with the School Board's bylaws and shall be presided over by the School Board Chair.

Partnerships

The School Board encourages business, industry, educational, and community agency partnerships in the individual schools and throughout the Richmond Public Schools. The partnerships shall include efforts related to policy development; systemic educational improvement; improving management practices; teacher training and development; and partnering with students and teachers in the classroom. The division superintendent may develop regulations and/or guidelines for partnerships to assist Richmond Public Schools in providing an effective education for all students.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-3600 through 2.2-3605, 22.1-78, 22.1-79, 22.1-86, 22.1-89.4

Adopted February 22, 2011

POLICY 4-3.2 RELATIONS WITH OUTSIDE AGENCIES & ORGANIZATIONS

Consistent with all applicable law, the School Board and Richmond Public Schools may cooperate with all non-profit and non-partisan agencies such as the departments of social services, parks and recreation, health, safety, fire, civil defense, and law enforcement in promoting the general public interest and the educational welfare of the students.

Juvenile and Domestic Relations Court

The School Board shall cooperate with the Juvenile Court by providing, upon request of authorized court personnel, information and assistance for pupils who are under the jurisdiction of or who are being held in detention by the court in accordance with the Virginia Code pertaining to juvenile offenders.

Social Service Agencies

Schools may cooperate in furthering the work of any non-profit, community-wide social service agency, provided that such cooperation does not restrict or impair the educational programs of the schools.

Parent/Teacher Organizations

The School Board encourages the establishment of parent-teacher organizations that seek to advance programs that improve educational opportunities for all students consistent with applicable law. The School Board recommends that parent-teacher organizations maintain a close liaison with the School Board, administration, and staff, and that they plan their actions in accordance with established School Board policies.

Disaster Agencies

The School Board shall cooperate fully with all relevant agencies in the time of local, state or national emergencies consistent with School Board policy and individual school crisis management plans. The division superintendent shall open the schools of the division as needed in times of emergency and shall cooperate fully with directors of agencies regarding the use of the schools and their equipment.

Governmental Agencies

The School Board may, upon approval of the division superintendent, cooperate with any governmental agency in promoting activities in the general public interest which are non-partisan and which promote the education or other best interests of the pupils.

Relations with Non-Governmental Agencies

The School Board, as permitted by applicable law, shall assist local professional, civic, or business organizations and associations whose efforts will result in improved educational opportunities for the students of the Richmond Public Schools.

The School Board shall cooperate to the extent permitted by applicable law with private and parochial schools whenever the welfare of the youth of the school division would be benefited.

Department of Parks, Recreation and Community Facilities

It shall be the policy of the School Board to cooperate fully with the Department of Parks, Recreation and Community Facilities in promoting the fullest possible use of the recreational facilities in the community, including those in the custody of the School Board so long as such cooperation does not interfere with the existing school program. The School Board will execute Memoranda of Understanding with the Department of Parks, Recreation and Community Facilities as appropriate regarding the use of school facilities.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-89.4, 22.1-130.1, 22.1-279.3, 22.1-288.2

Adopted February 22, 2011

POLICY 4-3.3 RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

A cooperative effort will be maintained between the administration of the schools and law enforcement agencies.

Investigations by Law Enforcement Officers at School

When it becomes necessary for any law enforcement officer to interview a student for any reason on Richmond Public School premises, the principal shall be contacted immediately. The principal or his/her designee shall make a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the conference. If the parent or guardian cannot be present for the conference, then the principal or his/her designee shall be present throughout the interview. However, the School Board encourages law enforcement officers, when possible, to make all reasonable attempts to conduct such interviews during non-school hours and off school premises to avoid disrupting the school operations and to avoid removing students from class.

Service of Process at School

The School Board encourages servers of legal process on school employees or students to make all reasonable attempts to serve such documents off school premises; however, if the documents must be served on school premises, they shall be served at the principal's office of the school at which the student is in attendance or the main office of the facility at which the employee is assigned.

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

Development of Programs

The division superintendent shall seek to develop, in cooperation with the local law enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs and procedures to prevent violence and crime on school property and at school-sponsored events

Report to Law Enforcement Officials

As required by applicable law, reports shall be made to the division superintendent, principal or their designees and, except as may otherwise be required by federal law, regulation, or jurisprudence, the division superintendent, principal or their designees shall immediately report to local law-enforcement officials all incidents involving:

1. the assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting or wounding of any person, or stalking of any person described in Virginia Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity; or
2. any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; or

3. any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity; or

4. the illegal carrying of a firearm onto school property as defined in Virginia Code § 22.1-277.07; or

5. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Virginia Code § 18.2-85, or explosive or incendiary devices, as defined in Virginia Code § 18.2-433.1, or chemical bombs, as described in Virginia Code §18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; or,

6. any threats or false threats to bomb, as described in Virginia Code § 18.2-83, made against school personnel or involving school property or school buses; or

7. the arrest of any student for an incident occurring on a school bus, on school property, or at a school sponsored activity, including the charge therefore; or

8. any illegal possession of weapons, alcohol, drugs, or tobacco products.

The division superintendent, principal or their designees may immediately report to local law-enforcement officials incidents involving the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity. In addition, the principal of any Richmond Public School at which hazing which causes bodily injury occurs shall report the hazing to the local Commonwealth Attorney.

In addition to the reports described immediately above, the principal or his/her designee shall notify the parent of any student involved in an incident required to be reported under this policy, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information regarding other students.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated above that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact law enforcement for further information, if they so desire.

Disciplinary action shall be taken by the division superintendent against any principal who fails to comply with this policy.

Reports by Law Enforcement Officers

The division superintendent, principals or their designees shall receive such reports on offenses, wherever committed, by students enrolled in their schools as authorized by Virginia Code § 22.1-279.3:1, 16.1-260, 16.1-301, 16.1-305.1, 16.1-305.2, or other applicable law. When the division superintendent receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to Virginia Code § 16.1-260(G), the division superintendent shall report such information to the principal of the school in which the juvenile is enrolled.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 16.1-260, 16.1-264,16.1-301, 16.1-205.1, 16.1-305.2, 22.1-78, 22.1-279.3:1, 22.1-279.9

Adopted February 22, 2011

POLICY 4-3.4 RELATIONS WITH FEDERAL PROGRAMS AND AGENCIES

Funds will be actively sought from public and private sources that augment the efforts of Richmond Public Schools toward the attainment of its goals and objectives. Priority shall be given to seeking the funds which fulfill identified immediate needs of the student population. Funds shall be accepted under conditions whereby there are no short or long-range commitments which cannot be fulfilled by Richmond Public Schools.

All applications for federal projects and major revisions in existing projects shall be presented to the division superintendent's staff for approval. Upon approval by the funding agency, the project shall be submitted to the School Board for acceptance.

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

Adopted February 22, 2011

POLICY 4-3.5 MEMBERSHIP IN NATIONAL, REGIONAL AND STATE ASSOCIATIONS

Membership in recognized local or national professional associations will be maintained by the School Board for several reasons including:

1. The in-service educational benefits to staff and board which comes from participating in meetings, conferences, clinics, and conventions.

2. Access to the communication media of such associations, such as reports, newsletters, periodicals, and advisory services.

3. Representation in actions affecting education in general and the Richmond Public Schools in particular.

The division superintendent is authorized to budget funds for such memberships and to pay the costs of adequate participation in the activities of such associations by staff members to achieve the purposes listed above.

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

Adopted February 22, 2011

POLICY 4-3.6 PUBLIC COMPLAINTS

Generally

A complaint involving a particular Richmond public school shall first be handled within the school. If the complaint cannot be resolved through the school, it shall be referred to the division superintendent or his/her designee. If the central office staff and complainant cannot reach a satisfactory solution, the matter may, at the School Board's discretion, be heard at a regular School Board meeting.

Communications from the public, including petitions, shall receive official recognition by the School Board only when submitted with verifiable signatures and places of residence. School Board members may be contacted via email. All School Board members will have email addresses with the domain of "richmond.k12.va.us." Anonymous communications regarding fraud, waste and abuse will be referred to the school division's Internal Auditor. Except in emergencies, the School Board shall not attempt to decide upon any question before examining and evaluating the information any person requests the School Board to consider. The division superintendent shall be given an opportunity to examine and to evaluate all such information and to recommend action before the School Board attempts to make a decision.

Specific complaints regarding instructional materials and learning resources, students or personnel shall be handled pursuant to School Board policy.

Any parent, custodian, or legal guardian of a Richmond Public Schools student who is aggrieved by an action of the School Board may, within thirty days after such action, petition the Richmond Circuit Court to review the action of the School Board. The review of the School Board's action shall proceed upon the petition, the minutes of the meeting at which the School Board's action was taken, the orders, if any, of the School Board, an attested copy of the transcript, if any, of any hearing before the School Board, and any other evidence found relevant to the issues on appeal by the court. The action of the School Board shall be sustained unless the School Board exceeded its authority, acted arbitrarily or capriciously, or abused its discretion.

Fraud, Waste and Abuse

Complaints related to fraud, waste and abuse may be reported by calling the Fraud Hotline at (804) 775-2255. Callers may remain anonymous.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-87, 22.1-253.13:7

Adopted February 22, 2011

POLICY 4-3.7 VISITORS TO SCHOOLS

Generally

The School Board welcomes visits by citizens of the City to their schools. In order to protect students, employees and property, all visitors, including parents or guardians, shall immediately report to the principals' office for authorization to be in the building or on school property and to obtain a visitor's pass. The division superintendent shall formulate and post in each school regulations necessary to protect students, employees and property from unauthorized visitors. Unauthorized persons, including suspended students, will be requested to leave school grounds by the building administrator.

Parents

Parents are encouraged to visit schools on scheduled days for activities such as conferences with teachers, assemblies, PTA meetings, and other school programs. However, except in the case of a public event or special assemblies in the school, parents should either contact or visit the principal or his/her designee in the event of an emergency. Where an emergency does not exist, parents shall make arrangements in advance in order to be assured that school personnel will be available to meet with them.

Parents may visit classrooms or otherwise participate in daily school activities. If the visit in any class is that of a prolonged nature, the parent and principal or the principal's designee shall lay out the parameters of that prolonged visit to a particular classroom. Parents shall be treated in a courteous manner and shall be afforded prompt and informative replies to legitimate questions.

Except as otherwise required by law, non-custodial parents shall not be denied, solely on the basis of their non-custodial status, the opportunity to participate in any of the student's school activities in which such participation is supported or encouraged by the policies of the School Board.

Unauthorized Persons

In order to protect Richmond Public Schools' students, personnel, and facilities, no unauthorized persons shall be permitted to enter upon the school premises during the school day unless they first report to the principal's office and have a legitimate reason for being there. The division superintendent shall make such regulations as are necessary to protect students, personnel and property from unauthorized visitors, and he/she shall inform such law enforcement officers as may be needed to enforce this policy in the case of uncooperative violators.

Sex Offenders

Any adult who is convicted of a sexually violent offense, as defined in §9.1-902 of the Code of Virginia, as amended, shall be prohibited from entering or being present, (i) during school hours and during school-related and school-sponsored activities, upon any property he knows or has reason to know is a public elementary or secondary school, (ii) on any school bus as defined in §46.2-100 of the Code of Virginia, as amended; or (iii) upon any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity.

This provision does not apply if an individual who is so convicted (i) is a lawfully registered and qualified voter, and is coming upon such property solely for the purposes of casting his vote; (ii) is a student enrolled at the school; or (iii) has obtained a court order allowing him to enter and be present upon such property, has obtained the permission of the School Board for entry within all or part of the scope or the lifted ban, and is in compliance with the School Board's terms and conditions and those of the court order.

School property includes any school bus as defined by the Code of Virginia and/or any property, public or private, during hours when such property is solely being used by a public elementary or secondary school for a school related or a school sponsored event.

Trespassing

No one shall be in a school building after school hours unless he/she is on official school business, is participating in a supervised school activity, is authorized by the administration, or is a spectator at an activity open to the public. It is unlawful for any person to enter a school at nighttime without the consent of an authorized person except to attend an approved meeting. It is prohibited for any person, whether or not a student, to enter or remain on any school property, including school buses, in violation of (i) any direction to vacate the property by an authorized individual, or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen.

Persons violating these provisions of state law may be prosecuted. For purposes of this policy, school principals are "authorized individuals," and may direct persons to leave school premises and, in appropriate circumstances, issue no trespassing directives. Building administrators shall inform such Richmond Public Schools security officers and/or law enforcement officers as are required to maintain order or remove unauthorized or uncooperative visitors from school property, or to otherwise enforce the requirements of this policy.

Public Conduct on School Property

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

Any person who willfully and maliciously damages, destroys, or defaces any Richmond Public Schools building, or damages or removes any school property from a school building may be prosecuted. Any person, who willfully interrupts or disturbs the operation of any school or, being intoxicated, disturbs the same, whether willfully or not, may be prosecuted. Each person causing damage shall be required to reimburse the School Board for any actual breakage or destruction of property as permitted by applicable law. Illegal substances, tobacco products and use of alcoholic beverages are prohibited at all times in school buildings.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 4.1-309, 9.1-902, 18.2-128, 18.2-370.5, 18.2-415, 22.1-4.3

Adopted February 22, 2011
Revised/Adopted June 20, 2011

POLICY 4-3.8 RIGHTS FOR PERSONS WITH DISABILITIES

The American with Disabilities Act (ADA) prohibits discrimination against individuals on the basis of disability. In accordance with the law, it is the policy of Richmond Public Schools to provide equal treatment and access to programs, services, and activities to individuals with disabilities. Richmond Public Schools also does not discriminate on the basis of disability in its hiring or employment practices to qualified individuals.

Information in Alternative Format

If any person requires information in an alternative format such as large print, Braille or voice recording, please contact us at the Richmond Public Schools' ADA Office, 2015 Seddon Way (Richmond Technical Center-North Building), 1st Floor, Richmond, Virginia 23230; Voice (804) 780-6211; TTY at 711; Fax (804) 819-4555; or e-mail: vabbottjones@richmond.k12.va.us.

Who is Protected

The law covers qualified applicants, employees, students, parents and members of the public with disabilities. A person with a disability may be an individual who:

1. has a physical or mental impairment that limits a major life activity (A major life activity is defined as seeing, hearing, breathing, walking, speaking, learning, working, caring for oneself, performing manual tasks, lifting and other physical, mental and social activities);
2. has an impairment that requires special education or related services.

The following criteria can also apply to students, however, most generally apply to employees:

1. has a record of such an impairment which is made known to the employer;
2. is regarded as having, or having had, such an impairment;
3. is regarded as having, or having had, a disorder or condition that has no present disabled effect, but that may become a disability.

Requesting Reasonable Accommodations

In general, it is the responsibility of the individual with a disability to inform the school system that an accommodation is needed. A reasonable accommodation is a modification or adjustment to a school or work environment, practice or policy that enables a qualified individual with a disability to enjoy equal access.

School Employees and Applicants

Employees and/or applicants should contact the Human Resources Department at (804) 780-7859 to request a reasonable accommodation.

Students, Parents and Members of the Public

Students, parents and members of the public should submit a completed *Accommodation Request* Form (sample form to follow) to the ADA Coordinator as soon as you are aware that an accommodation is needed. The Richmond City Public Schools ADA Coordinator can also be contacted by telephone at Voice (804) 780-6211; TTY at 711; Fax (804) 819-4555; and/or e-mail: vabbottjones@richmond.k12.va.us.

Confidentiality

Medical-related information shall be confidential, except for those Richmond Public Schools' employees who have a need to know, such as supervisors, safety personnel, compliance officers, and other specified individuals.

Grievance Procedures

A request for a reasonable accommodation should be submitted prior to submitting a grievance. However, anyone who believes that s/he or a specific class of individuals has been subjected to disability discrimination may file an ADA grievance <u>within 180 days</u> of the alleged violation. Grievances should be filed with the Richmond City Public Schools' ADA Coordinator who will either investigate the matter or forward it to the responsible department for further handling in accordance with the following process:

1. An ADA grievance must be filed within <u>180 days</u> of the alleged violation to the ADA Coordinator.
2. The ADA Coordinator will send the Complainant a "Letter of Acknowledgment" within <u>5 business days</u> from the date of receipt of the grievance
3. The ADA Coordinator will conduct an investigation and issue a "Letter of Findings and Proposed Resolution" within <u>15 business days</u> from the date of receipt of the grievance. An additional <u>20 business days</u> may be used under specified extenuating circumstances.

4. A Complainant may submit comments or ask for modifications of the proposed resolution within 15 business days from the date of receipt of the "Letter of Findings and Proposed Resolution."
5. The ADA Coordinator will complete a "Final Resolution" within 5 business days from the date of the receipt of the Complainant's comments.
6. The Complainant can submit an appeal to the superintendent or designee within 20 business days from the date of the "Final Resolution."
7. The superintendent or designee has 20 business days to issue a decision from the date of receipt of the appeal.
8. Richmond Public Schools will process the grievance as quickly as possible. However, the entire ADA Grievance process could take between 180 and 300 days to reach final resolution.

ADDITIONAL RESOURCES

An individual may also file a complaint with the Virginia Department of Rehabilitation, The Department of Education Office of Civil Rights or the Department of Justice. The contact information for these agencies is as follows:

Virginia Department of Rehabilitative Services
8004 Franklin Farms Drive
Richmond, Virginia 23229
Telephone No.: (804) 662-7000 TTY (804) 662-9040;
(800) 464-9950

United States Department of Justice – Civil Rights Division
950 Pennsylvania Avenue, NW
Disability Rights Section – NYAV
Washington, DC 20530
Voice: (202) 307-0663 TTY (800)514-0383

United States Department of Education – Office for Civil Rights
Customer Service Team
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Telephone No.: 1(800) 421-3481 (202) 245-8300
Fax (202) 245-6840 TDD (877) 521-2172

LEGAL REFERENCE: 42 U.S.C. § 12112; 28 C.F.R. § 41.31; 28 C.F.R. § 41.53

Adopted February 22, 2011

ARTICLE IV

POLICY 4-4.1 COMMUNITY USE OF SCHOOL FACILITIES

For the purposes of this policy, "school facilities" are defined as buildings, grounds, and equipment owned or operated by the School Board. The primary purpose of these facilities is for the support of the instructional program. However, the School Board encourages the use of these facilities by the public when such use will not interfere with the basic purposes of the educational program. The School Board and the administration retain exclusive authority to terminate uses that become disruptive.

Charges and fees for the use of these school facilities are designed not to limit or prohibit use, but to protect citizens from the expenditures of public money appropriated for classroom instruction and for other purposes. The expenses of heating, lights, water and custodial services, as well as protection of school property and security of the buildings when various groups use school facilities, make it necessary to have specific regulations with relation to the use of schools, buildings, and grounds. Because schools are educational institutions, their facilities should be used in an appropriate manner to enhance the education, health through recreation and culture of the community. Requests for permission to use school facilities for programs that do not meet this basic standard shall be denied.

The Superintendent is authorized to permit the use of school property as described within this policy and on an emergency basis and to issue regulations consistent with School Board policies for the proper administration of the use of school facilities. The Superintendent shall submit an annual report on the use of school facilities to the School Board.

Eligible Organizations

The School Board permits use of school facilities by non-school organizations to the extent permitted by, and consistent with, applicable law. The requirements of the regular school program shall receive first consideration in the use of school facilities. School facilities may be made available to community organizations whenever there is no conflict with the regular school program.

Permission will not be given for profit-making activities conducted by any for-profit business, individual or organization unless for school fundraising or educational purposes. Bingo, all other gambling activities and secret meetings are prohibited on school grounds.

Fees for Use of Facilities

All organizations are responsible for payment of custodial fees whether or not a rental fee is assessed. Rental fees are set annually by the School Board. The rental fee will include one hour total for set-up and clean up of the facility (30 minutes prior to and following event.)

Richmond Public Schools' facility rental fees will be waived for local and state government agencies and may be waived or reduced for charitable or other educational, cultural, or recreational organizations as recommended by the school principal or another school administrator and approved by the Chief Operating Officer or his or her designee.

LEGAL REFERENCE: Code of Virginia, 1950, as amended §§ 22.1-131-22.1-132

Adopted February 22, 2011

POLICY 4-4.2 USE OF SCHOOL EQUIPMENT

Use of School Equipment by Employees

Employees are prohibited from utilizing school property materials, facilities, supplies and equipment for personal use or gain.

Cafeteria

Organizations may use cafeterias for serving suppers upon the payment of the fees charged, but no equipment other than tables, benches, and chairs may be used. Kitchen facilities may be rented under special circumstances, but at least one member of the cafeteria staff must be on duty the entire time that the kitchen is used. The organization renting the facilities shall be billed for the services of the employee.

Food and refreshments may be sold only in the cafeteria or other dining areas of school buildings and shall not be carried out of these areas.

Musical Instruments

Community organizations renting a school auditorium may use the school piano provided it is not moved. If the organization desires to have the piano tuned, the request should be made to the designated person in the office of the Superintendent who shall arrange to have the piano tuned at the expense of the organization using it. Renting organizations are forbidden to move school pianos.

Pianos and other large musical instruments shall not be moved into a school either as a gift or a loan without the approval of the superintendent or his or her designee.

LEGAL REFERENCE: Code of Virginia, 1950, as amended § 22.1-131

Adopted February 22, 2011

POLICY 4-4.3 TOBACCO USE ON SCHOOL PROPERTY

Smoking is prohibited at all times and under all circumstances in all Richmond Public School buildings as provided in federal, state and local law. Each principal shall post signs stating "No Smoking" as applicable within each school building. The supervisor of transportation shall post signs visible upon entering each school bus stating "No Smoking."

Smoking, chewing, or any other use of any tobacco products by staff, students, patrons and visitors shall be prohibited on School Board property as defined in this policy.

For purposes of this policy, the following definitions shall apply:

a. “School Board property” shall mean all property owned, leased, rented, or otherwise used by a school including, but not limited to, all interior portions of any building or structure used for instruction, administration, support services, maintenance or storage, as well as outdoor bleachers; and all vehicles used by Richmond Public Schools for transporting students, staff, visitors, or other persons.

b. "Tobacco" shall include cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and all other kinds and forms of tobacco prepared in such manner as to be suitable for chewing, smoking, or both. "Tobacco" shall include cloves or any other product packaged for smoking.

c. "Use" shall mean lighting, chewing, inhaling or smoking any tobacco product.

This policy shall be published in student handbooks, posted on bulletin boards, and announced in meetings. Staff and students found to be in violation of this policy shall be subject to appropriate disciplinary action.

Exemptions

The School Board may consider requests for exemptions from this policy that demonstrate the existence of extraordinary circumstances to warrant such an exemption and that do not violate federal or state law. The School Board may direct the Superintendent to issue regulations designating smoking areas on school grounds outside buildings.

LEGAL REFERENCE: 20 U.S.C. § 6083

Adopted February 22, 2011

Section V – Instruction
Table of Contents (including cross-references)

Proposed Policy

Article I
5-1.1 Educational Philosophy
5-1.2 Instructional Goals and Objectives
5-1.3 Organizational Plan
5-1.4 School Year
5-1.5 School Day
5-1.6 Ceremonies and Observances
5-1.7 Community Resource Persons/School Volunteers
5-1.8 Teaching about Controversial Issues
5-1.9 Religion in Schools
5-1.10 Emergency Closing of Schools
5-1.11 School and Community Communications

Article II
5-2.1 Basic Instruction Program
5-2.2 Curriculum Development and Evaluation
5-2.3 Innovative or Experimental Projects
5-2.4 Animals in Schools for Instructional Purposes

Article III
5-3.1 Adult and Continuing Education
5-3.2 Alternative School Programs
5-3.3 Career and Technical Education
5-3.4 Character Education
5-3.5 Programs for Disadvantaged Pupils
5-3.6 Driver Education
5-3.7 English as a Second Language (ESL)
5-3.8 Family Life Education (FLE)
5-3.9 Program for Gifted Pupils, Advanced Placement Classes and Special Programs
5-3.10 Health /Physical Education
5-3.11 Programs for Pupils with Disabilities
5-3.12 Teaching about Drugs, Alcohol and Tobacco
5-3.13 Technology
5-3.14 Remedial Instruction Program
5-3.15 Homebound Instruction
5-3.16 Accountability for Instructional Programs

Article IV
5-4.1 Grade Placement
5-4.2 Promotion and Retention of Pupils
5-4.3 Graduation and SOL Requirements

Article V
5-5.1 School Guidance and Counseling Programs
5-5.2 School Libraries/Media Centers

5-5.3 Copyrighted Materials
5-5.4 Homework
5-5.5 Textbooks and Instructional Materials
5-5.6 Complaints regarding Instructional Materials and Learning Resources
5-5.7 Field Trips and Excursions
5-5.8 Employment and Work-Training Certificates
5-5.9 Assembly Programs

Article VI
5-6.1 Reporting to Parents
5-6.2 Pupil Evaluation and Grading
5-6.3 Class Rankings and Honor Rolls
5-6.4 Testing Programs
5-6.5 Attendance

SECTION V – INSTRUCTION

ARTICLE I

POLICY 5-1.1 EDUCATIONAL PHILOSOPHY

The chief responsibility of the School Board of the City of Richmond (the School Board) is to provide high quality education for its pupils such that they develop attitudes and acquire skills necessary for lifelong learning, responsible citizenship and participation in a democratic society. Sound educational goals also must provide opportunities for children of all races to associate on equal terms in the public schools, as do children of various religions and national origins.

The purpose of schooling must be to transmit knowledge and to transmit that knowledge into desirable action. This concept emphasizes the fact that the development of rational powers is essential to important educational outcomes, which include vocational competence, strong moral character, deep spiritual values, love of home and country, respect for duly constituted authority, general concern and thoughtful consideration for the welfare and rights of others, willingness to act in the interest of the general welfare, a disciplined approach to the varied responsibilities of life, and a desire to improve in those competencies essential to effective personal and community life.

Therefore, the School Board has adopted a Pupil Progress Policy that addresses, but is not limited to, the following core areas: (1) curricular offerings; (2) early needs assessment; (3) special needs populations; (4) accelerated instructional programs; (5) summer school; (6) adult education; (7) standards for promotion; (8) intensive educational assessment; (9) grading policies; (10) learning environment; (11) pupil learning; (12) graduation criteria; (13) attendance policy; (14) homework policy; (15) evaluation of instruction; and (16) increased school involvement.

This policy incorporates standards for accrediting public schools in Virginia, which apply to common division and state expectations for pupil's achievement and progress.

LEGAL REFERENCE: Virginia Administrative Code, 8 VAC 20-130-10, et seq.

Adopted September 7, 2010

POLICY 5-1.2 INSTRUCTIONAL GOALS AND OBJECTIVES

Generally

Richmond Public Schools (RPS) is committed to excellence in education, equality of educational opportunity, and the recognition of each pupil's individuality. Because pupils differ in their rate of physical, cognitive, emotional, and social growth and vary in their needs and abilities, learning opportunities shall be provided that are consistent with personal development and potential.

Standards of Quality and Objectives

Generally

The School Board shall develop and implement a program of instruction for grades kindergarten through twelve (12) that is aligned with the Standards of Learning and meets or exceeds the requirements of the Virginia General Assembly and the Virginia Board of Education. The program of instruction shall emphasize:

1. reading;
2. writing;
3. speaking;
4. mathematical concepts and computations;
5. proficiency in the use of computers and related technology;
6. scientific concepts and processes;
7. essential skills and concepts of citizenship, including knowledge of
    a. Virginia history and World and United States history,
    b. economics, government,
    c. foreign languages,
    d. international cultures,
    e. health and physical education,
    f. environmental issues and geography necessary for responsible participation in American society and in the international community;
8. fine arts, which may include, but need not be limited to, music, art, and practical arts;
9. knowledge and skills needed to qualify for further education, gainful employment, and/or training in a career or technical field; and
10. development of the ability to apply such skills and knowledge in preparation for eventual employment, lifelong learning, and to achieve economic self-sufficiency.

Pupils who are Educationally At-Risk

The division superintendent shall develop and implement programs of prevention, intervention, or remediation for pupils who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three (3) through eight (8) or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Reporting

The School Board, through the school principals and the division superintendent, will make such annual reports to the Virginia Board of Education as are required for accreditation.

Accreditation

The School Board will review the accreditation status of each school in the school division annually in a public session of a School Board meeting.

Annual Notices

At the beginning of each school year, RPS will provide to its pupils' parents or guardians:

1. the learning objectives developed in accordance with the Standards of Accreditation to be achieved at their child's grade level, or, in high school, a copy of the syllabus for each of their child's courses;
2. the Standards of Learning applicable to the child's grade or course requirements and the approximate date and potential impact of the child's next SOL testing;
3. an annual notice to pupils in all grade levels of all requirements for Standard, Advanced Studies, Modified Standard, and Technical Diplomas; and
4. the School Board's policies on promotion, retention, and remediation.

Richmond Public Schools will provide to the parents and community the School Performance Report Card containing information, as prescribed by the Virginia Board of Education, for the most recent three (3) year period.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-253.13:1(C), 22.1-253.13:3; Virginia Administrative Code, 8 VAC 20-131-280, 8 VAC 20-131-290.

Adopted September 7, 2010

POLICY 5-1.3 ORGANIZATIONAL PLAN

The basic organizational plan for RPS shall be a K-5, 6-8, 9-12 plan. Exceptions to this plan are permitted when extenuating circumstances exist which make the above grouping impractical.

LEGAL REFERENCE: Constitution of Virginia, Article VIII, § 7; Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

Adopted September 7, 2010

POLICY 5-1.4 SCHOOL YEAR

School Year

Days or Hours of Required Operation

In accordance with the Code of Virginia, RPS will operate with pupils in attendance at least 180 teaching days or 990 hours (540 hours for kindergarten) per school year. Days on which schools are closed due to severe weather or other emergencies will be made up if necessary to meet these requirements in the manner prescribed by law.

Additional Days

Ten (10) days or the equivalent may be included for such activities as teaching, planning for the opening of school, evaluations, completing records and reports incident to the closing of each semester or school year, committee assignments, and conferences as are defined by the School Board. The provision of additional days may be reviewed by the School Board in light of budgetary constraints and adjusted as necessary.

Make Up Days

If severe weather conditions or other emergency situations result in the closing of a school or schools in the school division for:

1. five (5) or fewer days, all missed days will be made up by adding teaching days to the school calendar or extending the length of the school day; or
2. six (6) days or more, the first five (5) days plus one (1) day for each two (2) days missed in excess of the first five (5) days will be made up by adding teaching days to the school calendar or extending the length of the school day.

If severe weather conditions or other emergency situations result in the closing of any school in the school division and such school has been unable to meet the 180 day teaching requirement, the school

division may make up the missed teaching days by providing its pupils with instructional hours equivalent to such missed teaching days to meet the minimum 990 teaching hour requirement.

The Virginia Board of Education may waive the requirement that the school division provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency under certain circumstances. If the School Board desires a waiver, it will submit a request for a waiver to the Virginia Board of Education. The request will include evidence of the school division's efforts to reschedule as many days as possible and certification by the division superintendent and School Board chairman that every reasonable effort to make up lost teaching days was exhausted before the School Board requested the waiver. If the waiver is denied, the school division will make up the lost instructional time.

School Calendar

First Day of School

The first day of school shall be after Labor Day unless this requirement has been waived by the Virginia Board of Education pursuant to the Code of Virginia, § 22:1-79.1.

Drafting and Adoption

A proposed school calendar shall be drafted by the administration after appropriate consultation. Extra or emergency days shall be incorporated which, if not necessary, may be deleted or adjusted upon the recommendation of the division superintendent and upon approval of the School Board.

The annual school calendar shall be presented to the School Board for adoption by April of each year. The School Board shall establish the school calendar and related teaching contracts in accordance with applicable regulations of the Virginia Board of Education to include contingencies for making up teaching days and teaching hours missed for emergency situations. Historical data shall be used to determine the needs of the school division including scheduling holidays, breaks and work-days.

Amendments

The school calendar may be amended upon recommendation of the division superintendent and approval of the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-79, 22.1-79.1, 22.1-98; Virginia Administrative Code, 8 VAC 20-131-150, 8 VAC 20-521-20, 8 VAC 20-521-30, 8 VAC 20-521-40.

Adopted September 7, 2010

POLICY 5-1.5 SCHOOL DAY

School Day - Generally

Standard School Day

The standard school day for pupils in grades one (1) through twelve (12) will average at least 5 ½ hours, excluding breaks for meals. The standard school day for kindergarten will be a minimum of three (3) hours, excluding breaks for meals.

Secondary Class Clock Hours

The secondary school class schedule shall contain a minimum of 140 clock hours for each unit of credit. When credit is awarded in less than whole units, the increment awarded must be no greater than the fractional part of the 140 hours of instruction provided. College credits will be applied according to the applicable university or community college guidelines.

Instructional Day

The School Board recognizes the need for establishing the length of the instructional day for all pupils in the school division to provide consistency throughout the school system. The School Board also recognizes the need for daily school schedules to allow for differences in community and transportation needs within attendance zones. The School Board shall accept the standard provided by the Commonwealth of Virginia as minimal in nature and may extend pupil hours beyond state guidelines.

The division superintendent shall be authorized to establish daily time schedules for all schools within the system that shall be subject to School Board review at least on an annual basis. All pupils in similar grade classifications shall meet the established School Board directive on instructional day length at all schools in the division.

Richmond Public Schools recognizes the following exceptions to a full school day schedule that may be granted:

1. pupils enrolled in cooperative work-study programs granting credit may be allowed a modified schedule;
2. pupils with disabilities deemed appropriate by the Individualized Education Program (IEP) committee may be granted a modified schedule; and
3. any additional exceptions may be granted by the principal in cases of financial need, health, or other extenuating circumstances with division superintendent approval.

The instructional time shall be protected from interruptions and intrusions.

Exceptions to School Day Time Requirements

The time for opening and closing schools will be established by the School Board upon recommendation of the division superintendent, provided that the daily program for pupils in grades one (1) through twelve (12) will average at least 5 ½ hours, excluding breaks for meals. If the required program length is maintained, the School Board may approve occasional shortened days for staff development, conferences, planning, and other activities designed to improve the instructional program, provided that no more than one (1) day in each five (5) day week may be shortened to no less than four (4) hours as provided by the school calendar and as determined by the division superintendent. When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts, and scheduling or other unusual situations, the School Board will request approval for the exceptions by the State Superintendent of Public Instruction no later than by August 1 preceding the school year for which they are requested.

The length of the work-day for employees will be determined by the School Board. It will be of sufficient length to allow for the daily program for pupils and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions, or other contractual obligations.

No classes shall be dismissed before the scheduled dismissal hour except with the approval of the division superintendent.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-19, 22.1-253.13:3; Virginia Administrative Code, 8 VAC 20-131-110, 8 VAC 20-131-140, 8 VAC 20-490-30.

Adopted September 7, 2010

POLICY 5-1.6 CEREMONIES AND OBSERVANCES

Flags

Provision and Maintenance of Flags

Each Richmond Public School shall be provided with a flag of the United States of America and of the Commonwealth of Virginia to be flown in accordance with protocol. The poles, flags, and necessary equipment shall be provided for, maintained, and replaced from funds appropriated for this purpose by the governing body of the city.

Flying of the Flags

The principal of each school shall see that the flags are flown each school day from the hour of opening until the hour of closing the school, except on days when the flags might be damaged due to inclement weather conditions. The flags shall be flown at half staff in accordance with official orders.

Salute to the Flag

The form of salute to the flag of the United States of America which shall be taught in the public schools shall be that approved by the Congress of the United States.

Bill of Rights of the Constitution of the United States

In accordance with the Code of Virginia and the Bill of Rights of the Constitution of the United States of America, the statement, "'In God We Trust,' the national motto, enacted by Congress in 1956," shall be posted in a conspicuous place in each Richmond Public School for all pupils to read.

Opening Exercises

The Pledge of Allegiance shall be recited daily in each classroom of RPS as part of opening exercises. During the recitation of the Pledge of Allegiance, pupils shall stand while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform.

No pupil shall be compelled to recite the Pledge of Allegiance if the pupil, the pupil's parent(s), or legal guardian objects on religious, philosophical, or other grounds to the pupil's participation in this exercise. Pupils who are exempt from reciting the Pledge of Allegiance shall stand quietly or sit at their desks while others recite the pledge and make no display that disrupts or distracts those who are reciting the pledge.

Appropriate accommodations shall be made for pupils who are unable to comply with the procedures described herein due to disability.

Minute of Silence

The School Board hereby establishes the daily observance of one (1) minute of silence in each classroom of the school division. During this minute of silence, the teacher responsible for each classroom shall take care that all pupils remain seated and silent and make no distracting display.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-133, 22.1-202, 22.1-203; Law 2002 Acts of Assembly cc.891, 895.

Adopted September 7, 2010

POLICY 5-1.7 COMMUNITY RESOURCE PERSONS/SCHOOL VOLUNTEERS

Richmond Public Schools supports and encourages the active participation of parents and members of the community in providing and extending educational opportunities for children. The involvement of parents, volunteers, and others in the community who can serve as a resource to schools is a fundamentally important component of successful school programs. The administration of each school will direct the activities of parents, volunteers and other community resources at the building level.

Volunteers serve at the sole discretion of the principal, division superintendent and/or the School Board. They are obligated to adhere to all policies and regulations of the School Board and administration, but are not School Board employees and do not enjoy the benefits of employment. All volunteers are expected to undergo any applicable registration process implemented at each school prior to engaging in any activity. Volunteers may also be expected to present a form of photo identification to school administration upon entry into school buildings for the purpose of engaging in any activity or function.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-253.13:6.

Adopted September 7, 2010

POLICY 5-1.8 TEACHING ABOUT CONTROVERSIAL ISSUES

The School Board accepts training for effective citizenship as one of the major purposes of education. This can be done by recognizing that many important areas of curricular study involve issues on which individuals or groups hold differing positions.

Pupils engaged in the teacher-assigned curricular study of controversial issues shall:

1. have free access to all relevant information and materials in the school;
2. conduct research in an atmosphere of freedom from bias and prejudice; and
3. form and express opinions on assigned issues.

The role of the teacher in the presentation of assigned issues is vitally important. All sides of the issue shall be given to pupils in a dispassionate manner. In the discussion of controversial questions, extreme care is exercised to present facts in an accurate and unbiased manner. The goal is for the pupils to be taught to think clearly on all matters of importance and to make decisions in light of all the material that has been presented or can be researched on the issues. Indoctrination is not the intent or purpose of the school division. Although the instructional program of the school division includes many facets of the political party system in the United States, the School Board does not approve as a part of the school program the involvement of pupils in activities that imply school endorsement of an individual political

party or candidate. Principals shall prevent the distribution of partisan or sectarian literature within the school building and on the school grounds.

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

Adopted September 7, 2010

POLICY 5-1.9 RELIGION IN SCHOOLS

In accordance with the mandate of the Constitution of the United States prohibiting the establishment of religion, it is the policy of the School Board that RPS shall be neutral in matters of religion. This means that RPS:

1. will assume no role or responsibility for the religious training of any pupil; and
2. will in no way become involved in the religious belief, disbelief or doubt of any pupil.

This requirement of neutrality need not preclude nor hinder RPS in fulfilling their responsibility to educate pupils to be tolerant and respectful of religious diversity. The School Board recognizes that one of its educational responsibilities is to advance the pupils' knowledge and appreciation of the role that religion has played in the social, cultural, and historical development of civilization. Therefore, the division's instructional staff shall approach religion from an objective, curriculum-related perspective, encouraging all pupils and staff members to be aware of the diversity of beliefs and respectful of each other's religious and/or non-religious views. In that spirit of respect, pupils and staff members may be excused from participating in activities that are contrary to their religious beliefs unless there are clear issues of compelling public interest that would preclude such nonparticipation.

The School Board may offer, as an elective in grades nine (9) through twelve (12) with appropriate credits toward graduation, a comparative religion class that focuses on the basic tenets, history, and religious observations and rites of world religions.

Nothing herein shall prohibit pupils' right to express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Home and classroom work shall be judged by ordinary academic standards of substance and relevance and other legitimate concerns identified by the school division.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-202.1, 22.1-203.2, 22.1-203.3; Constitution of the United States (1st Amendment).

Adopted September 7, 2010

POLICY 5-1.10 EMERGENCY CLOSING OF SCHOOLS

In the event of any emergency, which may create hazards to the health or safety of the school division's pupils and teachers or may be hazardous to the school plant, the division superintendent shall have authority to direct the immediate closing of a school or schools until such time as conditions are again safe.

The division superintendent shall set forth such regulations as are necessary to see that all persons affected by an emergency closing of schools for hazards are properly informed by radio, television, and such other means as are necessary.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-70.

Adopted September 7, 2010

POLICY 5-1.11 SCHOOL AND COMMUNITY COMMUNICATIONS

The School Board directs that the division superintendent develop and implement a school and community communications plan that promotes communication and fosters mutual understanding with parents and the community.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-253.13:6.

Adopted September 7, 2010

ARTICLE II

POLICY 5-2.1 BASIC INSTRUCTION PROGRAM

Because education is a lifelong process, the educational program of RPS shall provide both formal studies to meet the general academic needs of all pupils and opportunities for individual pupils to develop specific talents and interests in career, technical, and other specialized fields and grow towards independent learning.

The various instructional programs shall be developed with the view toward maintaining balanced, integrated, and sequentially articulated curricula which shall serve the educational needs of all school-age children in the school division.

The School Board subscribes to the philosophy that well-developed reading and other basic skills, including the ability to spell, speak, and write intelligently are essential in society. It shall adopt specific requirements to ensure that high school graduates are sufficiently competent in these essential skills.

At all levels, provisions shall be made for a wide range of individual differences in pupil abilities and learning rates through uses of a variety of materials, adjustments in programs, and courses adapted to special needs of pupils.

The curriculum shall meet or exceed those requirements established by the Code of Virginia, the Virginia Department of Education, and the Virginia Board of Education. The curriculum will be aligned with the Virginia Standards of Learning.

To advance these goals, the division superintendent and staff shall provide an effective program of instructional supervision and assistance to principals and teachers that is consistent with the Virginia Standards of Learning, the Virginia Standards of Quality, the Virginia Standards for Accrediting Public Schools, and the objectives of the school division.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-199 through 22.1-253:13.6; Virginia Administrative Code, 8 VAC 20-131-10, et seq.

Adopted September 7, 2010

POLICY 5-2.2 CURRICULUM DEVELOPMENT AND EVALUATION

Curriculum Development

Philosophy

The curriculum is defined as the total of all social and educational experiences that occur as a part of the school program. Educational experiences are designed by grade level and/or by course. Other factors that influence the ongoing development of curriculum include technological advances, social relationships, community values and resources, and changing needs in the workplace.

Curriculum development, which shall be based on standards set by the Commonwealth of Virginia, at a minimum, is a collaborative process with broad representation from all schools in the division. At the elementary and middle school levels, curriculum development includes the identification of essential learning goals, with particular attention to beginning and ending expectations for pupil learning for the specific grade and/or subject. Articulation of learning expectations within and across grade levels is an integral part of the curriculum development process.

New Course Proposals

New course proposals for secondary schools are submitted in writing to the Chief Academic Officer. The Chief Academic Officer is responsible for convening the RPS Curriculum Task Force, which is composed of teacher representatives, representatives from specialty teaching areas, as necessary, school administration, and instructional supervisory staff. The Curriculum Task Force reviews new course proposals submitted to them and forwards all proposals to the School Board with a recommendation to approve or decline each proposed course. New courses must be approved by the School Board prior to being offered to pupils for enrollment. Once a course is approved, it may be offered at appropriate Richmond Public Schools contingent upon staffing, pupil enrollment, and the availability of other required resources.

The curriculum shall meet the requirements of the Code of Virginia and regulations of the Virginia Board of Education.

Evaluation of Instructional Programs

Richmond Public Schools is committed to the ongoing evaluation of the instructional program within the school division. The instructional program will be evaluated on its efficiency and effectiveness at a minimum. This evaluation is essential to the continuing provision of high-quality educational services, and the School Board shall be regularly informed of such assessment results via a report on at least an annual basis for the particular program in that evaluation cycle. The administration is charged with involving the school staff and the community in a continuous evaluation process of instructional programs.

Curriculum Guides

Programs and courses shall be flexible enough to provide for the wide range of needs of individual learners. Curriculum guides shall be provided to enable teachers to achieve this goal.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-199 through 22.1-253:13.6; Virginia Administrative Code, 8 VAC 20-131-10, et seq.

Adopted September 7, 2010

POLICY 5-2.3 INNOVATIVE OR EXPERIMENTAL PROJECTS

Generally

The curriculum in RPS shall conform to the requirements of the Code of Virginia and the regulations of the Virginia Board of Education. This conformity shall not be interpreted to discourage innovation in curriculum that would be appropriate to the needs of the pupils in the school system. Experimental and innovative programs that are not consistent with accreditation standards or other regulations promulgated by the Virginia Board of Education shall be submitted to the Virginia Board of Education for approval prior to implementation. The division superintendent or his/her designee shall promulgate regulations consistent with this policy.

Pilot, Research or Experimental Projects

Right to Inspect Instructional Materials

In addition to any other rights they may have with respect to the inspection of instructional materials, the parent or guardian of a child enrolled or engaged in any research or experimental program and/or project that is funded by the United States Department of Education shall be entitled to inspect all instructional materials which will be used in conjunction with such program or project.

Research and Informed Consent

As used herein, the term "research or experimentation program or project" means any systematic investigation that departs from the application of established and accepted methods which are appropriate to meet the pupil's needs and may result in physical or psychological injury to the participants. The division superintendent shall make the designation of any program or project as a research or experimentation program or project.

Informed Consent

No research shall be conducted or authorized unless the pupil's parents or legally authorized representative or emancipated pupil signs a pupil consent form and has it witnessed. The form shall comply with the Code of Virginia § 32.1-162.18.

Any research involving pupils shall be approved and conducted under the review of a human research committee established by RPS. If the subjects cannot be identified and the research falls within the exemptions of the Code of Virginia, the research is exempted from these requirements. Any complaints arising under this policy shall be submitted pursuant to applicable law.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-16.1, 32.1-162.16, 32.1-162.18; Virginia Administrative Code, 8 VAC 20-565-10, et seq.

Adopted September 7, 2010

POLICY 5-2.4 ANIMALS IN SCHOOLS FOR INSTRUCTIONAL PURPOSES

Generally

The School Board recognizes the benefits of the safe and humane use of animals to support the goals and objectives of its instructional program. Animals are permitted on RPS grounds for instructional purposes only and in accordance with this policy.

Prior Approval

The school principal must approve all animals brought onto school grounds for instructional purposes. As part of the school principal's approval process, verification must be made of proper and current vaccination of the animals to be brought onto school property. Record of such approval and vaccination must be provided to the school principal and documented.

Health Safeguards

For Pupils, Staff and Visitors

Building administrators and teachers will ensure that the animal(s) does not present a health risk to pupils or other staff members. If a pupil or staff member suffers from documented allergies or an illness that would be triggered by exposure to the animal, the pupil or staff member must not be removed from the classroom on this basis. The animal in this instance shall be prohibited. The teacher must also ensure implementation of relevant accommodations and health information included in Section 504 plans and Individualized Education Programs (IEPs).

Staff shall not be permitted to bring their household pets onto school grounds, except with prior approval from the school principal and for instructional purposes only. Wild animals, turtles, birds and ducks are not allowed onto school property due to the health risks these animals present. Animals shall not be permitted to roam the school building or grounds freely.

For Animals

Animals shall be treated in a safe, humane and respectful manner.

Exceptions

Service Animals

Service animals are not pets, nor are they used to supplement instruction. Animals, as the term is referred to in this policy, do not include service animals.

Mascots

Animals serving as mascots or otherwise related to extra-curricular activities are allowed onto school property with prior approval of the school principal and verification of vaccination.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79, 51.5-44.

Adopted September 7, 2010

ARTICLE III

POLICY 5-3.1 ADULT AND CONTINUING EDUCATION

Generally

Richmond Public Schools may offer a variety of educational adult and continuing education programs for residents of the City of Richmond who meet the eligibility criteria.

The purpose of the adult education program shall be to provide an opportunity for adults and out-of-school youth 18 years of age and older, to finish their high school or general education development (GED) program, complete a marketable skill training program, and find employment in the workplace. The GED testing program shall be offered to those who have been ordered by the court to participate in the program.

Eligibility

Generally, pupils must be at least 18 years of age to participate in adult or continuing education programs. Under circumstances which the division superintendent or his/her designee may consider to be justifiable, the minimum age requirement may be lowered.

The following persons may participate in the program of testing for general education development (GED):

1. persons who are at least 18 years of age and not enrolled in public school or not otherwise meeting compulsory attendance requirements;
2. persons 16 years of age or older who have been instructed by their parents in their home and who have completed such home school instruction and with the approval of the division superintendent;
3. persons 16 years of age or older who have been excused by the division superintendent from school attendance;
4. persons for whom an individual pupil alternative education plan has been granted;
5. persons 16 through 18 years of age who are housed in adult correctional facilities and who are actively pursuing a GED certificate, but who are not enrolled in an individual pupil alternative education plan;
6. persons 16 years of age or older who have been expelled from school by the School Board; and
7. persons required by court order to participate in the testing program.

Tuition and Fees

The School Board shall set tuition and fees for the adult education classes.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-210, 22.1-223, 22.1-224, 22.1-225, 22.1-254.2.

Adopted September 7, 2010

POLICY 5-3.2 ALTERNATIVE SCHOOL PROGRAMS

Reasons for Establishing

As special needs are determined, alternative programs may be established by the School Board within existing schools or at separate sites that are within the jurisdiction of RPS.

Proposals for Alternative Programs

Proposals for alternative school programs shall be developed by the division superintendent or his/her designee and will be submitted to the School Board for review and endorsement prior to implementation. Proposals shall include:

1. a statement of justification for the alternative program explaining how it will meet the special needs or expectations of the target population and the community;
2. a plan which delineates the proposed organizational structure as it relates to staffing and the scope and structure of the total instructional program;
3. a statement of financial impact identifying all costs, including administration, staffing, equipment, supplies, transportation, support services, and cost of maintaining the program;
4. a statement of related impact explaining how the proposed program will affect and interrelate with other programs and populations served in existing programs and facilities;
5. a statement verifying that all aspects of the program are in compliance with all appropriate federal, state, and local laws and regulations, and there is compliance with all applicable accreditation requirements;
6. special evidence of authorization from the Virginia Department of Education must accompany it if the proposal presents a potential conflict with existing regulations of the Virginia Department of Education; and
7. a plan for evaluation that defines anticipated outcomes and establishes criteria and procedures for evaluating achieved outcomes.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-209.1:1, 22.1-209.1:2, 22.1-209.1:3, 22.1-209.1:6, 22.1-253.13:1, 22.1-277.2, 22.1-277.2:1; Virginia Administrative Code, 8 VAC 20-330-10.

Adopted September 7, 2010

POLICY 5-3.3 CAREER AND TECHNICAL EDUCATION

Generally

The School Board believes in the importance of a sound career and technical program for all pupils desiring the same. Richmond Public Schools shall provide a program of career and technical education in order that pupils may acquire skills, knowledge, attitudes and habits of work necessary for life and success in employment. Career and technical programs for pupils shall be aligned with industry and professional standard certifications, if applicable. The division superintendent and staff shall plan and shall make recommendations for career and technical education in compliance with the Standards of Quality and Virginia Board of Education Regulations.

Development and Implementation of a Career and Technical Education Plan

Career Education

The School Board shall incorporate career education into the kindergarten through twelfth grade curricula, which shall include knowledge of careers and all types of employment opportunities including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, career education schools, and the teaching profession. The programs shall emphasize the advantages of completing school with marketable skills. The school division shall also provide career exploration opportunities in the middle school grades.

Career and Technical Education

A general career and technical education advisory council shall be formed, and shall be composed of members of the public, including pupils, teachers, parents and representatives from business industry and labor, with appropriate representation of both sexes and racial and ethnic minorities found in the school, community, or region. The council shall meet at regular intervals during the year to assist in the planning, implementing and assessing of career and technical education programs. The need for new occupational preparation programs shall be based on pupil and labor market demands.

The School Board shall develop and implement a plan to ensure that competency based career and technical education programs are implemented. These programs shall integrate academic outcomes, career guidance and job-seeking skills for all secondary pupils based on labor market needs and pupil interest. Career and Technical Education shall offer pupils challenging and meaningful educational experiences that prepare them for entry level job preparation skills or for advanced educational opportunities. Career and Technical Education shall be offered at individual schools, in specialized career and technical centers and/or via distance learning.

Career guidance shall include counseling regarding available employment opportunities to all pupils and placement services for pupils exiting school. This plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-209, 22.1-227 through 22.1-237, 22.1-253.13:1; Virginia Administrative Code, 8 VAC 20-120-10, et seq., 8 VAC 20-120-50, 8 VAC 20-120-110, 8 VAC 20-120-120.

Adopted September 7, 2010

POLICY 5-3.4 CHARACTER EDUCATION

Generally

Richmond Public Schools shall establish, within its existing programs, a character education program in its schools. The purpose of the program is to foster civic virtues and personal character traits so as to improve the learning environment, promote pupil achievement, reduce disciplinary problems, and develop civic-minded pupils of high character. The program shall be cooperatively developed with pupils, parents, and the community. Specific character traits emphasized include trustworthiness, respect, responsibility, fairness, caring, and citizenship. Character education shall be interwoven into the school procedures and environment so as to instruct primarily by example, illustration, and participation, in such a way as to complement the Standards of Learning. Classroom instruction may also be used to supplement the program. The program shall also address the inappropriateness of bullying, as defined in the Student Code of Conduct Guidelines adopted by the Virginia Board of Education.

Character education is intended to educate pupils regarding those core civic values and virtues, which are fundamental to civilized society and are common to the diverse social, cultural, and religious groups of the Commonwealth of Virginia. It shall not include indoctrination in any particular religious or political belief. Consistent with this purpose, Virginia's civic values, which are the principles articulated in the Bill of Rights (Article I) of the Constitution of Virginia and the ideals reflected in the seal of the Commonwealth of Virginia, as described in the Code of Virginia § 1-500, may be taught as representative of such civic values.

Program Criteria

The character education program shall conform to the following criteria established by the Virginia Board of Education. The program must:

1. specify those character traits to be taught, selecting from those, which are common to diverse social, cultural, and religious groups;
2. be implemented at the elementary and secondary levels;
3. provide for relevant professional development and adequate resources; and
4. include a method for program evaluation.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 1-500, 22.1-208, 22.1-208.01; United States Constitution, First Amendment; Constitution of Virginia, Article I.

Adopted September 7, 2010

POLICY 5-3.5 PROGRAMS FOR DISADVANTAGED PUPILS

The School Board shall operate a Title I program for disadvantaged pupils as authorized by the No Child Left Behind Act of 2001.

The School Board shall provide opportunities for parental involvement in the operation of the Title I program as authorized by regulations contained in the Code of Federal Regulations and those approved by the School Board.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:1; No Child Left Behind Act of 2001; 20 USC § 6301 et seq.; Virginia Administrative Code 8 VAC 20-131-5 et seq.

Adopted September 7, 2010

POLICY 5-3.6 DRIVER EDUCATION

Generally

A course in Driver Education (classroom) shall be included in the tenth grade Health and Physical Education curriculum in each high school. Classroom Driver Education must include instruction in Alcohol and Drug Use and Abuse, aggressive driving, motorcycle awareness, distracted driving, and organ and tissue donor awareness. Classroom instruction hours must satisfy the Virginia Department of Motor Vehicles (DMV) requirements.

Instructors

The instructors for this course shall be regular faculty members with valid teacher certificates, shall be endorsed as driver education instructors by the Virginia Department of Education and shall meet

all standards set forth by the Virginia Board of Education. At the beginning of each school year and thereafter as necessary, the division superintendent or his/her designee shall report to the Virginia Department of Motor Vehicles (DMV) the name and driver's license number of all persons providing instruction in driver education for the school division.

Instruction

Behind-the-Wheel ("BTW") instruction will be offered during the school year only. Behind-the-Wheel instruction will be offered to pupils who have reached the age at which a pupil qualifies for a learner's permit from the DMV. Seven hours of BTW instruction are offered with 3.5 hours occurring on the driving range and 3.5 hours of behind the wheel.

No pupil shall be permitted to operate a motor vehicle without either a learner's permit or license. Necessary certification of the pupil's academic standing and compliance with compulsory attendance laws shall be provided by the administration to the DMV upon request, in accordance with state law.

Program Cost

The cost of BTW instruction will vary according to the cost of the program, which is determined by the number of pupils, number of teachers, and maintenance costs of vehicles. The cost shall not exceed the school division's cost in operating the program prorated on an individual basis.

Program Completion

Upon successful completion of classroom and BTW instruction, the pupil must meet the Virginia Board of Education requirements for good academic standing in order to qualify for a Virginia driver's license.

Precautions

The administration will take steps to implement the following precautions when cars are being used for BTW instruction:

1. keep the driver training cars in a safe, designated area when not in use;
2. defer use of the car until insurance has been provided for the protection of the school, the car dealer (if cars are leased or rented), the instructor, the users of the car and others involved in obtaining the use of the car for the school division. The insurance coverage shall include a minimum coverage prescribed by law;
3. drive the car only when delivering it or returning it, when giving driver instruction, and when having it serviced. Under no conditions shall a pupil drive the car unless the instructor is in the car except under driving range conditions and supervision; and
4. keep records necessary for reports and submit all reports concerning the course and the use of the car to the Driver Education Services of the Virginia Department of Education.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-204, 22.1-205, 22.1-206, 46.2-323, 46.2-340; Virginia Administrative Code, 8 VAC 20-340-10, 8 VAC 20-340-20, 8 VAC 20-340-30.

Adopted September 7, 2010

POLICY 5-3.7 ENGLISH AS A SECOND LANGUAGE (ESL)

The School Board shall identify pupils with limited English proficiency and enroll such pupils in appropriate instructional programs that will encourage them to become proficient in the use of the English language.

RPS shall administer a limited English proficiency assessment mandated for students pursuant to the federal No Child Left Behind Act that may be locally developed or selected and has been approved by the Board of Education in accordance with federal requirements.

Foreign Language Credit Program for Native and Heritage Speakers

The School Board shall provide a foreign language credit program for native and heritage speakers. This program is designed to assess pupils' native language proficiency so they may earn credit toward fulfilling the foreign language requirement for the Advanced Studies Diploma, Standard Diploma and the Commonwealth Scholars designation. Initially, the languages included in this program will be Spanish and French. The administration may add additional languages within the program in subsequent school years.

The target group for this program is pupils whose native languages are Spanish or French and who have not received a foreign language credit in grades 7-12. Pupils who have received one or more credits will not be eligible to participate in this program.

Credit Earned

Pupils must demonstrate oral and written evidence that they have reached the intermediate range of proficiency as described by the American Council on the Teaching of Foreign Languages (ACTFL) K-12 Performance guidelines. This means that pupils can speak and write about personal experiences using complete sentences and paragraphs. Upon completion of the proficiency test, the pupil will have met the aims and objectives of the course and will be awarded one or two foreign language credits towards graduation.

Foreign Language Criterion for Graduation

1. Advanced Studies Diploma pupils must earn three credits in one foreign language or two credits in two different foreign languages.
2. Commonwealth Scholars designation requires two years of a foreign language.
3. Standard Diploma/Modified Standard Diploma pupils can apply foreign language credit towards elective requirements.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 1-511, 22.1-212.1.

Adopted September 7, 2010

POLICY 5-3.8 FAMILY LIFE EDUCATION (FLE)

Generally

The School Board approves the inclusion of Family Life Education (FLE) in the curriculum. Instruction shall be organized and maintained under the FLE Standards of Learning objectives developed by the Virginia Department of Education. The FLE curriculum shall be reviewed annually. Such review shall allow for community input.

Community Involvement Team

Under procedures approved by the School Board, a community involvement team shall be established. The team may include, but not be limited to, school administrators, teachers, parents, clergy, medical professionals and others in the community.

Instructional Materials

The division superintendent or his/her designee must approve all instructional materials used in FLE. No materials relating to FLE may be available for circulation to pupils through the school libraries or resource and media centers unless the School Board has approved these materials.

Separate Sessions

Portions of classes in the FLE program that deal exclusively with human sexuality may be conducted in separate sessions for boys and girls.

"Opt-out" Procedures

The division superintendent or his/her designee shall develop "opt-out" procedures for parents or guardians who do not want their children included in all or part of the FLE program.

Right of Parental Review

A parent or guardian shall have the right to review the FLE curricula, including all supplemental materials used in the program. A summary of the FLE program designed to assist the parent in understanding the program and to encourage parental involvement in the instruction of pupils in FLE shall be prepared and available.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-207.1, 22.1-207.2; Virginia Administrative Code, 8 VAC 20-131-170; 34 C.F.R. § 106.34.

Adopted September 7, 2010

POLICY 5-3.9 PROGRAM FOR GIFTED PUPILS, ADVANCED PLACEMENT CLASSES AND SPECIAL PROGRAMS

Generally

Educational opportunities appropriate to the exceptional abilities of gifted pupils will be provided. Every pupil in RPS shall be given the opportunity to realize his/her potential through an array of appropriately engaging and challenging educational experiences. Gifted pupils require a differentiated educational program in order to maximize the development of their special abilities.

Screening and Identification

Screening and Identification

Richmond Public Schools shall use a uniform procedure with multiple criteria for early screening and identification of gifted and accelerated-learning pupils in all populations, as prescribed by the Virginia Board of Education. Richmond Public Schools shall use four or more of the following criteria for determining giftedness:

1. assessment of appropriate pupil products, performance, or portfolio;

2. record of observation of in-class behavior;
3. appropriate rating scales, checklists, or questionnaires;
4. individual interview;
5. individual or group achievement tests;
6. record of previous accomplishments (such as awards, honors, grades, etc.); and
7. additional valid and reliable measures or procedures.

Procedures for the early and on-going identification of gifted and accelerated-learning pupils beginning with kindergarten and placement at grades two through secondary graduation in at least one of the four defined areas of giftedness:

1. general intellectual ability;
2. specific academic aptitudes;
3. visual and performing arts; and
4. technical and practical arts.

Referrals for giftedness screening may be submitted by school personnel, parents or legal guardians, other persons of related expertise, peer referral and self-referral of those pupils believed to be gifted. Pertinent information, records, and other performance evidence of referred pupils will be examined by a building level or division level Identification/Placement Committee.

Appeals

Richmond Public Schools shall maintain a division review procedure for pupils whose cases are appealed. This procedure shall involve individuals, the majority of whom did not serve on the Identification/Placement Committee.

Reporting

The School Board shall submit a plan for approval and an annual report of the RPS Program of Gifted Education to the Virginia Department of Education as prescribed by the Virginia Board of Education.

Local Advisory Committee

The School Board supports the development of an appropriately differentiated educational program for gifted pupils in order to facilitate the fullest development of their potential. The School Board shall establish a local advisory committee for the gifted education program. Annually, the committee shall review the gifted education program, including any revisions to the program. The committee shall also determine the extent to which the program for the previous year was implemented by the division. The comments and recommendations of the committee shall be provided in writing through the division superintendent or his/her designee to the School Board.

Programming

Elementary

Special provisions shall be made for developing the talents of gifted and accelerated learning children within the regular program in the elementary schools.

Secondary

Secondary schools shall provide advanced placement programs and other special courses for gifted and accelerated-learning pupils wherever possible. Richmond Public School pupils and their parents shall be notified of the availability of dual enrollment and advanced placement classes, and the Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low income pupils to take the advanced placement examinations. The division superintendent may promulgate regulations to implement this policy, which shall ensure the provisions of timely and adequate notice to pupils and their parents.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-18.1, 22.1-253.13:1; Virginia Administrative Code, 8 VAC 20-40-10 through 8 VAC 20-40-60.

Adopted September 7, 2010

POLICY 5-3.10 HEALTH/PHYSICAL EDUCATION

Each Richmond Public School shall organize and maintain a physical and health education program in accordance with Virginia Board of Education regulations and Virginia Board of Health guidelines.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-207; Virginia Administrative Code, 8 VAC 20-320-10.

Adopted September 7, 2010

POLICY 5-3.11 PROGRAMS FOR PUPILS WITH DISABILITIES

Generally

Richmond Public Schools shall identify and provide special education and related services to eligible and qualifying pupils in accordance with state and federal requirements and the special education policies and procedures approved by the School Board. The Individualized Education Program (IEP) or 504 Plan for each pupil shall determine the needs and services for each pupil found eligible for special education services. Specifically, the IEP or 504 Plan shall indicate the manner in which the pupil will participate in school division and state required assessments, and any modification, accommodations, supplementary aids and services the pupil needs in order to access and participate in school programs.

Child Find: Identification, Location, Evaluation

The School Board shall assure that all children, birth through 21, who may need special education and related services, are identified, located, and evaluated in accordance with all federal and state requirements and the special education policies and procedures approved by the School Board.

Eligibility and Service Provision

The School Board shall assure that all children determined eligible for services under the Individuals with Disabilities Education Act are provided services in accordance with all federal and state requirements and the special education policies and procedures approved by the School Board. Additionally, for all pupils who are qualified under Section 504 of the Rehabilitation Act of 1973, as amended, that services are provided in accordance with all federal requirements.

Procedural Safeguards

The School Board shall assure that children with disabilities and their parents are guaranteed and provided procedural safeguards in accordance with all federal and state requirements and the special education policies and procedures approved by the School Board.

Least Restrictive Environment

The School Board shall assure that to the maximum extent appropriate, children with disabilities, including those in public or private institutions or other care facilities will be educated with children who do not have a disability.

Richmond Public Schools will serve pupils with disabilities in a variety of educational settings. A continuum of alternative placements shall be considered for each pupil found eligible for special education and related services. Such consideration will seek to insure that each pupil will receive services in an environment in which the individual needs of the pupil will appropriately be met.

Individualized Education Program and/or 504 Plan

Richmond Public Schools ensures that the IEP and/or 504 Plan for each pupil will be reviewed at least annually and revised as needed in accordance with all federal and state requirements and the special education policies and procedures approved by the School Board.

LEGAL REFERENCE: Individuals with Disabilities Education Improvement Act (2004); Americans with Disabilities Act of 1990; Section 504 of the Rehabilitation Act of 1973**;** 20 U.S.C. § 1400, et seq.; 34 C.F.R. Parts 300 and 303; 42 U.S.C. § 12101 et seq.; Code of Virginia, 1950, as amended, §§ 22.1-213 through 22.1-216, 22.1-218, 22.1-253.13:1; Virginia Administrative Code, 8 VAC 20-81-10 et seq.

Adopted September 7, 2010

POLICY 5-3.12 TEACHING ABOUT DRUGS, ALCOHOL AND TOBACCO

Each RPS pupil shall receive instruction in drug, alcohol, and tobacco education and their abuse in accordance with the guidelines set forth by the Virginia Board of Education.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-206; Virginia Administrative Code, 8 VAC 20-310-10.

Adopted September 7, 2010

POLICY 5-3.13 TECHNOLOGY

Generally

The responsible use of computers and computer networks is a powerful tool in support of the instructional program. Richmond Public Schools' computer network is a wide-area network linking the schools and the administrative office to the Internet.

Liability

The School Board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Board shall not be responsible for the accuracy or quality of information obtained through the computer system. The user

agrees to indemnify the School Board for any losses, costs or damages incurred by the School Board relating to or arising out of any violation of this policy.

Internet Use

Internet Privacy Statement

The School Board maintains and operates a website for the dissemination of information about the school division. The School Board does not collect any information from persons who access its website, including personally identifiable information. The School Board website does not automatically place a computer file - commonly known as a "cookie" - on any person's computer who accesses the website.

Acceptable Internet Use and Internet Safety Policy

The School Board adopts this Acceptable Use Policy, which outlines appropriate uses, ethics and protocol for the School Board's computer network.

1. School Board employees and pupils shall not use the division's computer equipment and communications services for sending, receiving, viewing or downloading inappropriate and/or illegal material via the Internet and World Wide Web.
2. The division superintendent or his/her designee shall select and operate technology that protects against, filters or blocks access through school division computers to visual depictions that are –
    a. child pornography, as set out in Virginia Code § 18.2-374.1:1 or as defined in 18 U.S.C. § 2256;
    b. obscenity, as defined in Virginia Code § 18.2-372 or 18 U.S.C. § 1460; and
    c. material that RPS deems to be harmful to juveniles, as defined in Virginia Code § 18.2-390, material that is harmful to minors, as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors.
3. The technology protection measures shall be utilized and enforced during any use of the division's computers by minors.
4. The school administration shall monitor online activities of minors.
5. The division superintendent or his/her designee shall select and operate technology and take administrative measures to protect the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications.
6. Minors shall not obtain unauthorized access, including "hacking" and other unlawful activities, while online.
7. The School Board, its employees, agents and pupils shall not disclose, use, or disseminate personal identification information regarding minors.
8. The division superintendent or his/her designee shall ensure that RPS includes a component on Internet safety for pupils that is integrated in the division's instructional program and that is consistent with the guidelines for instructional programs related to Internet Safety issued by the Superintendent of Public Instruction.

The failure of any pupil, teacher or administrator to follow the terms of this policy may result in the loss of computer network privileges, disciplinary action and/or appropriate legal action.

A copy of this Acceptable Use Policy shall be posted on the school division's website in accordance with applicable state law. The School Board will review, amend if necessary and approve the school division's Acceptable Use Policy every two years.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 2.2-3803, 18.2-372, 18.2-374.1:1, 18.2-390, 22.1-70.2; 18 U.S.C. § 1460; 18 U.S.C. § 2256; 47 U.S.C. § 254(h)(7)(G).

Adopted September 7, 2010

POLICY 5-3.14 REMEDIAL INSTRUCTION PROGRAM

Remedial Instruction Programs

The School Board shall provide remedial programs that supplement the regular classroom programs, will serve to strengthen pupils in need of remediation, and are consistent with applicable law. Specifically, the School Board shall review and report on the remedial program as from time-to-time is required by the Virginia General Assembly and the Virginia Department of Education. These programs are contingent upon annual appropriations.

Criteria for Admission

To be eligible for placement, a pupil must meet at least one of the following criteria:

1. be below average in measured ability and be unable to function or is not functioning successfully in regular required course(s) because of limited ability;

2. be below average in achievement in the required course(s) and need remediation and/or supplemental work to function successfully in required course(s) – a general rule of at least one year below grade level should apply; or

3. score in the bottom national quartile on Virginia State Assessment Program tests.

Literacy and Standards of Learning Assessment Tests

The School Board shall implement programs of prevention, intervention or remediation for pupils who are educationally at risk, including those who fail to achieve a passing score on any Standard of Learning assessment in grades three through eight, or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research based.

Any pupil who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit may be required to attend a remediation program, which may include summer school.

Any pupil who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight shall be required to attend a summer school program or participate in another form of remediation. The division superintendent or his/her designee shall require such pupils to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with applicable law. Such summer school programs or other form of remediation shall be chosen by the division superintendent or his/her

designee to be appropriate to the academic needs of the pupil. Pupils who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition.

The requirement for remediation may, however, be satisfied by the pupil's attendance in a program of prevention, intervention or remediation which has been selected by his parent, in consultation with the division superintendent or his/her designee, and is either (i) conducted by an accredited private school or (ii) a special program which has been determined to be comparable to the required public school remediation program by the division superintendent or his/her designee. The costs of such private school remediation program or other special remediation program shall be borne by the pupil's parent.

Instruction and Remediation Recovery Program

Within the context of the Instruction and Remediation Recovery Program, material shall be presented in such a way as to be motivational for the pupil and within a time frame that is most conducive to maximizing the pupil's ability to learn.

The School Board will establish a Remediation Recovery Program. Pupils eligible to participate in the program will be pupils in kindergarten through eighth grade who have failed the Standards of Learning assessment in the areas of English (reading, literature and research) or mathematics, and pupils at the high school level who have failed to pass a Standards of Learning assessment in mathematics.

Pupils who retake a Standards of Learning assessment must have participated in some form of remediation, including the Remediation Recovery Program, to be eligible for re-testing. Also, pupils who participate in the Remediation Recovery Program are expected to re-take the applicable Standards of Learning assessment at the next regularly scheduled administration, and may only be counted in Remediation Recovery once for one grade/Standards of Learning assessment. At the high school level, pupils may continue to re-take end-of-course tests as many times as necessary to earn verified credit.

Richmond Public Schools shall maintain evidence of a pupil's participation in a Remediation Recovery Program, along with the scores of any Standards of Learning assessment taken following remediation, in the pupil's record.

The following pupils are ineligible for the Remediation Recovery Program:

1. Pupils in kindergarten through grade eight who are re-tested because they were retained and had not previously passed a grade level test in English (reading, literature and research) or mathematics.

2. Pupils who re-take an end-of-course test as a result of failing and re-taking mathematics course at the high school level.

In designing remediation programs required by the Standards of Quality, the School Board shall annually evaluate and modify, as appropriate, the remediation plan based on an analysis of the percentage of pupils meeting their remediation goals and consideration of the pass rate on the Standards of Learning assessments. The program shall include, when appropriate, a procedure for early identification of pupils who are at-risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit required for the pupil's graduation. Such pupils shall be provided appropriate remediation activities.

Compulsory Attendance

The division superintendent or his/her designee may seek immediate compliance with the compulsory school attendance law after a reasonable effort to seek the pupil's attendance in the summer school program or after-school session has failed, including direct notification of the parents of such pupil of the attendance requirement and failure of the parents to secure the pupil's attendance when:

1. the pupil is required to take a special program of prevention, intervention, or remediation in the summer school program or to participate in another form of remediation as provided by law; and

2. the division superintendent determines that remediation of the pupil's poor academic performance, passage of the Standards of Learning assessment in grades three through eight or promotion is related directly to the pupil's attendance in the summer school program or participation in another form of remediation.

Reporting

The School Board shall annually report the following information to the Virginia Board of Education pertaining to pupils eligible for remediation:

1. the number of pupils failing a state-sponsored test required by the Standards of Quality or Standards of Accreditation;
2. a demographic profile of pupils attending state-funded remedial programs;
3. the academic status of each pupil attending state-funded remedial programs;
4. the types of instruction offered;
5. the length of the program;
6. the cost of the program;
7. the number of ungraded and disabled pupils, and those with limited English proficiency;
8. as required, the pass rate on Standards of Learning assessments; and
9. the percentage of pupils at each grade level who have met their remediation goals.

Summer School

The School Board encourages the summer school program to offer any school subject for which there is sufficient demand. Summer school shall be provided to meet the needs of pupils for reinforcement, acceleration, enrichment, or advanced study. Summer school programs will adhere to the same performance standards of excellence as regular school programs.

Pupils who attend summer school and demonstrate significant growth may have the opportunity to advance to a higher level of placement, if they are repeating a grade or are over age.

Credit for repeated work ordinarily will be granted on the same basis as that for new work. With prior approval of the principal, certain pupils may be allowed to enroll in two repeated subjects to be completed within not less than 75 clock hours of instruction per unit of credit.

Any pupil of RPS, adults, non-residents, and war veterans are eligible to enroll in summer school, as long as they meet divisional criteria.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-199.2, 22.1-211, 22.1-212, 22.1-253.13:1, 22.1-254, 22.1-254.01; Virginia Administrative Code, 8 VAC 20-131-120, 8 VAC 20-630-40, 8 VAC 20-630-50.

Adopted September 7, 2010

POLICY 5-3.15 HOMEBOUND INSTRUCTION

The School Board shall provide homebound instruction for pupils who are confined for periods that would prevent normal school attendance based upon certification of need by a licensed physician, clinical psychologist, or nurse practitioner. Termination of homebound instruction shall be certified by a licensed physician, clinical psychologist, or nurse practitioner. Upon request of the pupil's parent or guardian, and provided such request is recommended by a licensed physician, clinical psychologist, nurse practitioner or psychiatrist, the School Board shall furnish a teacher to instruct the pupil at home.

Any grades or credits earned shall be considered a part of the pupil's regular schoolwork and recorded as such at the pupil's school. Grades and credit for the work shall be awarded when it is done under the supervision of a certified teacher, a person eligible to hold a Virginia certificate, or other appropriately licensed professional employed by the School Board.

The division superintendent or his/her designee shall approve applicants for homebound instruction. Medical forms must be maintained on file. While receiving homebound instruction, the pupil shall be counted as present in school.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-253.13:2, 54.1-2957.02; Virginia Administrative Code, 8 VAC 20-131-10, et seq., 8 VAC 20-131-180.

Adopted September 7, 2010

POLICY 5-3.16 ACCOUNTABILITY FOR INSTRUCTIONAL PROGRAMS

The School Board directs that the division superintendent or his/her designee develop and implement a program accountability, review, monitoring and evaluation system to assess the effectiveness of educational programs. This system shall include a plan and schedule for evaluating the division's instructional programs. To that end, all new and existing programs shall include a program evaluation component that focuses on pupil outcomes. Accountability results shall be reviewed and programs will be continued, modified or eliminated based on the results.

Ad hoc evaluations of programs shall be approved and separately funded by the School Board.

LEGAL REFERENCE: None

Adopted September 7, 2010

ARTICLE IV

POLICY 5-4.1 GRADE PLACEMENT

Entrance

A pupil who will be age five on or before September 30 of the school year shall enroll in RPS and be classified as a kindergarten pupil except as provided by applicable law.

Transfer from Non-Accredited Settings

Pupils transferring from non-accredited private schools, home schooling, or schools outside the United States will be assessed for grade level placement.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-199; Virginia Administrative Code, 8 VAC 20-131-30, 8 VAC 20-131-60.

Adopted September 7, 2010

POLICY 5-4.2 PROMOTION AND RETENTION OF PUPILS

Generally

The Virginia Board of Education charges school principals with the ultimate responsibility of assigning pupils to classes, programs, and activities that are designed to promote maximum learning. In accordance with this provision, the school principal is the final authority in all matters of promotion and retention. In making the determination for placement, such factors as reading and math achievement commensurate with ability and social maturation and other requisites necessary to predict success in placement will be considered.

Promotion and Retention of Elementary Pupils

All elementary schools shall use the third, fourth and fifth grade Standards of Learning (SOL) test scores as part of a multiple set of criteria for determining the advancement or retention of pupils.

Pupils not passing any portion of the SOL battery tests:

1. will be required to participate in a remediation program that may include a summer program or other extended (day, week, year) program; and
2. will be referred to the appropriate instructional team to determine the mode and extent of the remediation program.

Promotion, placement, or retention will be the decision of the principal with staff and parental input at the conclusion of the remediation program.

Promotion and Retention of Middle School Pupils

All middle schools shall use the sixth, seventh and eighth grade SOL test scores as part of a multiple set of criteria for determining the advancement or retention of pupils.

Pupils not passing any portion of the SOL battery tests:

1. will be required to participate in a remediation program that may include a summer program or other extended (day, week, year) program; and
2. will be referred to the appropriate instructional team to determine the mode and extent of the remediation program.

Promotion, placement, or retention will be the decision of the principal with staff and parental input at the conclusion of the remediation program. If a sixth, seventh or eighth grade pupil does not pass all segments of the SOL battery test, a face-to-face meeting of the pupil, parent(s), and school officials is required prior to the pupil's placement or promotion.

Promotion shall be based on successful completion of three out of four core curriculum areas (English, Mathematics, Social Studies and Science) for each grade level. SOL test results administered at grades six, seven, and eight may also be used to determine promotion or retention. Pupils are encouraged to receive strengthening, i.e., summer school, tutoring, etc., in any subject failed. If the pupil fails English and/or Mathematics, he/she may be required to address the deficiency.

A middle school pupil who fails two or more classes in a nine-week period must:

1. have an individual or group meeting with the counselor once every three weeks; and
2. have an individual conference with the teacher of each failed class at least once every three weeks.

Promotion and Retention of High School Pupils

Promotion shall be determined by the successful completion of the required Carnegie units for each grade level and SOL proficiency.

The guidelines for grade placement are as follows:

Grade Level	Credits:
9 to 10	completion of 5 units, and pass 3 core courses
10 to 11	completion of 10 units, and pass 6 core courses
11 to 12	completion of 14 units, and pass 9 core courses

These are minimal requirements that are cumulative in nature. Core courses are English, Mathematics, Social Studies and Science. Each pupil should learn relevant grade subject matter before promotion to the next grade level. For grade levels in which the SOL tests are given, achievement of a passing score on the SOL tests should be considered in addition to promotion/retention policies. Achievement expectations and participation in SOL testing of pupils with disabilities will be guided by provisions of the Individualized Education Program (IEP) or 504 Plan.

Each pupil in middle and high school shall take applicable end-of-course SOL tests following course instruction. Pupils who achieve a passing score shall be awarded a verified credit for that course.

Parents shall be notified of unsatisfactory academic progress which might affect a pupil's progression to the next grade level or his/her eligibility for graduation.

A pupil who fails English or two or more classes in a nine-week period must:

1. have an individual or group meeting with the counselor at least once every three weeks; and
2. have an individual conference with teacher(s) of courses failed at least once every three weeks.

High School Credit End-of-Course SOL Tests

The following is a description of the credit offerings:

1. Verified Credit: Pupils must pass the SOL test in order to receive verification of the course credit.
2. Course Credit: A standard unit of credit is awarded when a pupil passes a high school credit-bearing course.
3. The following are possible scenarios detailing pupils receiving verified and/or standard units of credit after completion of a credit-bearing course:

    a. Pass course for the year and pass SOL test**:**
    Pupils scoring at or above the SOL proficiency level as established by the state and passing the course requirements will receive verified credit for the course and a standard unit of credit toward graduation.

    b. Pass course for the year and fail SOL test:
    Pupils who pass the course and who score below the SOL proficiency level as established by the state, shall receive a standard unit of credit (not verified) for the course and shall participate in a remediation program designed by an appropriate instructional team. Seniors who have earned the necessary verified credits for graduation are exempt from this remediation requirement.

    c. Fail course for the year and either pass or fail SOL test**:** Pupils who fail the course and either pass or fail the SOL test will earn no credit and the course must be repeated if the credit is required to meet graduation requirements.

As school accreditation is tied to pupil success on SOL tests, schools will be expected to explore a variety of proactive means of promoting pupil success on SOL tests.

Special Education

Determinations regarding promotion of special education pupils shall be made consistent with applicable law and relevant IEP.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-19, 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:4, 22.1-254.01; Virginia Administrative Code, 8 VAC 20-131-30, 8 VAC 20-131-80, 8 VAC 20-131-90, 8 VAC 20-131-100, 8 VAC 20-131-110, 8 VAC 20-131-210; Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq.

Adopted September 7, 2010

POLICY 5-4.3 GRADUATION AND SOL REQUIREMENTS

Standards of Learning (SOL), End-of-Course Tests, and Verified Credits

Generally

The Commonwealth of Virginia has established a set of K-12 subject-area SOLs with corresponding end-of-course SOL tests. All pupils enrolled in a grade eight course are required to take a corresponding SOL test in the spring. In addition, all middle and high school pupils enrolled in applicable high school credit-bearing courses are required to take corresponding end-of-course tests.

Remediation

Remediation opportunities (during and after school and summer school) will be provided for pupils failing one or more of the SOL tests. Pupils and parents should check with principals in selecting appropriate programs.

Earning a Verified Credit

Pupils who pass a course and achieve a passing score on an end-of-course test are awarded a verified unit of credit in that course. A verified credit is defined as 140 clock hours of instruction, successful completion of the course requirements, and the achievement of a passing score on the SOL test for that course or on a substitute assessment. The Virginia Board of Education has established the number of standard credits and verified credits required for the Standard Diploma and for the Advanced Studies Diploma.

Sequential Electives

Beginning with the graduating class of 2003, at least two sequential electives are required for the Standard and Modified Standard Diplomas. Guidelines are as follows:

1. Sequential electives may be in any discipline as long as the courses are not specifically required for graduation.
2. Courses used to satisfy the one unit of credit in a fine or practical art may be used to partially satisfy this requirement.
3. An exploratory course followed by an introductory course may not be used to satisfy the requirement.
4. An introductory course followed by another level of the same course of study may be used.
5. Sequential electives do not have to be taken in consecutive years.

Limited English Proficiency

Participation in SOL testing by pupils identified as Limited English Proficiency (LEP) will be guided by a school-based committee convened to make such determinations. In kindergarten through eighth grade, LEP pupils may be granted a one-time exemption from SOL testing in each of the four core areas. Pupils with disabilities for whom participation in the SOL testing program is deemed inappropriate according to their IEP or 504 Plan will be expected to demonstrate proficiency on an alternative assessment prescribed by the Virginia Board of Education in accordance with federal laws and regulations.

Retaking SOL Assessments

Eligible pupils may qualify for an expedited retake of an end-of-course SOL assessment to earn a verified credit where the pupil meets the criteria established by the Virginia Board of Education.

Under the criteria established by the Virginia Board of Education, the pupil must:

1. need the SOL test for verified credit; and
2. have passed the course associated with the test, and one of the following:
    a. failed the SOL test by a narrow margin;
    b. failed the SOL test by any margin and have extenuating circumstances that would warrant re-testing; or
    c. did not sit for the regularly scheduled SOL test for legitimate reasons.

For purposes of these criteria, a "narrow margin" is defined as a scaled score of 375-399. The division superintendent or his/her designee shall be responsible for making the determination of what constitutes "extenuating circumstances" and "legitimate reasons" for purposes of an expedited re-test of an end-of-course SOL assessment.

Transfer Pupils

A secondary school shall accept credits received from other accredited secondary schools, including summer schools, special sessions, schools accredited through the Virginia Council for Private Education, and educational programs operated by the Commonwealth of Virginia. Credit also shall be accepted for courses satisfactorily completed in accredited colleges and universities when prior written approval of the principal has been granted. Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the standards for accreditation.

Records of transferred pupils shall be sent directly to the school receiving the pupil upon request of the receiving school in accordance with the provisions of the "Management of the Pupil's Scholastic Records in Virginia."

Notice of Credits Needed for Graduation and of the Right to a Free Public Education

The School Board will notify the parent(s) or guardian(s) of rising eleventh and twelfth grade pupils of:

1. The number and subject area requirements of standard and verified units of credit required for graduation pursuant to the Standards of Accreditation; and
2. The remaining number and subject area requirements of such units of credit the individual pupil requires for graduation.

The School Board will notify the parent(s) or guardian(s) of pupils who fail to graduate or who fail to achieve the number of verified units of credit required for graduation as provided in the Standards of Accreditation and who have not reached 20 years of age on or before August 1 of the school year of the right to a free public education. If the pupil who does not graduate or achieve such verified units of credit is a pupil for whom English is a second language, the School Board will notify the parent(s) or guardian(s) of the pupil's opportunity for a free public education in accordance with Virginia Code § 22.1-5.

The School Board will notify the parent(s) or guardian(s) of pupils with disabilities who have an IEP and who fail to meet the requirements for a standard or advanced studies diploma of the pupil's right to a free and appropriate education to age 21, inclusive, pursuant to Virginia Code § 22.1-213, et seq., and the Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq.

Graduation Requirements

In order to graduate from RPS with a diploma or other certificate, a pupil must meet all applicable requirements set forth in the Standards of Accreditation (SOA), Standards of Quality (SOQ), and RPS policies and procedures.

Diploma Options

The requirements for a pupil to earn a diploma are those in effect when he/she enters ninth grade for the first time. The available diploma options are as follows:

1. Standard Diploma;
2. Advanced Studies Diploma;
3. Modified Standard Diploma;
4. Special Diploma; and
5. General Achievement Diploma.

Other Certificates

The available certificate options are as follows:

1. General Educational Development Certificate; and
2. Certificate of Program Completion.

A definition of each type of available diploma and certificate option may be found in RPS' Program of Studies Guide.

Diploma Seals

As of September 2006, the most recent graduation requirements include the following diploma seals and awards for pupils who demonstrate exemplary academic performance and/or outstanding achievement:

1. ***Standard Diploma***: The Virginia Board of Education Seal on a 22-credit diploma requires an "A" average.

2. ***Advanced Studies Diploma***: Pupils with an average of "B" or better who successfully complete college-level coursework that will earn the pupil at least nine transferable college credits in Advanced Placement (AP), International Baccalaureate (IB), Cambridge, or Dual Enrollment courses shall receive the Governor's Seal on his/her diploma.

3. ***Standard or Advanced Studies Diploma:*** The Virginia Board of Education's Career and Technical Education Seal will be awarded to pupils who complete a prescribed sequence of courses in a career and technical education concentration or specialization that they choose and maintain a "B" average in those courses; or (i) pass an examination in a career and technical education concentration or specialization that confers certification from a recognized industry, trade or professional association or (ii) acquire a professional license in that career and technical education field from the Commonwealth of Virginia.

4. ***Standard or Advanced Studies Diploma***: The Virginia Board of Education's Seal of Advanced Mathematics and Technology will be awarded to pupils who (i) satisfy all of the Mathematics requirements for the Advanced Studies Diploma (four units of credit including Algebra II, two verified units of credit) with a "B" average or better; and (ii) either (a) pass an examination in a career and technical education field that confers certification from a recognized industry or trade or professional association; (b) acquire a professional license in a career and technical education field from the Commonwealth of Virginia; or (c) pass an examination approved by the Virginia Board of Education that confers college-level credit in a technology science area.

5. ***Standard or Advanced Studies Diploma***: The Virginia Board of Education's Seal for Excellence in Civics Education will be awarded to pupils who earn either a Standard or Advanced Studies Diploma and: (i) complete Virginia and United States History and Virginia and United States Government courses with a grade of "B" or higher; and (ii) have good attendance and no disciplinary infractions as determined by School Board policies; and (iii) complete 50 hours of voluntary participation in community service or extracurricular activities. Activities that would satisfy the requirements of clause (iii) of this subdivision include: (a) volunteering for a charitable or religious organization that provides services to the poor, sick or less fortunate; (b) participating in Boy Scouts, Girl Scouts, or a similar youth organization; (c) participating in JROTC; (d) participating in political campaigns or government internships, or Boys State, Girls State or Model General Assembly; or (e) participating in school-sponsored extracurricular activities.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-5, 22.1-213, et seq., 22.1-253.13:1, 22.1-253.13:4, 22.1-254, 22.1-254.2, 22.1-254.02; Virginia Administrative Code, 8 VAC 20-131-30, 8 VAC 20-131-50, 8 VAC 20-131-60, 8 VAC 20-131-70, 8 VAC 20-131-110, 8 VAC 20-680-10, 8 VAC 20-680-20; Individuals with Disabilities Education Improvement Act, 20 U.S.C. § 1400, et seq.

Adopted September 7, 2010

ARTICLE V

POLICY 5-5.1 SCHOOL GUIDANCE AND COUNSELING PROGRAMS

Generally

Guidance counseling shall be provided for pupils to ensure that a program of studies contributing to the pupil's academic achievement and meeting the graduation requirements is being implemented. The counseling program shall strive to devote a minimum of sixty percent of its time to such counseling of pupils.

Available Counseling Services

Generally

Pursuant to the Standards of Quality and Standards of Accreditation, RPS shall make reasonably available, with current resources, the following guidance and counseling services to all pupils:

1. Academic Counseling - counseling which assists pupils and their parents in acquiring knowledge of the curricular choices available to pupils, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities;

2. Career Counseling – counseling which helps pupils to acquire information and develop a plan of action concerning employment, apprenticeships, and post-secondary educational and career opportunities;

3. Personal/Social Counseling – counseling which assists pupils in developing an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes; and

4. Employment Counseling and Placement Services – counseling which furnishes information relating to the employment opportunities available to pupils graduating from or leaving RPS. Such information will be provided to secondary pupils and will include all types of employment opportunities, including, but not limited to, apprenticeships, the military, career education schools, and the teaching profession. In providing such services, the School Board will consult and cooperate with the Virginia Employment Commission, the Department of Labor and Industry, local business and labor organizations, and career schools.

Parental Objection

No pupil shall be required to participate in any counseling program to which the pupil's parents or guardians object.

Notification of Available Counseling

Written notification to parents or guardians, at least annually, regarding available counseling services shall include the purpose and general description of the programs, information regarding ways

parents or guardians may review materials to be used in guidance and counseling programs at their child's school, and information about the procedures by which parents or guardians may limit their child's participation in such programs.

Scope of Services

No use shall be made of counseling techniques that are beyond the scope of the professional licensure and/or training of counselors, including hypnosis or other psychotherapeutic techniques that are normally only appropriate in medical or clinical settings and focus on mental illness or psychopathology.

Confidentiality

Information and records of personal/social counseling shall be kept confidential and separate from a pupil's educational records and not disclosed to third parties without prior parental/guardian consent or as otherwise provided by law.

Consent

Consent not Required

Parental/guardian consent is not required for short duration personal/social counseling which is needed to maintain order, discipline or a productive learning environment.

Opting Out

Personal/Social Counseling - The procedures by which parents or guardians can elect to have their child not participate (opt-out) in any counseling program will be communicated, in writing, to parents or guardians within three weeks of the opening of school each year.

Parents or guardians may elect to have their child not participate (opt-out) in any small group counseling or ongoing, structured individual counseling in the personal/social domain following initial contacts. This must be done in writing and submitted to the school principal or school counselor.

Psychological Services

The services of the school psychologist(s) are available to pupils who have been identified as in need of these services.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-209; Virginia Administrative Code, 8 VAC 20-620-10, 8 VAC 20-131-240(D).

Adopted September 7, 2010

POLICY 5-5.2 SCHOOL LIBRARIES/MEDIA CENTERS

Each school shall maintain an organized library media center as the resource center of the school and provide a unified program of media services and activities for pupils and teachers.

School libraries/media centers shall be open to pupils and teachers throughout the day and shall contain collections sufficient to meet research, inquiry, and reading requirements of the instructional program and general pupil interest. The collection shall include:

1. print materials;
2. electronic resources;
3. non-print materials; and
4. equipment.

LEGAL REFERENCE: Virginia Administrative Code, 8 VAC 20-131-190.

Adopted September 7, 2010

POLICY 5-5.3 COPYRIGHTED MATERIALS

Reproduction of Copyrighted Materials

In compliance with the Copyright Act of 1976, including the Guidelines for Classroom Copying and the Guidelines for the Educational Use of Music, copyrighted materials shall not be duplicated by RPS employees or on RPS equipment, whether print or non-print, in violation of the exclusive rights of the holders of the copyright on such materials. The division superintendent shall designate a person responsible for disseminating copyright administrative procedures to RPS employees.

Copyrighted materials may be duplicated with the prior written permission of the copyright holder. Teachers shall get permission to use materials of the copyright owner whenever possible and feasible, unless the use of materials falls within a "fair use" as defined by law. Permission to duplicate copyright material shall be placed on file in the office of the person responsible for disseminating copyright administrative procedures for the school division. RPS assumes no liability for infringement of copyright by individual employees.

Computer Software Copyright Compliance

The School Board recognizes and supports the limitations imposed by copyright laws. These laws specifically prohibit unauthorized duplication of software except to provide for archival back-up copies.

Therefore, the School Board declares it to be inappropriate to use "pirated" or otherwise illegally obtained software on RPS equipment, whether for instruction, administrative or any other purpose. Furthermore, use of RPS equipment to make unauthorized copies of RPS owned, privately owned, or illegally obtained software is prohibited.

To minimize the motivation to use illegal copies of software in instructional programs and administrative systems, RPS is committed to working with software producers and distributors to encourage appropriate pricing, previewing, and replacement policies for software purchases.

The division superintendent or his/her designee shall develop administrative procedures to implement this policy.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-70; 17 U.S.C. §§ 101, et seq., specifically, 17 U.S.C. §§ 106, 107, 117, and 501.

Adopted September 7, 2010

POLICY 5-5.4 HOMEWORK

Homework designed to increase pupil achievement is a vital means of supplementing, reinforcing, and enriching the formal instructional program. Teachers shall assign homework assignments which foster independence and creativity while increasing growth in academic skills, promoting responsibility, and developing good work habits. Pupils in grades one through twelve shall be assigned homework related to their instructional targets. Each elementary school shall provide study skills by grade four to allow successful completion of homework. Teachers shall plan homework assignments which foster independence, promote responsibility, and develop good study habits.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-253.13:7 (C)(5); Virginia Administrative Code, 8 VAC 20-131-220.

Adopted September 7, 2010

POLICY 5-5.5 TEXTBOOKS AND INSTRUCTIONAL MATERIALS

Textbooks: Selection and Adoption

The School Board shall adopt textbooks subject to regulations of the Virginia Board of Education. The Virginia Board of Education publishes a multiple list of textbooks for each grade level and subjects that are correlated with the Virginia Standards of Learning and from which the School Board adopts textbooks for use in the school division. The School Board may adopt books that are not on the state-adopted list, provided the selection is in accordance with specified guidelines.

The evaluation of textbooks shall be conducted by an adoption committee that is representative of the Department of Instruction, building administrators, classroom teachers, and parents of pupils in the subject fields in which the adoptions are to be made.

All teachers of the subject fields in which adoptions are to be made shall make textbooks being considered for adoption available for review and evaluation. Textbooks being considered for adoption also shall be available for review by parents or guardians and community members. The School Board will adopt textbooks for use in RPS based upon evaluation information and recommendations of the adoption committee as presented by the division superintendent or his/her designee.

Free Textbooks for Pupils

Free textbooks shall be provided for pupils in RPS. Each pupil who has been in attendance in the school division shall return all books at the end of the course. Payment shall be made for books missing or damaged.

Instructional Materials

Teachers are encouraged to use a variety of instructional materials at the appropriate levels to introduce, reinforce, and assess learning in the classroom. The purpose of this policy is to promote a collaborative review of materials that, like textbooks, will be utilized on a broad basis across the school division. The purpose of this policy is not to restrict individual teachers in their selection of daily instructional materials.

The School Board shall review and approve guidelines and procedures for the selection, evaluation, approval, and use of instructional materials. The division superintendent or his/her designee will periodically review guidelines and procedures and bring recommendations for changes to the School Board.

The process for the review and selection of instructional materials (other than textbooks) that are to be used on a division-wide basis shall involve an evaluation committee that includes professional staff, citizens, and, when appropriate, pupils.

Supplementary Materials Selection and Use

The School Board delegates the responsibility for the selection and use of supplemental materials other than those selected for division-wide use to individual teachers and schools. Selection and use shall be in accordance with policies and regulations of the Virginia Board of Education. The same care shall be exercised in the selection of supplemental materials as in the selection of other types of instructional materials.

Materials used by pupils under the guidance of teachers to extend, expand, and supplement basal materials constitute an integral part of the instructional program. Supplemental materials are used to assist the teaching and learning process and include such items as magazines, newspapers, charts, pictures, workbooks, kits, videos, and computer software. Materials selected for supplemental use must relate directly to the established objectives of the course or content area in which they are used.

Teachers must carefully review materials prior to use and exercise a high degree of professional judgment in their selection and use of supplemental materials to ensure that the use of such materials serves to both support and complement the basic educational objectives within the specific subject areas and classrooms. All materials selected will be appropriate to the age level of the pupil and shall not contain subject matter not suitable for the public school environment, such as sexually explicit material. Principals shall approve all videos to be shown in classrooms to ensure that their content is appropriate and aligned with instructional objectives. Any such supplemental materials shall only be used at times not otherwise scheduled or required for curriculum-based instruction.

The principal and/or division superintendent or his/her designee shall have final authority to determine whether instructional staff will use specific materials.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-238, 22.1-243; Virginia Administrative Code, 8 VAC 20-170-10, 8 VAC 20-230-10, 8 VAC 20-230-20, 8 VAC 20-230-30.

Adopted September 7, 2010

POLICY 5-5.6 COMPLAINTS REGARDING INSTRUCTIONAL MATERIALS AND LEARNING RESOURCES

Challenging Controversial Instructional Materials

Parents, guardians, and other community members have the opportunity to request reconsideration of selected materials or to challenge the use of selected materials through the following procedure:

1. complete the “Challenge of Controversial Instructional Materials” form;

2. submit the completed form to the building principal;
3. the building principal will convene a faculty committee to review the challenged material(s);
4. the committee will recommend the continued use or the removal of the challenged material(s); and
5. the building principal will inform the parent, guardian, or community member who initiated the challenge and forward a report of the committee decision to the Assistant Superintendent for Instruction and Accountability.

If the parent, guardian, or community member is dissatisfied with the outcome of the challenge, he/she may then present that challenge to the Chief Academic Officer, who will review the challenged material and make a recommendation regarding the material. If the parent, guardian, or community member is still dissatisfied with the outcome, he/she may appeal to the division superintendent or his/her designee and then to the School Board.

Alternate Selections

If a parent or guardian objects to his/her child reading specific selections, teachers may provide alternate selections or activities for pupils on an individual basis. This provision should not be interpreted as excusing pupils from basic textbook materials necessary for the completion of a course of study.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-253.13:7 (C)(2); Virginia Administrative Code, 8 VAC 20-170-10.

Adopted September 7, 2010

POLICY 5-5.7 FIELD TRIPS AND EXCURSIONS

Generally

Field trips shall serve a worthwhile purpose related to classroom instruction. Field trips extend the learning opportunities provided in the regular instructional program and provide opportunities for competition for pupils in extracurricular programs. Efforts shall be made to ensure that no pupil shall be denied the opportunity to participate in an approved field trip due to lack of funds or because of minor disciplinary infractions. Except in unusual circumstances, all pupils in a given class, club or grade level shall be given the opportunity to participate in any field trip requested and approved for that group in which the pupil is a member.

Approval

Local

All local field trips require the approval of the school principal.

In-State

All in-state field trips require the approval of the school principal and the appropriate Executive Director of Elementary and/or Secondary Education. Principals are expected to consider the educational value of the field trip, the availability of the learning opportunities, and the distance, time and expense involved in the field trip. Principals are also responsible for following all procedures for requesting approval of field trips. Only properly insured modes of transportation are to be used for field trips

Out-of-State Field Trips

All out-of-state field trips require the approval of the school principal and the appropriate Executive Director of Elementary and/or Secondary Education with approval from the Chief Academic Officer.

Field Trips to Foreign Countries

All field trips to foreign countries, including exchange programs or other sponsored programs, regardless of the age of the pupils participating in the trip, require the prior written approval of the division superintendent or his/her designee and the Department of Risk Management. All field trips abroad must relate to the division's instructional program.

No agent, employee, or pupil, while on School Board property, is authorized to promote, encourage, or solicit individuals or groups for field trips to foreign countries without the written consent of the division superintendent or his/her designee.

For the purposes of this policy, a foreign country shall mean any territory, principality, or nation not under the direct governance or within the boundaries of the fifty states of the United States of America.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-176.

Adopted September 7, 2010

POLICY 5-5.8 EMPLOYMENT AND WORK-TRAINING CERTIFICATES

Only the division superintendent or his/her designee in accordance with all applicable laws shall issue employment certificates for qualified RPS pupils. The division superintendent or his/her designee shall have the authority to administer the oath provided for granting such permits and to make any examination necessary for the issuance thereof. No fee shall be charged for issuing any such certificate or for administering any oath or rendering any services in respect thereto.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 40.1-92.

Adopted September 7, 2010

POLICY 5-5.9 ASSEMBLY PROGRAMS

Assembly programs may be scheduled at the discretion of the school principal. The School Board encourages the practice of bringing in guest speakers who will offer thought-provoking messages to pupils that stimulate their interest in education.

The School Board recognizes that school administrators and principals cannot be held accountable for each word expressed by a guest speaker. However, guest speakers should be informed of the purpose of pupil assemblies.

LEGAL REFERENCE: Virginia Administrative Code, 8 VAC 20-131-210.

ARTICLE VI

POLICY 5-6.1 REPORTING TO PARENTS

Each RPS pupil shall receive a report of scholastic progress and attendance within five school days of the end of each grading period. Teachers shall have periodic conferences with parents of pupils not making satisfactory progress and advise them as to remedial measures to improve classroom performance.

All middle and high schools are required to give mid-term reports to all pupils. All teachers will send mid-term reports home on the same day.

In addition to the notification referenced above, the School Board shall provide the annual notices described in Policy 5-4.3.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:1, 22.1-253.13:4; Virginia Administrative Code, 8 VAC 20-131-30, 8 VAC 20-131-220.

Adopted September 7, 2010

POLICY 5-6.2 PUPIL EVALUATION AND GRADING

Generally

The purpose of this policy is to establish a uniform grading system for report cards and permanent records.

Middle School

Calculation

Grading practices at the middle school level are pupil centered. The teachers adopt practices that not only consider the developmental nature of each pupil, but also guide pupils toward a desirable level of responsibility. Since nurturing the middle school level pupil is important, the physical, emotional, and intellectual development will be considered in the evaluation process.

Each nine-weeks, grade will be based on various assessments such as written evaluation, quizzes, tests, homework, class participation, teacher observation, interdisciplinary units, portfolios, exhibitions, and other appropriate criteria. Teachers, after consultation with the school principal, shall advise pupils, in writing, at the beginning of the course, of the measures used to calculate grades. Teachers are responsible for maintaining proper documentation regarding the assignment of grades.

Middle school grades, including final average, will be assigned according to the following numerical scale:

Letter	Numerical Scale
A	100-92
B	91-83
C	82-74
D	73-65

F	64-0

All courses will use the above numerical scale with letter grades recorded on the report card.

Teachers calculate the final course grade. Promotion, placement, or retention is the decision of the school principal with staff input.

High School

Courses for High School Credit

Parents of pupils who transfer to RPS at the beginning of the ninth grade year must request that grades for high school credit courses taken in middle school be omitted from the pupil's transcript within ten calendar days of enrollment.

By May 15 of each school year, the school principal will notify parents of middle school pupils taking a course for high school credit of this policy option. The appropriate forms will be enclosed with this notification. This information must also be included in the pupil handbook. The school principal in cases of extenuating circumstances may grant exceptions to these provisions.

The purpose of this policy is to specify that grades issued in high school are to culminate for one year's coursework in a final grade for the course.

Grading for courses taken for high school credit shall be on an annual system, i.e., grades shall be based on the work done in one year or its equivalent of coursework. Such grades shall award appropriate credit toward graduation and shall accumulate toward meeting graduation requirements.

An annual grade is the final grade earned for the academic year. An academic year of coursework is the work done in one academic year or its equivalent (180 class sessions of work under traditional scheduling). Each class will end with the issuance of a final grade for the course, which will determine the granting of credit for the course.

Grade Calculation

The purpose of this policy is to establish a uniform grading system for report cards and permanent records.

Composition of Grades

Each nine weeks grade will be based on as many measures as possible such as written evaluations, homework, class participation, teacher observation, and other appropriate criteria. Teachers, after consultation with the school principal, shall advise pupils, in writing, at the beginning of each course, of the relative contribution of each measure towards calculation of the nine-weeks grade, semester examination grade, semester grade, and final grade. Teachers are responsible for maintaining proper documentation regarding the assignment of grades.

Grading Scale

Letter	Numerical Scale
A	100-92

B	91-83
C	82-74
D	73-65
F	64-0

Pupil progress reported on the report card and permanent records shall be based on the following:

RPS Grading Scale		Aligned Curriculum (M)	Regular	Honors/ Accelerated (H/A)	Advanced Placement (AP)	Dual Enrollment
A Outstanding	100-92	2	4	5	6	6
B Above Average	91-83	1.5	3	4	5	5
C Average	82-74	1	2	3	4	4
D Below Average	73-65	0.5	1	2	3	3
F Unsatisfactory	64-0	0	0	0	0	0

Plus and minus designations after the letter grade shall not be used on report cards or permanent records.

Examinations

Semester or mid-term examinations are mandatory in all high school courses except as provided below for certain second semester pupils.

If a pupil drops a course after ten days of membership in the course, the grade will be recorded as a "WF" (computed as a "F" for G.P.A.) for the year in which the course is dropped. Levels in a subject may be changed up to three days after the issuance of the first nine weeks report. Exceptions to this provision may be granted by the school principal in cases of extenuating circumstances.

Exam Exemption for Schools Using Traditional Scheduling

As a positive incentive and reward for those pupils whose grades, attendance, and behavior are exemplary, the following procedure is an available option:

All second semester seniors qualifying as spring graduates who have a grade average for the year of an "A" or "B" in the course through the week preceding the examination may choose to be exempt from taking the second semester examination and may accept the currently earned grade.

Pupils in grades nine through eleven who meet the following attendance/grade standards for the year will be eligible for second semester examination exemption: pupils with an "A" or "B" average through the week preceding the examination with no more than six total absences in the class for the year are eligible.

Pupils may choose to take the exam if they qualify for exemption. The exam will only count if it raises the grade for those pupils who qualify for exemption but who opt to take the exam. Any assignment to out-of-school suspension (O.S.S.) will eliminate the pupil from exempting exams. Four cumulative days of in-school suspension (I.S.S.) will eliminate a pupil from examination exemption.

SOL (Standards of Learning) End-of-Course Final Exam Waiver Policy

Any pupil enrolled in a math, science, English, or social studies class, which requires a SOL (Standards of Learning) end-of-course test administration, will receive a final exam waiver. The specific courses eligible for final exam waivers are:

Earth Science	World/History Geography I
Biology I	World History Geography II
U.S. History	Algebra I
English II	Algebra II
Geometry	Chemistry

Pupils in grades nine through twelve must meet the following criteria for the term to receive credit for the course:

1. Complete the Virginia Department of Education SOL end-of-course test examination. (An exception for extenuating circumstances must have school principal approval.)

2. Complete the essential understandings, knowledge, skills and processes in the Virginia Department of Education Curriculum Frameworks, while maintaining a passing grade in the course preceding the SOL end-of-course test examination.

Pupils may also choose to take a final exam. The exam will only count if it raises the grade for those pupils who opt to take the examination.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:3, 22.1-253.13:4; Virginia Administrative Code, 8 VAC 20-131-30, 8 VAC 20-131-90, 8 VAC 20-131-220.

Adopted September 7, 2010

POLICY 5-6.3 CLASS RANKINGS AND HONOR ROLLS

Calculation of Grade Point Average and Determination of Class Rank

A pupil's grade point average (GPA) and class rank shall be computed for the following purposes:

1. to determine honor graduates;
2. to determine if a pupil is eligible for the diploma seal awarded by the Virginia Board of Education;
3. to communicate to college admissions offices and other agencies designated by the pupil and/or parent/guardian; and
4. to determine the valedictorian(s) and salutatorian(s) for the graduating class.

Class rank will be determined by assigning the pupil with the highest GPA the rank of number one; the second highest, the rank of number two, etc. In cases where more than one pupil has the same

numerical average, all pupils with that average will be given the same rank. The next highest average will assume the next rank position.

Example:

Pupil No. 1	3.9880	Rank 1
Pupil No. 2	3.9880	Rank 1
Pupil No. 3	3.8972	Rank 2
Pupil No. 4	3.8972	Rank 2

The pupil with the next highest average will have the rank of three in the class.

Pupils are ranked numerically, in descending order, according to GPA at the end of each high school year in grades nine through eleven and at the end of the first semester of the senior year. All credit bearing subjects will be used to compute the GPA and class rank. Ninth grade classes taken in middle school shall also be included in the computation. Courses with the letter grade of "I" or "P" and courses specifically flagged for exclusion (i.e., "dummy" courses used for scheduling such as "Leave Early", "Media Assistant", etc.) are excluded from GPA calculation. GPA and class rank are reported to colleges and universities on a 4.0 scale at the end of grade eleven and at the end of the first semester of grade twelve. Pupils transferring during the junior or senior year shall receive a GPA and a standing as to percentage (i.e., top 5%, top 10%, etc.) but shall not be included in the numerical ranking.

The GPA is determined as follows:

1. Points x Credits = Calculated Points
2. Total Calculated Points/Total Credits Attempted = GPA

The chart below indicates the grading scale and grade values. Honors/Accelerated and Advanced Placement courses are assigned weighted values.

RPS Grading Scale		**Aligned Curriculum (M)**	**Regular**	**Honors/ Accelerated (H/A)**	**Advanced Placement (AP)**	**Dual Enrollment**
A Outstanding	100-92	2	4	5	6	6
B Above Average	91-83	1.5	3	4	5	5
C Average	82-74	1	2	3	4	4
D Below Average	73-65	0.5	1	2	3	3
F Unsatisfactory	64-0	0	0	0	0	0

Selection of Valedictorian(s) and Salutatorian(s)

The pupil(s) with the highest rank at the end of the first semester of the senior year will be the valedictorian(s) of the graduating class. The pupil(s) with the second highest rank at the end of the first semester of the senior year will be the salutatorian(s).

In those instances where two or more pupils have an identical GPA that results in a rank of number one, the pupils shall be designated co-valedictorians. Where there are two or more pupils with an

identical GPA that results in a rank of number two, the pupils shall be designated as co-salutatorians for the class.

To be eligible for valedictorian and salutatorian, a pupil must complete the last four consecutive semesters prior to graduation in the high school from which he or she will be graduating. Long-term homebound, exchange and early graduation pupils shall not be eligible for valedictorian and salutatorian.

This policy regarding the eligibility of pupils for valedictorian and salutatorian became effective with the graduating class of 2005.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:4; Virginia Administrative Code, 8 VAC 20-131-50.

Adopted September 7, 2010

POLICY 5-6.4 TESTING PROGRAMS

The School Board directs that the division superintendent or his/her designee develop and implement an accountability program to monitor and assess continuously the achievement of RPS pupils. The measures used shall include, but not be limited to:

1. administering all assessments mandated by the state, applicable national assessments, and state-by-state assessments, as well as criterion referenced tests, teacher-made tests, and alternative, performance-based instruments;

2. training of teachers and principals to prepare pupils for tests and assessments, and to provide methods for assessing classroom work, homework, and pupil progress; and

3. reporting annually to the public results from the state assessment program.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:1, 22.1-253.13:3, 22.1-253.13:4; Virginia Administrative Code, 8 VAC 20-131-30.

Adopted September 7, 2010

POLICY 5-6.5 ATTENDANCE

Richmond Public Schools is committed to providing a quality education for all pupils. Regular school attendance is important to the academic progress of pupils and the development of a healthy school environment. For this reason, parental support of school attendance is both expected and required.

Under the direction of the division superintendent or his/her designee, RPS Attendance Officer(s), in collaboration with school principals and social workers, will enforce school attendance by all children and youth, ages five to eighteen.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-279.3.

Adopted September 7, 2010

SECTION VI – AUXILIARY SERVICES

ARTICLE I

POLICY 6-1.1 PURPOSE

The School Board of the City of Richmond (the "School Board") considers the non-instructional or "auxiliary services" of the Richmond Public Schools ("RPS") to be an important component of the educational process and therefore expects this segment of the administration to operate and maintain the school physical plant and equipment in such a way as to achieve the following objectives: high standards of safety, healthy conditions for pupils and staff, surroundings requisite to a sound educational climate, and an environment reflecting the moral and cultural aspirations of the Richmond community at its best. The auxiliary services, therefore, will be designed to complement the instructional program. The School Board expects all support services to be consistent with and responsive to the goals and needs of the school division.

To fulfill this function, the School Board intends to:

1. ensure the proper operation, management and maintenance of school buildings, grounds, vehicles, equipment, and services;
2. establish an effective and economical maintenance program, including preventive maintenance of school property, vehicles, buildings, and equipment;
3. set high standards of safety;
4. promote the health and well-being of pupils, staff and patrons; and
5. establish efficient procedures for the management of the food service program.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-79(3), 22.1-89.1, 22.1-253.13:2(O); Virginia Administrative Code, 8 VAC 20-131-260

Adopted April 11, 2011

ARTICLE II

POLICY 6-2.1 SAFETY OF SCHOOL FACILITIES

Generally

Providing safety measures against the hazards of fire, inclement weather and accidents is the responsibility of each RPS principal and each School Board employee. The division superintendent and principals shall enforce safety measures mandated by all applicable law and School Board policies.

Inspections

The principal and/or head custodian of each school shall make at minimum one inspection per month of fire escapes, emergency exits, playgrounds, playground equipment and any other areas critical to the safety of pupils and staff. The principal, the custodian and/or plant supervisor shall also inspect daily for plant cleanliness. The principal or head custodian of each school shall annually inspect fire extinguishers and tag them once inspected. Principals shall notify the division superintendent when fire extinguishers have been discharged.

Reporting of Hazards

Safety Hazards

It is the duty and responsibility of each School Board employee to assure that all equipment and grounds are free from hazardous conditions. Any perceived hazard shall be reported immediately to the division superintendent or his/her designee for inspection and corrective action.

Chemicals and Hazardous Materials

All Chemicals

All chemicals, regulated or otherwise, shall be managed safely during all phases of activities.

Known Hazardous Materials

The division superintendent or his/her designee shall approve and issue regulations to ensure that School Board employees are made aware of hazardous chemicals either used in their job or stored near their job site and shall name a designee to evaluate and label the toxicity of all materials used in the division in accordance with criteria established by the Virginia Department of Education and state and federal laws and/or regulations.

Handling

Precautions (i.e., pupil instructions, employee training, and supervision) shall be taken to maximize safety in the handling of hazardous materials. Instruction and training are crucial to ensuring that hazardous materials are properly managed during handling. Only properly instructed pupils and trained employees will be authorized to handle hazardous materials. The central administration shall develop and provide all appropriate training for the handling of hazardous materials.

Material Safety Data Sheets

Each school principal or his/her designee shall maintain material safety data sheets ("MSDS") as required by all applicable laws in a central location.

Pesticides

The school division shall maintain documentation of any pesticide application, including the target pest, the formulation applied, and the specific location of the application.

Playground Safety

The School Board, together with the school administration, shall develop procedures requiring schools to have playground supervision plans and curricula for training playground supervisors. The School Board shall also require consistent supervisor/pupil ratios and clear playground emergency procedures. Each school shall submit reports on procedures developed pursuant to this policy to the division superintendent or his/her designee by July 31st of each year.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-132.2, 22.1-137, 22.1-253.13:2(O), 22.1-272.1, 22.1-274.1, 22.1-279.8; Virginia Administrative Code, 8 VAC 20-131-260, 8 VAC 20-530-20, 8 VAC 20-530-30, 8 VAC 20-530-60

Adopted April 11, 2011,

POLICY 6-2.2 SCHOOL CRISIS, EMERGENCY MANAGEMENT AND MEDICAL EMERGENCY RESPONSE PLANS

Generally

The School Board is committed to providing a safe and secure learning and working environment for all pupils and staff. To fulfill that commitment to safety, the division superintendent or his/her designee shall develop and implement a comprehensive school crisis, emergency management, and medical emergency response plan which will comply with and enforce all applicable state and federal laws, rules and regulations.

Emergency Response Plans

Development of Plans

The division superintendent or his/her designee shall ensure that every Richmond Public School develops a written school crisis, emergency management, and medical emergency response plan as required by law. The development of a medical emergency response plan should be created in coordination with local emergency medical services providers. The medical emergency response plan shall detail the training of school personnel and pupils to respond to a life-threatening emergency and the equipment required for this emergency response. The medical emergency response plan must require select staff to be trained in Cardiopulmonary Resuscitation, the Heimlich maneuver, emergency first aid, and the proper use of an automated external defibrillator (AED) where available. Any individual rendering emergency care pursuant to the medical response plan will not be liable for civil damages to the extent prescribed by applicable law.

Components of Response Plans

The written school crisis, emergency management, and medical emergency response plan shall include the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including the following:

1. natural disasters, including fire, flood, tornados or other severe weather;
2. loss or disruption of power, water, communications, or shelter;
3. bus or other accidents;
4. medical emergencies, including cardiac arrest and other life threatening medical emergencies;
5. pupil or staff member deaths;
6. explosions;
7. bomb threats;
8. gun, knife, or other weapon threats;
9. spills or exposures to hazardous substances;
10. the presence of unauthorized persons or trespassers;
11. the loss, disappearance, or kidnapping of a pupil;
12. hostage situations;
13. violent, disruptive or illegal activities on school property or at school activities;
14. incidents involving acts of terrorism;
15. other incidents posing a serious threat of harm to pupils, personnel, or facilities;
16. imminent risk of suicide by pupils; and
17. safe procedures to follow for the evacuation of people with special physical, medical, or language needs who may need assistance to exit a facility.

In developing this plan, schools may consult the model crisis plan and emergency plan developed by the Virginia Board of Education.

Review of Emergency Plans

The School Board shall annually review the written school crisis, emergency management, and medical emergency response plans. The School Board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided by the Virginia Freedom of Information Act, Virginia Code Section 2.2-3705.2. The division superintendent shall certify this review in writing to the Virginia Center on School Safety no later than August 31 of each year.

Crisis Communication Plan

The division superintendent or his/her designee shall ensure the development of a crisis communication plan to ensure effective communication during a crisis. It shall require that the following elements be made a part of each school's written safety and crisis management plan:

1. a process by which employees can notify the principal or other administrator of an existing emergency;
2. a process by which the principal or other administrator can notify the school community of an existing emergency and of immediate action to be taken, if any;
3. designation of a person(s) to handle immediate emergency tasks, including calling 911 and disabling school bells; and

4. protocol for notifying persons outside the school of an existing emergency and for fielding incoming inquiries and visits during and following an emergency.

Drills

Fire Drills

As required by applicable law, every Richmond Public School shall conduct a fire drill at least once per week every week during the first month of school and more often if necessary in order that pupils may be thoroughly practiced in such drills. During the remainder of the school sessions, fire drills shall be held at least monthly. No fire or evacuation drills shall be conducted during periods of mandatory testing required by the Virginia Board of Education.

Tornado Drills

As required by applicable law, every Richmond Public School shall conduct at least one tornado drill in the Spring and Fall of every school year.

Lock-Down Drill

As required by applicable law, every Richmond Public School shall conduct one simulated lock-down activity early in the school year.

Emergency Evacuation Drills

As required by applicable law, every Richmond Public School shall conduct one simulated emergency evacuation activity early in the school year.

School Safety Audits

The School Board shall require all schools under its supervisory control to conduct annual school safety audits which shall (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues and (ii) identify and evaluate any patterns of pupil safety concerns occurring on school property or at school-sponsored events. Each school safety audit shall review and evaluate all items on the list compiled by the Virginia Center for School Safety. The results of such school safety audits shall be made public within 90 days of completion.

The division superintendent or his/her designee shall maintain a list of division schools that have completed the safety audit pursuant to this policy. Each school shall maintain a copy of its school safety audit within the office of the school principal and shall make a copy available for review upon written request. Additionally, each school shall submit a copy of its school safety audit to the division superintendent or his/her designee, who shall collate and submit all such school safety audits to the Virginia Center for School Safety. The School Board may withhold or limit the release of any security plans and specific vulnerability assessment components as provided by the Code of Virginia, subdivision 7 of § 2.2-3705.2 of the Virginia Freedom of Information Act.

The School Board may establish a school safety audit committee to consist of representatives, parents, teachers, local law enforcement agencies, judicial and public safety personnel, and the community-at-large. The school safety audit committee shall evaluate, in accordance with the directions of the School Board, the safety of each school and submit a plan for improving school safety at a public meeting of the School Board.

False Fire Alarms

The reporting of false fire alarms creates a disruptive and potentially dangerous interruption to normal school operation and to the physical and emotional well being of pupils and employees. In addition to any disciplinary action taken pursuant to the Standards of Student Conduct, any pupil who calls or summons the Fire Department to a school building or school property or maliciously activates a school fire alarm shall be required to attend and successfully complete a juvenile fire setters counseling program conducted with the assistance of a school psychologist and/or social worker.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-137, 22.1-272.1, 22.1-279.8; Virginia Administrative Code, 8 VAC 20-131-260

Adopted April 11, 2011

POLICY 6-2.3 MANAGEMENT OF BUILDINGS AND GROUNDS

The School Board properties shall be maintained in good physical condition: safe, clean, sanitary, comfortable, and convenient. The division superintendent assumes the general responsibility for the care, custody, and safekeeping of all school property, establishing such procedures and recommending to the School Board the employment of personnel as may be necessary to discharge this responsibility. At the building level, the principal is responsible for overseeing the operation and maintenance of the school plant and for the proper care of school property by the staff, pupils, and patrons.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-79(3), 22.1-293(D); Virginia Administrative Code, 8 VAC 20-131-260(A)

Adopted April 11, 2011

POLICY 6-2.4 MAINTENANCE OF SCHOOL FACILITIES

Generally

To meet its responsibility of properly maintaining all school buildings at maximum efficiency, the School Board directs that all buildings be regularly inspected by local health and fire departments and any necessary repairs and maintenance completed. Each inspection shall generate a report including major and minor maintenance items for care of the building and grounds**.**

Maintenance Requirements

Each school building shall be maintained in a manner ensuring compliance with the Virginia Statewide Building Code. Further, school administration shall:

1. maintain a physical plant that is accessible, barrier free, safe, and clean;
2. provide for the proper outdoor display of flags of the United States and the Commonwealth of Virginia;
3. provide suitable space for classrooms, administrative staff, pupil personnel services, library and media services, and for the needs and safety of physical education;

4. provide adequate, safe, and properly equipped laboratories to meet the needs of instruction in the sciences, technology, fine arts, and career and technical programs;
5. provide facilities for the adequate and safe administration and storage of pupil medications; and
6. equip all exit doors with panic hardware as required by the Virginia Statewide Building Code.

Maintenance Record-Keeping

Each school shall maintain records of regular maintenance, safety, health, and fire inspections that have been conducted and certified by local health and fire departments.

Vandalism

The School Board urges staff, pupils and the public to cooperate in the reduction of vandalism by reporting incidents of vandalism and the name of any person(s) believed to be responsible for such acts to the appropriate authorities. Each person causing damage shall be required to reimburse the School Board for any actual breakage or destruction of property as permitted by applicable law. Any pupil who vandalizes School Board property shall be subject to disciplinary action as prescribed in the Student Code of Conduct.

Equipment

The division superintendent or his/her designee shall develop procedures for providing routine maintenance and repair of School Board equipment. Such maintenance and repair generally shall be performed by School Board employees. Plant Services may employ outside consultants and contractors for repair or maintenance of equipment for which the school division has no qualified personnel and in those circumstances in which it is more economical to employ outside consultants. Building principals shall be responsible for the inspection of equipment in their buildings and for reporting the results to Plant Services. All School Board equipment shall be placed on a replacement schedule and the division superintendent shall include in the recommended budget, funds to maintain the replacement schedule.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§8.01-43, 22.1-79(3), 22.1-293(B) and (D), Virginia Administrative Code, 8 VAC 20-131-260, 13 VAC 5-63

Adopted April 11, 2011

POLICY 6-2.5 SECURITY OF BUILDINGS AND GROUNDS

The division superintendent and building principals or their designees shall be responsible for seeing that RPS facilities are secure when schools are not in operation. This shall include a system of key distribution, and may include employee identification badges.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§22.1-70, 22.1-293

Adopted April 11, 2011

POLICY 6-2.6 ACCOMODATIONS FOR PERSONS WITH DISABILITIES

Generally

The School Board shall ensure that RPS facilities are made accessible to persons with disabilities in accordance with all applicable state and federal laws.

New Facilities

Plans for new buildings, renovations, and/or alterations of existing buildings will offer such designs and accommodations as to make the newly constructed buildings and renovated or altered areas accessible to persons with disabilities. The School Board shall require that construction plans for new buildings and renovations or alterations to existing buildings meet accessibility standards as required by applicable law.

Elevators and Lifts

The School Board of the City of Richmond supports the view that persons with disabilities have equal access to all programs, services, and activities within Richmond City Public Schools. To that end, elevators and lifts within school buildings have been constructed to facilitate that goal. The following policy is applicable to all schools having elevators and lifts.

1. Elevators and lifts are to by fully operable and unlocked during normal hours of operation of the facility and during all public functions.

2. (Applicable to Elevators Only) Where warranted by documented incidents of abuse as related to the use of the elevator, the school principal has discretion to implement a system for use of the elevator with a key, which is to be readily accessible whenever the building is in use. The division superintendent shall establish procedures for the use of keys to access elevators within a Richmond Public Schools building.

3. Richmond Public Schools is committed to repairing any deficiencies related to elevators/lifts, including equipment malfunctions expeditiously. Whenever the elevator/lift within the school is inoperable, the school shall have alternative measures in place to ensure that access to services, programs and activities is not interrupted.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-79(7); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C § 794, et seq.; Americans with Disabilities Act of 1990, 42 U.S.C. § 12101, et seq.

Adopted April 11, 2011

POLICY 6-2.7 CONSERVATION OF RESOURCES

The increasing demand for world-wide natural and man-made resources is a matter of concern to the School Board. In light of the shortages of certain vital resources, the division superintendent or his/her designee may develop appropriate regulations for a division-wide recycling program, the

conservation of natural gas, water, electricity, gasoline, and other petroleum resources and general resources such as paper products.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-70

Adopted April 11, 2011

POLICY 6-2.8 SCHOOL CLOSINGS

The division superintendent or his/her designee may order the closing, the delay in opening, or the early dismissal of any or all Richmond Public Schools due to severe weather conditions or other emergency situations in order to protect the safety and welfare of pupils, staff, and patrons. Unless School Board employees are notified that their work schedule is changed due to severe weather conditions or other emergency situations, all School Board employees shall work according to the terms of their contract.

Medium for School Closing Announcements

In the case of closings, delays in opening or the early dismissal of any or all Richmond Public Schools due to severe weather conditions or other emergency situations, the following mediums are utilized for announcements detailing the scheduling status for RPS:

RPS Website
Parent Link

Television Stations
WTVR Channel 6
WRIC Channel 8
WWBT Channel 12

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78

Adopted April 11, 2011

POLICY 6-2.9 NAMING AND RENAMING OF SCHOOLS

Generally

The School Board reserves the right to designate the official name of any school building. The process for naming or renaming schools shall be open and provide for maximum input from the community. As soon as feasible after the construction of a new school is approved and funded, the School Board shall solicit proposed names for the school from the public. Upon the naming or renaming of a school, the name shall not be changed for thirty (30) years thereafter.

Naming or Renaming Factors

Factors to be considered when naming or renaming a school include, but are not limited to:

1. the geographic location of the building;
2. the physical features of the community; and
3. the desire to honor particular individuals.

Process for Receiving Suggested Names from the Public

Public notice of the School Board's intention to name or rename a school shall be given in open session of the School Board. Where feasible, letters and other public announcements shall be used to apprise the public of the School Board's request for suggestions.

The public announcement of the school board's intention to name or rename a school shall be followed by a public comment period of at least one month. During the public comment period, individuals may submit suggested names to the school board for consideration. All recommendations shall be submitted in writing and must state the reasons for the recommendation. Recommendations that a school be named or renamed for an individual must be accompanied by the individual's resume.

Also during this period, the school board shall hold a minimum of two (2) public hearings within the community where the school is or will be located to allow the public to propose names for the school. All names suggested at the public hearing, along with the reasons for the recommendation, shall be reduced to writing and considered by the Board.

Recommendations received after the close of the public comment period or which do not provide supporting documentation will not be considered by the Board.

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

Adopted April 11, 2011

POLICY 6-2.10 RETIREMENT OF FACILITIES

Declining enrollment, inadequate funding, or other reasons may require the School Board to close schools and other facilities. The division superintendent shall recommend to the School Board which school and/or facility shall be closed. In making a recommendation regarding the closing of schools, the division superintendent shall consider, among other things, the following:

1. Educational flexibility: Which school building is least adaptable for housing a modern and flexible educational program?

2. Site: Which school site is least adequate for continued use as an educational center?

3. Cost: Which school building represents the highest cost in terms of upkeep and maintenance?

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-136

Adopted April 11, 2011

ARTICLE III

POLICY 6-3.1 EQUIPMENT, SUPPLIES, AND TEXTBOOKS

Each Richmond Public School is to report any surplus equipment, supplies, and textbooks to the Division of Purchasing in order that these items may be warehoused, refurbished if necessary, and redistributed to other schools or offices within the division.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-129

Adopted April 11, 2011

POLICY 6-3.2 FOOD ITEMS

At the close of the school year, the Director of Food Services is responsible for a physical inventory of surplus food items. The Director of Food Services will coordinate the disposal of surplus food items with the Division of Purchasing.

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

Adopted April 11, 2011

ARTICLE IV

POLICY 6-4.1 MOTOR VEHICLES

Generally

The School Board may own and maintain a number of vehicles for employee use where the nature of the position, the transportation requirements, and the economics warrant such.

Definition of "School Board Vehicle"

"School Board vehicle" means any vehicle owned by RPS, or any vehicle owned by the City of Richmond and assigned to RPS for its use.

Use of School Board Vehicles

School Board vehicles shall be used by employees solely to conduct the official business of RPS. All School Board vehicles shall be operated in a safe, courteous, and lawful manner. Personal use of a School Board vehicle is prohibited. The division superintendent or his/her designee shall establish regulations to govern the use of School Board vehicles in an efficient manner, to insure that essential transportation for the conduct of School Board business is provided at a reasonable cost, and to recognize the need to conserve energy resources. The assignment of School Board vehicles shall be at the discretion of the division superintendent or his/her designee. An individual approved to use a school board vehicle to conduct school board business will not be entitled to reimbursement for mileage expended for such travel.

Bi-Annual Report to the School Board

The Chief Operating Officer shall prepare and forward to the School Board, on a bi-annual basis, a report on the number and type of School Board vehicles used within the school division. The bi-annual reports shall be reviewed by the division superintendent and the School Board.

"Authorization to Use School Board Vehicle" Form

Any employee who desires to use a School Board vehicle must complete and sign an "Authorization to Use School Board Vehicle" form and obtain the approval signature of his/her Department Director. The form shall include, among other pertinent information, the purpose of the employee's use and the School Board vehicle's odometer reading both before and after the employee's use.

The Chief Operating Officer shall maintain the completed "Authorization to Use School Board Vehicle" forms and forward copies of such forms to the division superintendent or his/her designee for review on a regular basis.

Department Director Responsibility

The Department Director shall deny any proposed use of a School Board vehicle by an employee that is in violation of this policy. Employees who violate this policy shall be subject to discipline, up to and including termination. In addition to any discipline imposed, the employee shall be required to reimburse the school division for such improper use by paying mileage at the IRS mileage reimbursement rate at the time of such use.

Travel Area

School Board vehicles are provided for use within the corporate limits of the City of Richmond. Any employee who drives beyond the City's corporate limits must have the prior written permission of the Chief Operating Officer. The employee shall also indicate his/her intention to drive outside the City's corporate limits and the intended destination on the "Authorization to Use School Board Vehicle" form.

Overnight Possession of School Board Vehicles

No School Board vehicle may be parked overnight at an employee's personal residence without the prior written permission of the Chief Operating Officer. Such permission shall state clearly the justification for possessing the School Board vehicle overnight. In the rare instance when an employee is permitted to possess a School Board vehicle overnight, such employee shall drive only to and from work and/or the work-related destination. If an employee is authorized to drive such vehicle home, the value of this benefit shall be reported to the IRS (for tax purposes per IRS regulations).

Gas Purchases

Local Gas Purchases

The City of Richmond operated gas station shall be utilized for all local gas purchases. If an emergency occurs (i.e., after-hours) that requires the purchase of gas from a commercial vendor, the receipt with a written explanation of why the purchase was necessary shall be submitted to the Director of Transportation for review and, if justifiable, for reimbursement.

Out-of-Town Gas Purchases

School Board employees authorized to conduct out-of-town travel and driving a School Board vehicle normally used for pupil transportation (i.e., school bus, bussette, van, etc.) may be issued a School Board-sponsored gas credit card, maintained by the School Board Clerk or Chief Operating Officer, to use for out-of-town travel authorized activities on a temporary basis only for each specified trip. The use of this gas credit card shall be restricted to expenses associated with the use of the School Board vehicle and the vehicle tag number shall be printed on each receipt

Vehicle Return

Unless a School Board employee is on an approved trip outside the Richmond metropolitan area, every School Board vehicle shall be returned to the location where it is normally garaged no later than 4:00 p.m. on the day that it is checked out. If a School Board employee is on an approved trip outside the Richmond metropolitan area, he/she shall return the School Board vehicle to the location where it is normally garaged no later than 9:00 a.m. on the day following his/her return to the Richmond metropolitan area.

Seat Belts

All RPS employees shall wear seat belt restraints at all times while operating School Board vehicles or while riding as passengers in such vehicles. The same applies to RPS employees operating privately owned vehicles within the scope of their employment.

Only the number of persons, including the driver, for which seat belt restraints are available, shall be permitted in the School Board vehicle (except in the case of school buses).

The driver shall not move the School Board vehicle until he/she and all passengers have properly engaged the seat belt restraints.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-79(3), 22.1-188; Virginia Administrative Code, 8 VAC 20-70-90

Adopted April 11, 2011

POLICY 6-4.2 PUPIL TRANSPORTATION SERVICES

Pupil Transportation

Generally

Unless other circumstances exist, free bus transportation shall be furnished to all elementary pupils living more than one (1) mile from their School Board-established zone school, as measured by the most feasible route from home to school. Free bus transportation shall be furnished to middle and high school pupils within attendance zones established by the School Board living more than one and one-half (1.5) miles from school. Where hazardous conditions warrant, the division superintendent may authorize that transportation be furnished for shorter distances than specified above. The division superintendent shall promptly inform the School Board of any such changes warranted by hazardous conditions. The division superintendent is directed to establish regulations for the implementation of this policy.

Specialized Transportation

The School Board operates and maintains specially equipped buses for pupils with disabilities who require specialized transportation. The division superintendent or his/her designee shall assume the responsibility for seeing that these buses are adequately serving pupils with disabilities. When these specially equipped buses are not provided, other means of transporting pupils with disabilities will be arranged, consistent with applicable law.

Transportation to Out-of-Zone Schools

Pupils shall not be transported to schools outside of their School Board-established zone school, except those middle and high school pupils who attend special program schools as prescribed by regulations developed by the division superintendent.

Buses

School buses shall be purchased, operated and maintained by and under the direction of the School Board for the transportation of eligible pupils between designated pick-up points and the school to which they are assigned. Transportation of pupils with disabilities will be provided consistent with applicable law.

School buses may be used for school-related and school-sponsored trips under conditions to be determined by the division superintendent.

All school buses shall meet the requirements as set forth in the State Motor Vehicle Code, Standards and Specifications of the State Board of Education, and such other regulations as the division superintendent shall require for the safety of the pupils.

Routes and Schedules

Bus routes shall be established by the Planning Section within the Department of Pupil Transportation and approved by the division superintendent. Routes shall be scheduled only over such roads and streets that are properly maintained and safe for bus travel. Bus stops for loading and unloading of pupils shall be established at designated areas to assure the maximum safety of the pupils.

Inclement Weather

In anticipation of inclement weather, the Director of Transportation and others designated by him/her may take home a bus or other School Board vehicle. Such employees will assess the road conditions and report their findings to the Director of Transportation, who will determine if a delay in opening or a school closing is necessary. The Director of Transportation will report the determination of need for a delay in opening or closing of the schools to the division superintendent based upon the assessment of road conditions.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-176, 22.1-177, 22.1-221, 46.2-918, 46.2-1089 through 46.2-1090.1; Virginia Administrative Code, 8 VAC 20-70-10, 8 VAC 20-70-20, 8 VAC 20-70-80, 8 VAC 20-70-1308 VAC 20-70-150, 8 VAC 20-70-160; Individuals with Disabilities Education Act, 20 U.S.C §§ 1400, et seq.; Americans with Disabilities Act, 42 U.S.C §§ 12101, et seq.

Adopted April 11, 2011

POLICY 6-4.3 SCHOOL BUS SAFETY PROGRAM

All school buses and other School Board vehicles shall be inspected for safety in accordance with the regulations prescribed by the Virginia Board of Education. All accidents, regardless of the damage involved, must be reported to the division superintendent or his/her designee.

The School Board values the safety of pupils and staff members on school buses. All necessary measures to ensure the safety of pupils and staff members on school buses shall be employed. The division superintendent or his/her designee shall develop regulations to this effect.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-181; Virginia Administrative Code, 8 VAC 20-70-20, 8 VAC 20-70-130, 8 VAC 20-70-140

Adopted April 11, 2011

POLICY 6-4.4 PUPIL CONDUCT ON SCHOOL BUSES

To the extent permitted by law, each Richmond Public Schools building principal shall have the authority to suspend the riding privileges of pupils and/or take other disciplinary actions for pupils who exhibit disciplinary problems on school buses. Parent(s) (or guardian(s)) of pupils whose behavior and misconduct on school buses violates the Student Code of Conduct or otherwise endangers the health, safety and welfare of other pupils shall be notified that their child/children face the loss of school bus riding privileges and/or other disciplinary actions.

In those instances in which pupils have riding privileges suspended, it shall be the responsibility of the parent(s) or guardian(s) of the pupil to ensure that their child/children get to and from school safely. The school bus driver shall be responsible for maintaining the orderly behavior of pupils on school buses and shall document and report misconduct to the pupil's principal, and provide a copy of all misconduct reports to the Department of Pupil Transportation.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-181, 22.1-293; Virginia Administrative Code, 8 VAC 20-70-370

Adopted April 11, 2011

POLICY 6-4.5 DELIVERY SERVICE TO SCHOOLS

The delivery service of Richmond Public Schools may be used for distributing items such as:

1. Office supplies;
2. Curriculum materials;
3. Textbooks, library books, and educational periodicals;
4. Catalogs and price lists of educational materials;
5. Audio-visual materials and equipment; and
6. ONLY such other non-profit and non-partisan information and materials as may be approved in advance by the division superintendent or his/her designee.

LEGAL REFERENCE: None

Adopted April 11, 2011

ARTICLE V

POLICY 6-5.1 SCHOOL LUNCH PRIVILEGES

The school cafeterias are operated for the benefit of pupils and school personnel and are not to be in competition with commercial eating establishments. For this reason, lunch privileges may not be extended to persons who have no connection with the school. However, lunch privileges may be extended occasionally to persons connected with the schools such as parents and/or guardians, guests of school personnel, and persons who are in the school on business.

LEGAL REFERENCE: Virginia Administrative Code, 8 VAC 20-290-10

Adopted April 11, 2011

POLICY 6-5.2 FREE AND REDUCED-PRICE MEALS

Recognizing that an adequate food service program is essential to a pupil's growth and development and influences his/her achievement in school, and in the belief that every school-age pupil should have adequate meals, Richmond Public Schools shall provide free or reduced-price meals, which shall be served to those pupils determined to be eligible.

The School Nutrition Services department is responsible for certifying pupils as eligible for either free or reduced-price breakfasts and/or lunches to the extent that funds are available. Such certification by shall be consistent with state and federal law and regulations.

LEGAL REFERENCE: Virginia Administrative Code, 8 VAC 20-290-10

Adopted April 11, 2011

ARTICLE VI

POLICY 6-6.1 Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002

The School Board of the City of Richmond, and the division superintendent or his/her designee shall implement the Public-Private Education Facilities and Infrastructure Act of 2002, as amended, through administrative procedures patterned after the Model Guidelines published from time-to-time by the Department of General Services of the Commonwealth of Virginia.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 56-575.1 through 56-575.18

Adopted April 11, 2011

SECTION 7
PERSONNEL
TABLE OF CONTENTS

7.01 Generally
7.02 Employee Designations
7.03 Health Requirements
7.04 Lines of Communication
7.05 Practice Teachers
7.06 Nepotism
7.07 Hours of Employment
7.08 Grievance Procedure
7.09 Employee Qualifications and Licensure
7.10 Contracts
7.11 Probationary Period: Teachers
7.12 Reassignment and Transfer
7.13 Payroll Deductions
7.14 Promotion
7.15 Demotion
7.16 Termination and Resignation
7.17 Sexual Harassment
7.18 Retirement
7.19 Suspension
7.20 Substitutes
7.21 Orientation
7.22 Reduction in Force
7.23 Selling and Endorsements
7.24 Supervision
7.25 Evaluation
7.26 Tutoring and Professional Services
7.27 Nonschool Employment
7.28 Meetings and Conferences
7.29 Political Activities
7.30 Salary Adoption
7.31 Death Benefits
7.32 Health Insurance
7.33 Holidays
7.34 Travel Allowance
7.35 Retirement/Life Insurance Coverage
7.36 Fringe Benefits for Part-Time Employees
7.37 Professional Leave
7.38 Educational Trips
7.39 Military Leave
7.40 Civil Leave
7.41 Sick Leave
7.42 Injury Leave
7.43 Family Illness
7.44 Bereavement
7.45 Personal Leave
7.46 Eligibility for Exchange Programs
7.47 Leave Without Pay
7.48 Leave for Summer School Teachers

SECTION 7
PERSONNEL
TABLE OF CONTENTS
(CONTINUED)

7.49 Vacation: Twelve-Month Employees
7.50 Vacation: Less-Than-Twelve-Month Employees
7.51 Absence Without Approved Leave
7.52 Sabbatical Leave
7.53 Employee Accidents
7.54 Drug and Alcohol-Free Workplace
7.55 Reports of Certain Acts and Other Conduct
7.56 Garnishment
7.57 Fraudulent and Wrongful Acts
7.58 Fraud, Waste, and Abuse Hotline
7.59 Use of Computer Technology
7.60 Planning Time for Elementary School Teachers
7.61 Incentives for Excellence in Teaching
7.62 Internet Website Privacy
7.63 Dress Code
7.64 Cell Phone Policy
7.65 Convictions for Certain Crimes and Child Abuse and Neglect Criminal Convictions
7.66 Grants for Homeownership; Affordable Workforce Housing Alternatives
7.67 Recertification Documentation

7.01 Generally

A. Philosophy

One of the general objectives of the Richmond Public Schools shall be to provide an educational program that will challenge all levels of ability by giving to all Richmond pupils an opportunity to acquire fundamental information, develop necessary skills, and cultivate the attitudes that will make them productive citizens by recruiting and retaining a sufficient number of well-trained teachers.

B. Nondiscrimination Policy

In accordance with federal laws, the laws of the Commonwealth of Virginia and the policies of the School Board of the City of Richmond, the Richmond Public Schools does not discriminate on the basis of sex, race, color, age, religion, disabilities or national origin in the provision of employment and services. The Richmond Public Schools operates equal opportunity and affirmative action programs for students and staff. The Richmond Public Schools is an equal opportunity/affirmative action employer. The Section 504 Coordinator is Mr. Harley Tomey, Richmond Public Schools, 301 North Ninth Street, Richmond, Virginia 23219, (804) 780-7911. The ADA Coordinator is Ms. Aisha Shamburger, 2015 Seddon Way, 1st Floor, Richmond, VA 23230, (804) 780-6211 The Title IX Officer is Mrs. Angela C. Lewis, Richmond Public Schools, 301 North Ninth Street, Richmond, Virginia 23219, (804) 780-7716.

Legal Reference:

Title IX of the Education Amendments of 1972, 20 U.S.C. Section 1681, et seq., and/or Section 504 of the Rehabilitation Act of 1973; 29 U.S.C.§§ 706 (8), 794 (1978); 34 CFR Part 104 (1980).

C. Observance of Policies and Regulations

The policies and regulations of the school board are written to be consistent with the provisions of state law. All employees are expected to know and shall be held responsible for observing the school board policies and regulations pertinent to their activities.

D. Personal Data

Each employee shall, upon request, furnish accurate information regarding his/her age, address, education, experience, and such other information as the superintendent may deem necessary for the effective administration of the schools.

E. Employment and Retention of Instructional Personnel

It is the objective of Richmond Public Schools to implement policies and practices designed to promote the employment and retention of the highest quality instructional personnel and to effectively serve the educational needs of students.

7.01 Generally (continued)Adopted April 20, 1978

Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 2, 1992
Revised/Adopted September 20, 1994
Revised/Adopted June 17, 1996
Revised/Adopted August 3, 1998
Revised/Adopted October 2, 2006

7.02 Employee Designations

For purposes of policy and organization, employees of Richmond Public Schools are divided into four basic groups: *administrative, professional - instruction, professional - other, and classified.*

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted October 21, 1996

7.03 Health Requirements

A. Health Certificate

Every person employed by the school board must file an official health certificate with the designated person in the office of the superintendent or satisfactorily complete a physical examination, depending upon the requirements of the position. This must be done before beginning duties except when given an extension of time by the superintendent's office.

B. Physical Examinations

School bus operators and employees who are designated drivers must have an annual examination. Food service workers must be examined every two years. These examinations are provided by the school division.

In addition to the health certificate required of every employee new to the system, a physical examination satisfactory to the school administration shall be required of any employee at such other times as the immediate supervisor, superintendent, and medical department shall consider it necessary for the welfare of employees and pupils.

C. Tuberculin Test

All school board employees must submit evidence to the designated person in the office of the superintendent that they are free from communicable tuberculosis. This may be accomplished in the following manner:

l. The school board shall provide tuberculin skin tests, at no cost, to all employees who have not had a previous positive skin test.

2. Persons who have had tuberculosis, a previous positive tuberculin skin test, or who have taken antituberculin medication must submit the results of a chest x-ray to the school medical department.

3. New employees who are pregnant may submit a statement signed and dated by a licensed physician or by a registered nurse licensed in accordance with applicable law and employed by a local health department that they are free of communicable tuberculosis or may have a skin test with the written approval of their physician.

4. For employees with negative tuberculin skin tests and or negative chest x-rays, no further testing is necessary unless required by the director of (school health services) the medical department. Employees with positive tuberculin reactions and those who receive chest x-rays under previous regulations requiring reexamination every three years must continue to follow the schedule of reexamination set by their physician or clinic and must submit reports of a chest x-ray or a physician's statement to the designated person in the office of the superintendent. Reexamination may be requested by the director of the medical department as deemed necessary.

Legal Reference:

Code of Virginia, Section 22.1-178. Requirements for persons employed to drive school bus.
Code of Virginia, Section 22.1-272. Contagious and infectious diseases.
Code of Virginia, Section 22.1-300. Tuberculosis certificate.

7.03 Health Requirements (continued)

D. Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Employee Version)

l. Purpose

To make decisions regarding the placement of employees identified as having the Acquired Immunodeficiency Syndrome ("AIDS") disease or as being "HIV antibody positive."

2. Procedures

a. The determination of the appropriate assignment, if any, for an employee diagnosed as having the AIDS disease shall be made by the superintendent on a case-by-case basis, taking into account the employee's physical condition and type of employment. To assist him/her in making the determination, the superintendent will establish a Review Committee composed of: the Director of the Richmond City Health Department (RCHD) or a public health physician designated by the Director; the employee's physician; the Director of School Health Services; the employee's supervisor, and, if necessary, other personnel from RPS or persons designated by the superintendent.

The Review Committee shall meet within fourteen (14) days of being established and shall make its recommendation to the superintendent as soon thereafter as practical. Such recommendation shall be based on a majority vote of the Review Committee. If the employee's attending physician cannot attend the meeting of the Review Committee, he/she will provide written documentation about the condition of the patient to the Director of School Health Services. Such information will be included in the recommendation, which will be forwarded to the superintendent. The superintendent will notify the employee of his/her decision within five (5) school days after receiving the Review Committee's recommendation. The employee may appeal the superintendent's decision to the school board. The request for such appeal must be submitted to the superintendent in writing within fourteen (14) calendar days of the date of the superintendent's decision. Failure to request an appeal within the specified time will constitute a waiver of the right to an appeal to the school board.

7.03 Health Requirements (continued)

D. Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Employee Version)

b. The employee may be excluded from attendance at work pending the superintendent's decision or any reevaluation.

Generally, employees who have AIDS will continue in their present assignment, or at their request or the superintendent's direction, be considered for an alternative assignment or for appropriate leave.

If a decision has been made to continue the employee's placement in his/her present assignment, the decision will be reviewed should there be an indication of a change in the employee's medical condition. Any member of the Review Committee may initiate a request to reevaluate the employee, based upon such change. When such reviews are made, they will be done according to the established procedures listed in Section 2.a. of this policy.

c. Persons involved in the evaluation and supervision of an employee who has AIDS shall respect the employee's right to privacy. The number of personnel who are made aware of the employee's condition should be limited to employees who are members of the Review Committee. Information pertaining to the employee's condition shall be conveyed by direct oral communication.

E. Blood-Borne Pathogens

(1) All employees having direct contact with students shall receive appropriate training in the etiology, prevention, transmission modes, and effects of blood-borne pathogens, specifically hepatitis B and human immunodeficiency viruses or any other infections that are the subject of regulations promulgated by the Safety and Health Codes Board of the Virginia Occupational Safety and Health Program within the Department of Labor and Industry.

(2) The administration shall establish, in accordance with the Blood-Borne Pathogens Standards issued by the Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor, a Blood-Borne Pathogens Control Plan in order the minimize and prevent, when possible, the exposure of employees to disease-causing microorganisms transmitted through human blood. The Blood-Borne Pathogens Control Plan shall be made available for review and copying by any employee upon request. The Blood-Borne Pathogens Control Plan shall be reviewed annually by the Coordinator of Nursing Services.

7.03 Health Requirements (continued)

E. Blood-Borne Pathogens

(3) Upon notification by an employee who believes he has been involved in a possible exposure-prone incident which may have exposed the employee to the blood or body fluids of a student, the Superintendent shall contact the local health director who, upon immediate investigation of the incident, shall determine if a potentially harmful exposure has occurred and make recommendations, based upon all information available to him, regarding how the employee can reduce any risks from such exposure. The Superintendent shall share these recommendations with the school employee. Except as permitted by subsections (E)(4) through (E)(8) of this policy, the Superintendent and the employee shall not divulge any information provided by the local health director regarding such student. The information provided by the local health director shall be subject to any applicable confidentiality requirements related to disease prevention and control as set forth in applicable Virginia law.

(4) Whenever any employee is directly exposed to body fluids of any person in a manner which may, according to the then current guidelines of the Centers for Disease Control, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the employee who was exposed. In other than emergency situations, it shall be the responsibility of the employee to inform the person of this provision prior to the contact that creates a risk of such exposure.

(5) Whenever any person is directly exposed to the body fluids of an employee in a manner that may, according to the then current guidelines of the Centers for Disease Control, transmit human immunodeficiency virus or hepatitis B or C viruses, the employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The employee shall also be deemed to have consented to the release of such test results to the person.

(6) For the purposes of subsections (E)(3) through (E)(5) of this policy, "employee" means a person who is both (i) employed by the School Board; and (ii) acting in the course of employment at the time of the exposure.

7.03 Health Requirements (continued)

E. Blood-Borne Pathogens

(7) For purposes of subsection (E)(4), if the person to be tested is a minor, consent for such testing shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds consent, the School Board may petition the juvenile and domestic relations district court in the county or city where the minor resides for an order requiring such testing.

(8) Except as provided in subsection (E)(7), if the person whose blood specimen is sought for testing refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy.

Legal Reference:

Code of Virginia, Section 22.1-271.3. Guidelines for school attendance for children infected with human immunodeficiency virus; school personnel training required; notification of school personnel in certain cases.

Code of Virginia, Section 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 20, 1994
Revised/Adopted June 16, 2003

7.04 Lines of Communication

1. In order to maintain an orderly, effective and efficient process by which the school board may provide a meaningful opportunity for its employees to participate in a system of two-way communication and to comply with the Standards of Quality for Public Schools in Virginia, the school board directs the administration to meet with representatives of voluntary employee organizations to discuss recommendations on matters of mutual interest and concern.

2. Requests for meetings may be submitted by the representatives of an employee organization or by the administration. Meetings to discuss recommendations will be held when the administration and employee organization deem it appropriate.

3. The administration and the employee organization representatives may utilize the services of non-legal advisors. Neither group has the right to request that any individual be excluded from a meeting.

4. The administration and the employee organization representatives may request and receive information from each other.

5. If it becomes necessary to schedule meetings during the school day, employee organization representatives who are school board employees will be given professional leave time with pay.

6. Tentative conclusions reached by the administration with employee organization representatives pursuant to this policy will become final only after official adoption by the school board.

7. This procedure will not act to prohibit the employee organization or the administration from submitting recommendations to the school board.

8. Richmond Public Schools' employees have the right to express opinions to state or local elected officials, including the School Board, on matters of public concern. No employee shall be subject to acts of retaliation because the employee has expressed such opinions.
   For the purposes of this policy, "matters of public concern" means those matters of interest to the community as a whole, whether for social, political, or other reasons, and shall include discussions that disclose any:
   (a) evidence of corruption, impropriety, or other malfeasance on the part of government officials;
   (b) violations of law; or
   (c) incidence of fraud, abuse, or gross mismanagement.
9. Nothing herein shall give any employee or employee organization any property rights and/or due process rights.

7.04 Lines of Communication (continued)

Legal Reference:
Code of Virginia, Section 22.1-253.13:7. Policy manual.

Code of Virginia, Section 15.2-1512.4. Rights of local employees to contact elected officials.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised May 16, 1989
Revised/Adopted June 19, 2006

7.05 Practice Teachers

A student from an approved institution of higher learning may take practice teaching, practicum, or field work in the Richmond Public Schools upon approval of the superintendent and under such regulations as the superintendent shall set forth to ensure that the progress of the pupils in any class is not adversely affected.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.06 Nepotism

The employment of spouses and certain other relatives of the superintendent or a member of the school board is prohibited under certain circumstances by the State and Local Government Conflict of Interests Act. All employment will be consistent with the Act.

The employment and assignment of close relatives in the same organizational unit shall be discouraged.

Duty assignments shall not be made where a direct supervisory or administrative relationship or the possibility of favored treatment exists between close relatives.

Legal Reference:

Code of Virginia, Section 2.2-3100 et seq., State and Local Government Conflict of Interests Act. Section 2.2-3119. Additional provision applicable to school boards, and employees of school boards.

Adopted April 20, 1978
Revised/Adopted November 23, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 16, 2003

PERSONNEL

Section 7.07
Section 7.08
P

7.07 Hours of Employment

The number of hours of employment of all employees shall be set by the superintendent, subject to approval of the school board. Overtime and compensatory time shall be awarded in accordance with federal law, subject to the prior approval of the superintendent or his designee.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 20, 1999

7.08 Grievance Procedure

A. The grievance procedure followed by Richmond Public Schools is that adopted by the Virginia Board of Education. A copy of the Procedure for Adjusting Grievances adopted by the Virginia Board of Education is attached as Appendix B.

B. Part III of the Procedure for Adjusting Grievances shall apply to all regularly employed school board employees, except the superintendent, assistant and associate superintendents, principals, assistant principals, and supervisors, who have completed such probationary period as may be required by the school board, not to exceed eighteen months.

C. "Supervisor" is a person who holds a supervisory position as specified in the regulations of the Board of Education and who is required to hold a license as prescribed by the Board of Education.

Legal Reference:

Code of Virginia, Section 22.1-308. Grievance procedure.
Code of Virginia, Section 22.1-79(6). Powers and duties.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted May 5, 1997

7.09 Employee Qualifications and Licensure

A. Employee Qualifications

All employees shall meet the minimum qualifications established by law, Virginia Board of Education regulations, School Board policy and regulations of the Superintendent.

If any teacher comes to the Richmond Public Schools on an exchange basis, the requirements of these rules and regulations relative to appointment, procedures, and qualifications may be waived by the Superintendent within the limitations of state law and subject to the approval of the School Board.

B. Licensure – General Requirements

A candidate for appointment to a new position or as a replacement must qualify for the appropriate Provisional (including supervised student teaching, work experience, or internship), Collegiate Professional, Vocational Education, Pupil Personnel Services, or Postgraduate Professional license issued by the Department of Education, or a local eligibility license issued by the School Board. The appointment must be in field. In accordance with Department of Education regulations, a person not meeting the requirements for a license, provisional license or local eligibility license may be employed and paid from public funds by the School Board on a temporary basis as a substitute teacher to meet an emergency.

Work taken for license renewal must have the prior approval of the superintendent. The teacher's request for such approval must be made on the appropriate form, bear the principal's approval, and be sent to the Department of Human Resources for administrative action.

All work for renewal must be completed prior to the expiration of the license. Contracts drawn under Section 7.10, shall include the following special provision:

As provided hereinabove, this contract is contingent upon the party of the second part holding a valid teacher's license prior to the beginning of the school term. Accordingly, the parties hereto agree that this contract will be without force and effect if by July 1 prior to each school term the party of the second part does not either (i) hold a valid teacher's license or (ii) provide documentation to the Director of Human Resources which evidences that he/she has met or will meet by the beginning of the school term the requirements for a valid teacher's license, as defined in Rules and Regulations of the State Board of Education.

7.09 Employee Qualifications and Licensure (continued)

C. Local Licensure

1. Pursuant to authorization granted by the Virginia Board of Education, and upon the recommendation of the Superintendent, the School Board may issue three-year nonrenewable local eligibility licenses to classroom teacher candidates in accordance with the following criteria:

   a. the applicant for a three-year local eligibility licensure shall have earned a baccalaureate degree from an accredited institution of higher education and shall have such experience or training in a subject or content area as the School Board and the Superintendent deem appropriate for the intended teaching assignment;

   b. the holder of a local eligibility license shall be required to complete such training within the three-year licensure period as may be specified by the Superintendent, the School Board, and Virginia Board of Education Standards, which shall include, but are not limited to, curriculum and instruction, including educational technology, reading, and other specific course content relating to the Standards of Learning, differentiation of instruction, classroom/behavior management, and human growth and development;

   c. the local eligibility license issued by the School Board shall be valid only within Richmond Public Schools;

   d. no local eligibility license shall be issued if the teacher candidate/applicant is eligible for a collegiate professional or postgraduate professional license issued by the Department of Education;

   e. teachers issued a local eligibility license shall be considered probationary teachers, shall not be eligible for continuing contract status while under the authority of such local license and shall be subject to the same terms of employment as a probationary teacher; and

   f. no more than ten percent (10%) of classroom teachers employed by Richmond Public Schools shall hold local eligibility licenses, based on the number of classroom teachers employed by Richmond Public Schools during the preceding school year.

   g. No local license shall be issued to teachers providing instruction in special education.

   h. The issuance of local licenses shall be restricted to teachers providing instruction in courses that do not represent core academic areas as defined by the federal No Child Left Behind Act, as amended.

7.09 Employee Qualifications and Licensure (continued)

2. A teacher employed while holding a local eligibility license shall be entitled and subject to all other requirements and rights provided by law or regulation, except that such teacher shall not be eligible for continuing contract status while teaching under the authority of such license. Upon attainment of a collegiate professional or postgraduate professional license, such teachers shall serve the three-year probationary period prior to being eligible for continuing contract status.

C. Local Licensure (continued)

3. Any teacher employed pursuant to a local eligibility license shall be issued a collegiate professional license or a postgraduate professional license (as appropriate) upon the expiration of the local eligibility license by the Department of Education upon satisfaction of the following conditions:

   a. recommendation by the Superintendent and the School Board for such licensure;

   b. the completion of three (3) successful years of teaching experience while holding a valid local eligibility license as certified by the Superintendent and the School Board;

   c. achieving a satisfactory score on the professional teacher's examinations required by the Board of Education; and

   d. such standards as may be prescribed by the Board of Education.

4. The School Board shall provide to the Department of Education information regarding teachers receiving local eligibility licenses and other data related to the school division's issuance of local eligibility licenses.

5. The Board of Education is authorized to revoke and reinstate the school division's authority to issue local eligibility licenses upon a determination of any violation of local licensure requirements.

Legal Reference:

Code of Virginia, Section 22.1-298. Regulations governing licensure.
Code of Virginia, Section 22.1-299. License required of teachers.
Code of Virginia, Section 22.1-299.3. Three-year local eligibility license.
Code of Virginia, Section 22.1-303. Probationary terms of service for teachers.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted August 18, 1992
Revised/Adopted September 20, 1994
Revised/Adopted June 19, 2000
Revised/Adopted June 21, 2004

PERSONNEL

Section 7.10
Section 7.11
Section 7.12
P

7.10 Contracts

After the instructional personnel have been elected by the school board, the superintendent shall cause contracts to be drawn in compliance with the laws of the Commonwealth of Virginia and requirements of the Virginia Board of Education, including any special provisions approved by the school board.

Legal Reference:

Code of Virginia, Section 22.1-302. Written contracts required; execution of contracts; rules and regulations.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.11 Probationary Period: Teachers

The initial probationary period for a teacher under contract shall be three years before being issued a continuing contract. If continuing contract status has been attained by a teacher in another Virginia school division, the teacher shall be required to serve a probationary period of one year before attaining continuing contract status in this school division.

Any teacher hired on or after July 1, 2001 shall, as a condition of achieving continuing contract status, successfully complete training in instructional strategies and techniques for intervention for or remediation of students who fail or are at risk of failing the Standards of Learning assessments. The school division shall provide the required training at no cost to its teachers. No teacher shall be denied continuing contract status for failure to obtain the required training if the school division fails to offer such training in a timely manner.

Legal Reference:

Code of Virginia, Section 22.1-303. Probationary terms of service for teachers.

Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 4, 2001

7.12 Reassignment and Transfer

A. The superintendent shall have the authority to reassign or transfer any teacher, principal or assistant principal to any school or position within the division, provided that no reassignment or transfer during a school year shall affect the salary of such employee for that school year. For purposes of this policy, the salary of any such employee reassigned or transferred during the school year or during a prior school year shall be adjusted on July 1 of the following school year to the salary of the position to which such employee has been reassigned or transferred. Upon recommendation of the superintendent, the board may consider individual exceptions to the salary provisions of this policy.

Principals shall not be assigned to one school for more than five successive school years unless in the opinion of the superintendent it would be beneficial to the school and/or the division for the person to remain for a longer period of time. The superintendent shall make an annual report to the board of each principal assigned to one school for more than five years.

For the purposes of this policy only, each principal assigned to one school for less than five successive years prior to the l990-91 school year shall have the l990-91 school year credited as his or her first year; each principal assigned to one school for more than five successive years prior to the 1990-91 school year shall have the 1990-91 school year credited as his or her third school year.

B. The superintendent shall have the authority to reassign or transfer any other employee to any school or position within the division for which the employee is qualified within the division. For purposes of this policy, the salary of any such employee reassigned or transferred during the school year or during a prior school year shall be adjusted on July 1 of the following school year to the salary of the position to which such employee has been reassigned or transferred. Upon recommendation of the superintendent, the board may consider individual exceptions to the salary provisions of this policy.

Security personnel shall not be assigned to one school for more than five successive years unless in the opinion of the superintendent it would be beneficial to the school and/or the division for the person to remain for a longer period of time.

For the purposes of this policy only, security personnel assigned to one school for less than five successive years prior to the 1995-96 school year shall have the 1995-96 school year credited as his or her first year; security personnel assigned to one school for five or more, but less than ten, successive years prior to the 1995-96 school year shall have the 1995-96 school year credited as his or her third school year; security personnel assigned to one school for ten or more successive years prior to the 1995-96 school year shall be subject to reassignment to a new school or position for the 1995-96 school year.

7.12 Reassignment and Transfer (continued)

Code of Virginia, Section 22.1-297. Assignment of teachers, principals and assistant principals by superintendent.

Adopted April 20, 1979
Revised August 21, 1980
Revised November 18, 1982
Revised/Adopted November 21, 1984
Revised/Adopted November 20, 1989
Revised/Adopted June 19, 1995
Revised/Adopted September 24, 1996
Revised/Adopted March 16, 1998

7.13 Payroll Deductions

A. The school board shall accept assignments from the salaries or wages of officers and employees of the school board as follows:

1. Assignments required by federal or state law.

2. Assignments for an officer's or employee's share of the cost of any program available to the officers and employees of the school board conducted or sponsored by the City of Richmond or by the school board, which program is designed for the benefit of officers and employees and a portion of the cost of providing such program, exclusive of administrative cost, is borne by the City of Richmond or by the school board.

3. Assignments for purchase of United States savings bonds.

B. The school board may accept assignments from the salaries or wages of officers and employees of the school board to entities permitted by the school board according to the following policy:

l. Assignments to a credit union which have the direct effect of making low-cost loans available to officers and employees and of encouraging and maintaining the habit of savings.

2. Assignments for the purpose of participation by officers and employees in plans of insurance made available to the officers and employees of the school board as a group to provide income protection to them during periods of extended disability as a consequence of injury or illness.

7.13 Payroll Deductions (continued)

3. Assignments for payment of contributions by officers and employees to the corporation, organization, association, trust, or fund which represents the combined solicitation of the numerical majority of the non-sectarian charitable groups soliciting contributions within the City of Richmond.

4. Assignment of membership dues to all organizations approved by the board.

5. Assignment for the purpose of Flexible Spending Accounts and other accounts as authorized in Section 125 of the Internal Revenue Code approved by the school board.

For reasons of economy, it shall be the policy of the school board to limit the number of entities permitted to receive assignments under the provisions of section B. While the school board may consider any matter relevant to granting or withholding permission for assignments to an entity within this policy, it disclaims any responsibility for the subsequent performance and service of the entity if such permission is granted. The school board reserves the right to withdraw such permission upon reasonable notice to the entity.

The school board may charge an administrative fee for such assignments.

Adopted April 20, 1978
Revised August 19, 1982
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.14 Promotion

The superintendent shall establish and maintain procedures for the discovery of employees who are suitable candidates for promotion, for the thorough study and appraisal of such persons, and for the development of their potentials. In making promotions, the superintendent shall give due consideration to employees of the school division.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.15 Demotion

An employee whose services are unsatisfactory may be demoted to a position in which it can be reasonably expected that the employee will be successful. In the case of an employee whose appointment is subject to confirmation by the school board, the demotion shall be confirmed by the board. Such employees shall be notified in writing of reasons for demotion.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.16 Termination and Resignation

A. Resignation During Contract

An employee who wishes to terminate his/her contract before the end of the session shall request release in writing stating the reason. The employee shall request release from employment at least two weeks in advance of intended date of resignation. A teacher under contract with the school board may be released by either the school board or the superintendent in accordance with law. All other employees may be released by action of the superintendent.

B. Dismissal of Employees

Employees may be dismissed in accordance with law.

For the purpose of this policy, school personnel means 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 (a) promptly investigate all complaints, written or verbal, of sexual harassment and harassment based on race, national origin, disability or religion; (b) promptly take appropriate action to stop any harassment; and (c) 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.

Legal Reference:

Code of Virginia, Section 22.1-304. Reemployment of teacher who has not achieved continuing contract status; effect of continuing contract; resignation of teacher; reduction in number of teachers.

Code of Virginia, Section 22.1-307. Dismissal, etc., of teacher; grounds.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 17, 1996

7.17 Sexual Abuse and Harassment/Harassment Based on Race, National Origin, Disability and Religion

Policy Statement

The Richmond City School Board is committed to maintaining a learning/working environment free from sexual abuse and harassment and harassment based on race, national origin, disability or religion. Therefore, the School Board prohibits sexual abuse and harassment and harassment based on race, national origin, disability or religion of any student or school personnel at school or any school sponsored activity. This policy and the complaint procedure outlined herein shall apply to complaints of sexual abuse committed by a teacher upon a student.

It shall be a violation of this policy for any student or school personnel to harass a student or school personnel on the basis of sex, or based on race, national origin, disability or religion. 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 or religion by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

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;
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 has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile or offensive employment or educational environment (i.e., the conduct is sufficiently severe, persistent or pervasive 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, include:

i. unwelcome, sexually motivated or inappropriate patting, pinching or other physical contact (other than necessary restraint of students by school personnel to avoid physical harm to people or property);
ii. unwelcome sexual flirtation or propositions;
iii. sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions;
iv. graphic verbal comments about an individual's body, or overly personal conversation of a sexual nature;
v. sexual jokes, notes, stories, drawings, gestures or pictures;

vi. spreading sexual rumors;
vii. touching an individual's body or clothes in a sexual way;
viii. displaying sexually suggestive objects, pictures, cartoons or posters; or
ix. impeding or blocking movement;

b. Harassment Based on Race, National Origin, Disability or Religion

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

i. has the purpose or effect of creating an intimidating, hostile or offensive working or educational environment; or
ii. has the purpose or effect of substantially or unreasonably interfering with an individual's work or educational performance; or
iii. otherwise adversely affects an individual's employment or educational opportunities.

Examples of conduct, which may constitute harassment based on race, national origin, disability or religion, include:

i. graffiti containing racially offensive language;
ii. name calling, jokes or rumors;
iii. physical acts of aggression against a person or his/her property because of that person's race, national origin, disability or religion;
iv. slurs, negative stereotypes and hostile acts, which are based on another's race, national origin, religion or disability; or
v. written or graphic material containing ethnic comments or stereotypes which is posted or circulated and is intended to degrade individuals based on their race, national origin, disability or religion.

Complaint Procedure

a. 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, religion or disability by a student, school personnel or a third party should report the alleged harassment as soon as possible to the building principal, division superintendent or superintendent's designee as described below.

7.17 Sexual Abuse and Harassment/Harassment Based on Race, National Origin, Disability and Religion (continued)

The reporting party should use the form, Report of Discrimination/Harassment, to make complaints of harassment. However, oral reports shall also be accepted. The complaint must be filed with the building principal, division superintendent or superintendent's designee. The principal shall immediately forward any report of alleged prohibited harassment to the director of human resources. Any complaint that involves the building principal shall be reported to the division superintendent.

The complaint and identity of the complainant and alleged harasser shall not be disclosed except as required by law or policy as necessary to fully investigate the complaint or as authorized by the complainant.

b. Investigation

A report of alleged prohibited harassment shall be immediately be investigated by the building principal, superintendent or superintendent's designee. The investigation shall be completed as soon as practicable, but not later than 14 calendar days after receipt of the report. If the alleged harassment may also constitute child abuse, then the party that receives the complaint must report it to the Department of Social Services.

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 division 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 building principal or superintendent's designee shall issue a written report to the division superintendent upon completion of the investigation. If the complaint involves the division 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 give recommendations for corrective action, if any.

7.17 Sexual Abuse and Harassment/Harassment Based on Race, National Origin, Disability and Religion (continued)

b. Investigation (continued)

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

c. School Division Action

Within five (5) calendar days of receiving the written report, the division superintendent 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 and the alleged perpetrator. If the division superintendent determines that prohibited harassment occurred, the Richmond City 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 school division 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 five (5) calendar days of receiving the decision. Notice of appeal must be filed with the division superintendent who shall forward the record to the School Board. The School Board shall make a decision within thirty (30) calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party and the division superintendent and any other individual the School Board deems relevant.

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

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.

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.

Prevention and Notice of Policy

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

7.17 Sexual Abuse and Harassment/Harassment Based on Race, National Origin, Disability and Religion (continued)

This policy shall be (a) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel; (b) included in the student and employee handbooks;

and (c) sent to parents of all students within thirty (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.

False Charges

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

LEGAL REFERENCE**:** Title VII of the Civil Rights Act or 1964, as amended in 1972, 42 U.S.C. 2000 d-z; 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; Executive Order 11246, 1965, as amended by Executive Orders 11375 and 12086; Equal Employment Opportunity Act of 1972; Education Amendments of 1972, Title IX; 34 C.F.R. Part 106; 45 C.F.R. Parts 81, 86; Rehabilitation Act of 1973; Age Discrimination In Employment Act; Constitution of Virginia, Art. I, generally; Americans With Disabilities Act of 1990; Code of Virginia, 1950, as amended, §§ 22.1-79(6), 22.1-306, 22.1-253.13:7; and Regulations of the Virginia Board of Education, Procedures for Adjusting Grievances, 2 VAC 20-90-10, et seq.

Adopted August 21, 1980
Revised/Adopted November 21, 1984
Revised/Adopted June 16, 2008

RICHMOND CITY SCHOOL BOARD

Report of Discrimination/Harassment/Abuse

Name of Complainant:

For Students, School Attending:

For Employees, List Position, Location, and Telephone Number:

Home Address and Telephone Number:

Date(s) of Alleged Incident(s) of Discrimination/Harassment/Abuse:

Name of person(s) you believe discriminated against/harassed you or others:

If the alleged discrimination/harassment/abuse was toward another, please identify that person:

Please describe in detail the incident(s) of alleged discrimination/harassment/abuse, including where and when the incident(s) occurred. Please note any witnesses that may have observed the incident(s). Attach additional pages if necessary.

Please describe any past incidents that may be related to this complaint.

I certify that the information provided in this report is true, correct, and complete to the best of my knowledge:

_____

Signature of Complainant Date

Complaint Received By: _____

(Principal) Date

_____

(Compliance Officer) Date

PERSONNEL

Section 7.18
P

7.18 Retirement

A. Retirement

Employees of the Richmond Public Schools who meet the requirements of the Virginia Retirement System are eligible for retirement with benefits for their term of service at age 55. Such employees have the option of expediting their

effective retirement dates by using accrued annual leave at their per diem rate and accrued sick leave equal to one-half of the daily substitute teacher rate of pay.

Those employees who served under Richmond City classified service prior to July 1, 1983 may continue coverage under the Richmond Supplemental Retirement System or transfer to the Virginia Retirement System.

B. Early Retirement Incentive Program

1. Any school board employee who is a member of the Virginia Retirement System or the Richmond Retirement System and is eligible to retire under either of these programs may submit an application for benefit commencement from the Early Retirement Incentive Program between the ages of 55 and 62 by no later than March 31, 2005. The employee must not be eligible for disability retirement benefits. The age 62 limit will be modified with future age adjustments for full social security benefits, so that such age limit shall be 36 months prior to the age required for such full social security benefits. Ten years of service with Richmond Public Schools (RPS) are required, including the five years immediately preceding retirement.

2. Each employee electing the Early Retirement Incentive Program shall provide service in a temporary position classification for one school year (175 days) or one-half school year (105) days) immediately following the specified retirement date in the same/equivalent position as when permanently employed. Work dates are to be specified by the appropriate principal or director under the oversight of the Director of Human Resources.

3. Payments will be based on one percent (1%) per day of final annual compensation. Payments are to be paid in twelve equal monthly installments with no less than 25% or more than 35% per year of participation, depending on which of the following options is selected:

   Option A – 175 days paid 25% for 7 years;
   Option B – 175 days paid 35% for 5 years;
   Option C – 105 days paid 35% for 3 years.

7.18 Retirement (continued)

In the event the option selected by the employee results in a lower payment than the RPS minimum substitute or temporary rate, as published from time to time, the employee shall be paid at the higher substitute or temporary rate for the first year only or half-year.

4. The employee serves all eligible (105 or 175) days after retirement date with payments spread over a minimum of 3 years or a maximum of 7 years. In the event of death or disability of the employee, the balance of actual eligible days served will be paid in a lump sum to the employee's estate. Age 62 is the highest age an employee can chose this benefit with benefit payments ceasing at the later of age 65 or social security full eligibility age. Benefits under the Early Retirement Incentive Program shall in no event be paid beyond the later of age 65 or social security full eligibility age.

5. Participants receiving benefits under the Early Retirement Incentive Program may not resume full-time employment with the School Board.

6. Contracts are to be issued with the school year starting July 1, or calendar year January 1, with work date assignments by RPS to coincide with the first or second semester of RPS. This will create continuity for students or faculty. During the first year or half-year, the participant is in a temporary equivalent position to provide the duties assigned to the job.

7. Each participant is responsible for reporting annual income for tax purposes. During the first year or half-year of participation, taxable wages shall be the greater of the benefit designated in subsection 3 above, or the RPS minimum substitute or temporary daily rates as published from time to time. RPS and the employee will each pay its share of taxable social security wages during the first year or half-year of participation.

8. Effective July 1, 2005, the current benefit structure of the Early Retirement Incentive Plan shall be frozen. Current retired employees and those currently working to complete their work requirement would continue to receive benefits under the Early Retirement Incentive Program as described in subsections 1 through 7 above. RPS employees eligible to retire under the Early Retirement Incentive Program as of June 30, 2005 who have submitted an application by March 31, 2005 shall also be entitled to receive the benefits under the Early Retirement Incentive Program as described in subsections 1 through 7 above.

   Some employees who have substantial service with RPS may be entitled to a transition benefit as described in subsection 9 below.

7.18 Retirement (continued)

9. Transition Benefit

   Employees who have at least twenty (20) years of VRS eligible service (including the last ten (10) consecutive years with Richmond Public Schools) as of June 30, 2005 who do not elect to retire prior to March 31, 2005 will be eligible for a transition benefit under the Early Retirement Incentive Program upon their retirement after age 50 as follows:

(a) 30 Years of Service: Fifty percent (50%) of final pay in the last twelve (12) months paid evenly (twelve and one-half percent (12.5%) annually) over the first four (4) years of retirement.

(b) 20 to 29 Years of Service: Thirty percent (30%) of final pay in the last twelve (12) months paid evenly (seven and one-half percent (7.5%) annually) over the first four (4) years of retirement.

(c) Less Than 20 Years of Service: No transition benefit.

Final pay shall be limited to the maximum pay of the highest teacher scale with master's degree plus thirty (30) credit hours beyond master's degree (ten (10) month contract employee).

C. 403(b) Matching Plan

Effective August 1, 2005, employees may participate in a 403(b) matching plan. The 403(b) matching plan covers all employees who serve in a contractual annual salary position with RPS. Employees shall be entitled to defer from one percent (1%) to fifty percent (50%) of eligible pay (base salary plus contractual supplements) but not in excess of Internal Revenue Code annual deferral limits. The RPS contribution will provide a match of employee voluntary deferrals equal to twenty percent (20%) of the salary deferral up to three percent (3%) of pay. RPS contributions shall be posted on participant accounts monthly.

C. 403(b) Matching Plan (continued)

All employee and employer contributions under this plan will be deposited with an investment company selected by RPS.

Employees will vest in the RPS matching contributions after the completion of three (3) years and one (1) day of contractual service or age 65 if earlier. Vested RPS contributions will not be available for withdrawal or loans prior to the earlier of age 59 ½ or termination of employment.

SECOND AMENDMENT TO THE AMENDED AND RESTATED EARLY RETIREMENT INCENTIVE PLAN FOR EMPLOYEES OF RICHMOND PUBLIC SCHOOLS

This Second Amendment to the Amended and Restated Early Retirement Incentive Plan of Employees of Richmond Public Schools (this "Amendment") is made on April __, 2007 by the School Board of the City of Richmond, Virginia (the "Board").

WHEREAS, the Board entered into the Early Retirement Incentive Plan for Employees of Richmond Public Schools effective July 1, 1994; and

WHEREAS, the Board amended and restated the Early Retirement Incentive Plan for Employees of Richmond Public Schools effective July 1, 2001 (the "Restated Plan"); and

WHEREAS, the Board amended the Restated Plan through its first amendment effective June 27, 2005; and

WHEREAS, pursuant to Section 7.01 of the Restated Plan, the Board has the authority to amend the Restated Plan from time to time; and

WHEREAS, the Board has determined that the Restated Plan should modify the notification requirement and must be amended accordingly.

NOW, THEREFORE BE IT RESOLVED, the Restated Plan be amended with effective dates as follows:

1. Effective April 1, 2007, Section 2.05 is amended by the addition of Subsection (c) and shall now read as follows:

> "2.05(c) solely for Plan benefits beginning July 1, 2007, the following Participants who failed to give timely notice of their intent to retire as of July 1, 2007 shall have the option to elect to retire as of such date if written notification is provided to the Employer between April 1, 2007 and May 11, 2007:
>
> (i) Assistant principals
> (ii) Guidance counselors
> (iii) Custodians
> (iv) Bus drivers
> (v) Maintenance and ground employees
> (vi) STARS teachers."

PERSONNEL

Section 7.18
Section 7.19
P

7.18 Retirement (continued)

2. Effective July 1, 2007, Section 2.05 is amended by replacing Section 2.05(a), (b) and (c) with a new Section 2.05(a) and shall now read as follows:

> "2.05(a) all Employees must provide written notification of their intent to retire by February 1 immediately preceding a July 1 retirement date."

IN WITNESS WHEREOF, this Amendment is executed this 2nd day of April 2007.

ATTEST:

SCHOOL BOARD OF THE CITY OF RICHMOND, VIRGINIA, a political subdivision of the Commonwealth of Virginia

By: _____ By: _____ Clerk of the School Board

Title: _____

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted December 6, 1994
Revised/Adopted August 15, 2005
Revised/Adopted April 2, 2007

7.19 Suspension

A. Any full time, part time, permanent, or temporary employee may be suspended for good and just cause when the safety or welfare of the school division or the students is threatened or when the employee has been charged by summons, warrant, indictment or information with the commission of a felony, a misdemeanor involving (i) sexual assault as established in Article 7 of Chapter 4 of Title 18.2 of the Code of Virginia, as amended, (ii) obscenity and related offenses as established in Article *5* of Chapter 8 of Title 18.2 of the Code, (iii) drugs as established in Article 1 of Chapter 7 of Title 18.2 of the Code, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state. Except when the employee is suspended because of being charged by summons, warrant, indictment or information with the commission of one of above-listed criminal offenses, the superintendent or an appropriate central office designee shall not suspend the employee for longer that sixty (60) days and shall not suspend the employee for a period in excess of five *(5)* days unless the employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with Section 22.1-311 and 22.1-313, if applicable. Any employee so suspended shall continue to receive his or her then applicable salary unless and until the school board, after a hearing, determines otherwise. No employee shall be

7.19 Suspension (continued)

suspended solely on the basis of his or her refusal to submit to a polygraph examination requested by the school board.

B. Any employee suspended because of being charged by summons, warrant, information or indictment with one of the offenses listed in subsection A may be suspended with or without pay. If the employee is suspended without pay, an amount equal to his or her salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the offenses listed in subsection A or upon the dismissal or nolle prosequi of the charge, the employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less

any earning received by the employee during the period of suspension, but in no event shall such payment exceed one year is salary.

C. If an employee is found guilty by an appropriate court of one of the offenses listed in subsection A and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the school board.

D. No employee shall have his or her insurance benefits suspended or terminated because of a suspension in accordance with the policy.

E. Nothing in this policy shall limit the authority of the school board to dismiss an employee or to place an employee on probation.

F. For purposes of this policy, the placing of a school employee on probation by a court pursuant to the terms and conditions of Section 18.2-251 of the Code of Virginia shall be deemed a finding of guilt and treated as a conviction of the offense.

Legal Reference:

Code of Virginia. Section 18.2-251. Persons charged with first offense may be placed on probation; conditions; screening, assessment and education programs; drug tests; costs and fees; violations; discharge.

Code of Virginia. Section 22.1-315. Grounds and procedure for suspension.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 17, 1996
Revised/Adopted June 24, 1997
Revised/Adopted June 4, 2001

PERSONNEL

Section 7.20
Section 7.21
Section7.22
P

7.20 Substitutes and Temporary Employees

All employees shall be hired by the school board upon the recommendation of the superintendent, except that the superintendent may hire substitutes and other temporary employees.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted November 1, 1994

7.21 Orientation

The superintendent shall provide for the appropriate orientation of all new employees.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.22 Reduction in Force

A decrease in pupil enrollment, insufficient funding, expiration of special grants and/or other conditions may require a modification of the educational program which results in a reduction in staff from the school division. In such event the school board, upon the recommendation of the superintendent, shall determine the adjustments to be made and the reduction in force required. The application of the reduction in force policy shall be for the division as a whole rather than by individual facilities or source of funding. All reductions shall be based on the best interests of the school division and the maintenance of a sound and balanced educational program consistent with the functions and responsibilities of the school board. Any administrative implementing procedures drafted to implement this policy will be presented to the board for discussion and comment prior to implementation.

Adopted April 20, 1978
Revised May 21, 1981
Revised/Adopted November 21, 1984
Revised/Adopted June 26, 1991

7.23 Selling and Endorsements

A. Selling and Endorsements

No employee shall be permitted to sell pamphlets, books, encyclopedias, or other related classroom materials for personal gain within the school division of the City of Richmond.

B. Endorsement/Promotion of Books

No employee shall be permitted to endorse or promote such books and materials without the approval of the school board if such books and materials are to be used within the school division of the City of Richmond.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

C. Royalties

Materials, processes, or inventions (including, but not limited to, computer software) developed by employees or students become the property of the board if they were developed during the hours of employment and/or with the use of board-owned equipment or supplies. To encourage employees and students to develop such materials, processes or inventions for use within and outside the school division, special agreements may be initiated between the creator and the board, through the superintendent.

Adopted December 17, 1990

7.24 Supervision

The superintendent shall provide for frequent and competent supervision of each employee, and such supervision shall be designed to instruct the employee in the duties and responsibilities of the job, to improve the employee's adjustment to and competence in the position, and otherwise to promote the welfare of the employee and of the schools. Further, supervisory administrative personnel shall be available to assist employees as required or requested so that improvements in performance can be achieved.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

PERSONNEL

Section 7.25
Section 7.26
Section 7.27
7.28
P

7.25 Evaluation

The superintendent shall establish and maintain suitable procedures for adequate and periodic appraisal of the work of each employee and shall maintain written records of the results of such appraisals. A copy of the current evaluation procedure as published by the administration is attached as Appendix C of these policies and to the Richmond Public Schools Personnel Manual. Emphasis in the evaluation process shall be consistent and in conformance with goals and objectives of the school board.

Legal Reference:

Code of Virginia, Section 22.1-253.13:7. Policy Manual.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.26 Tutoring and Professional Services

No employee shall receive compensation for professional services offered to students of schools with which the employee is directly associated in a professional way, nor shall any activity or project be promoted in the schools from which the employee will receive compensation or remuneration other than the salary as an employee of the school board. No employee shall suggest that a student receive tutoring or professional services without reporting that fact to the principal.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.27 Nonschool Employment

No employee shall accept employment in any private business or outside activity that will, in the opinion of the superintendent, impair the employee's efficiency on the job with the school board.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.28 Meetings and Conferences

Teachers may be allowed to represent the school division at educational meetings and conferences without loss of pay provided prior approval has been secured from the superintendent.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.29 Political Activities

The school board encourages school employees to exercise their rights as citizens and to set an example for the community by the use of the franchise.

School board employees may take part in the campaign of any political organization seeking the election of candidates for office in the government or in the political campaign of any candidate for office in the government. Any such political activities, whether taken individually or as a member of a group, shall not be carried on in the name of the Richmond Public Schools or any of its agencies, or in a manner which might indicate official partisan support of an organization or a candidate by the Richmond Public Schools. Employees shall not participate in political activities during working hours, place badges, buttons, or printed matter on Richmond Public Schools bulletin boards at any time, or distribute such items during working hours. School mail or school property shall not be used for the production or distribution of partisan political material.

Students shall not be required to convey or deliver any materials that (I) advocate the election or defeat of any candidate for elective office; (ii) advocate the passage or defeat of any referendum question; or (iii) advocate the passage or defeat of any matter pending before the School Board, City Council, the Virginia General Assembly or the United States Congress. This policy shall not be construed to prohibit the discussion or use of political or issue-oriented materials as part of classroom discussions or projects or to prohibit the delivery of informational materials.

Legal Reference:

Code of Virginia, Section 22.1-278.3. Policies regarding certain activities.

Adopted April 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 4, 2000

7.30 Salary Adoption

The board will approve annually the salary schedule for all employees.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

PERSONNEL

Section 7.31
Section 7.32
Section 7.33
P

7.31 Death Benefits

Repealed.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 8, 2009

7.32 Health Insurance

The school division will make available health insurance coverage, but such coverage for employees shall be on a voluntary basis.

Legal Reference:

Code of Virginia, Section 22.1-85. Fund for payment of hospital, medical, etc., services provided officers, employees and dependents.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.33 Holidays

Twelve-month employees and permanent hourly-paid employees shall be entitled to the following legal holidays:

New Year's Day	January 1
Martin Luther King Jr.'s Day	First Monday following January 15
George Washington's Birthday	Third Monday in February
Spring Break	Last Friday of Spring Break
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Thanksgiving Day Holidays	Fourth Thursday and Friday in November
Winter Break	December 24 and December 25

Should school be operating on any of the above holidays, a compensatory day will be added to the accumulated vacation allowance.

7.33 Holidays (continued)

When December 25, New Year's Day or Independence Day falls on a Saturday or Sunday, it will be observed on the following Monday. When December 24 falls on a Saturday or Sunday, it will be observed as a holiday on the preceding Friday.

Adopted April 20, 1978
Revised November 16, 1978
Revised July 1, 1980
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 20, 1994
Revised/Adopted June 20, 1996
Revised/Adopted June 21, 1999

7.34 Travel Allowance

The school board shall determine the reimbursement rate for mileage for those persons using personal vehicles for school board business.

Legal Reference:

Code of Virginia, Section 14.1-5. Traveling expenses on state business; public or private transportation.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.35 Retirement /Life Insurance Coverage

Employees are required to participate in the retirement or group life insurance plan under which he/she qualifies and which is approved by the board.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

Section 7.36
Section 7.37
Section 7.38
P

7.36 Fringe Benefits for Part-Time Employees

Permanent part-time employees who work at least 50 percent of the regular work period shall receive all fringe benefits on a pro-rata basis, except that they are not eligible for retirement and life insurance benefits. Permanent part-time employees who are contracted to work less than 50 percent of the regular work period are eligible to receive fringe benefits on a pro-rata basis except for retirement, life insurance and medical insurance, with the exception that Food Service Cashiers are eligible for medical insurance.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.37 Professional Leave

Employees may be allowed to represent the school division at professional meetings, to participate in workshops, to serve on committees, and to observe other personnel without loss of pay pursuant to regulations promulgated by the superintendent.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.38 Educational Trips

Whenever instructional personnel are absent from their duties by reason of approved educational trips, such absences may be charged to some combination of educational and personal business leave, and/or to leave without pay, at the discretion of the superintendent.

No employee will be granted educational leave with pay for any course of study or educational trip that has not been specifically approved by the superintendent prior to enrolling in the course or commitment to the trip.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised May 16, 1989

7.39 Military Leave

A. Leave Without Pay

The superintendent may grant military leave without pay to any employee who is ordered to active duty in the armed forces of the United States. An employee on an approved military leave shall, upon return, have the advantage of any step increases which may be due as if he/she had remained continuously in the service of the school division. An employee on military leave shall, on return to the school division, have prior sick leave credit restored. The employee will not earn sick leave during the military leave of absence.

B. Leave With Pay

Any employee is eligible to receive military leave with pay for field training or active duty with any of the armed forces or auxiliaries to the armed forces of the United States. This leave may not exceed fifteen (15) calendar days in any calendar year. This leave is independent of vacation leave.

C. Supplemental Pay

Any employee whose active duty service with the regular armed forces of the United States, the National Guard or other reserve component has required his absence from full-time employment shall receive supplemental pay if the military compensation of the employee is less that the employee's regular salary.

Legal Reference:

Code of Virginia, Section 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.

Code of Virginia, Section 22.1-289.2. Compensation of public school employees called to active duty military service.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted June 21, 2004

Section 7.40
Section 7.41
P

7.40 Civil Leave

A. Leave of absence designated as civil leave with full pay shall be granted employees to serve on a jury, to attend court as a plaintiff or defendant (except as a criminal defendant), or as a witness under subpoena. Employees shall provide documentation of the required jury duty or court appearance to his or her supervisor prior to the date(s) of the jury duty or court appearance.

B. No employee who is summoned to serve on jury duty shall not be terminated from his or her employment, have any adverse personnel action taken against him or be required to use sick leave or vacation time as a result of his absence. An employee who serves jury duty for four (4) or more hours, including travel time, in one day shall not be required to start any work shift that begins on or after 5:00 p.m. on the day jury duty is served or before 3:00 a.m. on the day following his jury duty.

C. No employee (except a criminal defendant) shall be terminated from his or her employment, have any adverse employment action taken against him or be required to use sick leave or vacation time as a result of his absence due to having been (1) summoned or subpoenaed to appear in court when a case is to be heard; or (2) required in writing by the court to appear at a future hearing, upon giving reasonable notice to his supervisor of the court appearance or summons.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted June 13, 2005

7.41 Sick Leave

Sick leave may be used for personal illness or disability not of a permanent nature, including quarantine, maternity reasons, and necessary appointments with physicians or dentists.

A. Eligibility

All permanent full and part-time employees are eligible for sick leave.

B. Proof of Illness

When there is reason to suspect abuse of sick leave, a principal or supervisor may require any reasonable proof of illness including a certificate from a physician. This certificate must state the kind and nature of the illness or injury and that the employee has been incapacitated for work for the period of absence. Where such proof of illness is requested and not presented, such absence may be considered leave without pay.

A physician’s certificate shall be required in every case of absence of five or more consecutive days.

7.41 Sick Leave (continued)

C. Computation of Sick Leave Credit

If an employee is on an approved leave of absence without pay for ten or more working days in any calendar month, he/she does not accrue vacation leave or sick leave for that month. Upon return to work from an approved leave without pay, an employee is entitled to accrued vacation leave and sick leave earned prior to the beginning of the leave.

D. Transfer of Credits

Accumulated sick leave earned in other school divisions in Virginia will be accepted at full value upon presentation of appropriate proof of such leave by an instructional or administrative employee transferring to Richmond City Schools; provided, however, this shall not exceed the number of days sick leave accrued to the individual under the reimbursement plan of the State Department of Education.

E. Selling Unused Sick Leave

Active employees with ten (10) or more years of service, will have the option of selling sick leave, accumulated over 100 days, back to the system with a maximum of 50 days per year, at the 1/2 substitute rate.

F. Payment for Unused Sick Leave

Employees who have served five or more years of continuous employment with the Richmond Public Schools shall be compensated for unused sick leave upon resignation, retirement, termination for cause or death.

1. Each employee will receive as compensation for his/her unused 100 days of sick leave, one-half (1/2) of the daily compensation paid to a substitute teacher, based on the daily rate, during the year in which the employee resigned, retired, died or was terminated.

2. Beginning with the 101st unused sick day, the employee is eligible to receive the full daily compensation paid to a substitute teacher, based on the daily rate, during the year in which the employee resigned, retired, died or was terminated.

7.41 Sick Leave (continued)

G. Additional Employee Leave

Additional Employee Sick Leave

Sick leave beyond the amount usually permitted will be granted to an employee who has an extended illness and who has exhausted all sick leave and personal business days. Additional sick leave will be granted to an employee in the amount of ½ day per month for each month employed, up to 20 days, based on documented medical evidence. An application for short-term disability is required before additional sick leave is granted. This leave is not payable upon termination, resignation, or retirement.

Adopted August 14, 1985
Revised March 21, 1989
Revised/Adopted December 17, 1990
Revised/Adopted April 7, 1992
Revised/Adopted June 20, 1996
Revised/Adopted June 3, 1998

7.42 Injury Leave

A. For the first six months of disability, the injured employee may supplement the amount of indemnity payments required under the Virginia Workers' Compensation Act by using up to three hours a day of the employee's accumulated sick and/or vacation leave. An employee must obtain prior approval from the Human Resources Department for use of more than three hours of sick or vacation leave. After the initial six-month period, an employee may request an extension of time to continue to supplement the aforementioned indemnity payments. Such extensions are granted at the sole discretion of the Human Resources Department and in increments not to exceed six months.

B. If an injured employee does not return to work upon his medical release for duty, the superintendent, after investigating the circumstances, may charge such absence to vacation leave, or to leave without pay, or may consider it as grounds for disciplinary action.

C. The provisions of this policy are not retroactive and only apply to claims arising after its adoption.

Adopted April 20, 1978
Revised May 5, 1981
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted April 5, 1996
Revised/Adopted October 18, 1999

7.43 Family Illness

Leave with full pay, not in excess of three days per illness, may be granted to an employee in case of serious illness in the immediate family. Such leave shall be chargeable to the employee's sick leave.

The immediate family is defined as natural parents, adoptive parents, foster parents, stepmother, stepfather, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother and grandfather, and any other relative living in the household of the employee.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.43.1 Leave Without Pay for Family and Medical Purposes

The Superintendent shall promulgate regulations consistent with the Family and Medical Leave Act of 1993 providing for unpaid leave under the circumstances and to the employees covered under that Act.

Adopted August 3, 1993

7.44 Bereavement

An employee shall be granted leave of no more than five days with full pay on account of death in the immediate family. When granted, such leave is not charged against any leave accumulation.

The immediate family is defined as natural parents, adoptive parents, foster parents, stepmother, stepfather, wife, husband, children, brother, sister, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandmother, grandfather, and any other relative living in the household of the employee.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.45 Personal Leave

The superintendent may grant leave of three days per school year with full pay for personal reasons to less-than-twelve month employees who are not eligible for vacation. As of the 1982-83 school year, unused personal business days may be credited to sick leave accrual.

Absence for religious reasons shall be included in the category of urgent personal reasons.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 199

7.46 Eligibility for Exchange Programs

The superintendent may authorize instructional personnel to participate in the federal Mutual Educational and Cultural Exchange Program, or other teacher exchange program, in accordance with regulations governing participation in the specific program and any other requirements which may be imposed by the superintendent.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.47 Leave Without Pay

The superintendent, upon request and pursuant to regulations enacted by him, may grant an employee a leave of absence without pay (a) for a period which extends beyond the leave period allowed for a leave with pay, (b) for those reasons specifically identified in the Human Resources Department Manual as eligible for leave without pay, or (c) when unusual circumstances exist and it can be shown that the absence would be beneficial to Richmond Public Schools.

A leave of absence without pay will not be granted for an employee to perform other work for pay except in the case of military leave, educational exchange, service in a full-time capacity as an officer in a professional organization, or governmental assignment on the national, state, or local level.

A. Duration

The maximum duration of a leave of absence without pay will be two years. The initial request will be limited to one year, with the employee allowed to request an extension for the second year. Employees shall, upon their return to the division, be advanced to the next step on the salary scale provided they return within two years.

B. Reemployment

Persons who voluntarily take a leave of absence without pay for any approved reason are assured of returning to the same position at the same location provided they return to a full-time active status within one semester or the equivalent (six months for a 12-month employee). Persons who voluntarily remain on leave without pay in excess of one semester are assured of a position in the division, but not necessarily at the same location. Failure to return before or at the end of the second year may result in termination of employment.

Adopted April 20, 1978
Revised/Adopted December 17, 1990

P

7.48 Leave for Summer School Teachers

Each teacher employed for the summer session shall be granted two days leave with full pay (non-cumulative) for absence due to personal illness or death in the immediate family.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.49 Vacation: Twelve-Month Employees

A. Means of Accumulating

Twelve-month employees and permanent hourly paid employees shall accumulate vacation at the rate of:

Years of Service	Earning Rate Per month	Maximum Accumulation
Less than ten	l-1/4	30
Ten or more	1-1/2	50

Military instructors are awarded 2.5 days per month vacation with a maximum accumulation of 60 days.

B. Accumulated Vacation Days

On January 1 of each year, vacation leave and compensatory, in excess of 50 days for 12-month employees with ten or more years of service and 30 days for less than 10 years of service, will be transferred to the Sick Leave Record Balance. At other times, accumulations may exceed the prescribed limits. Upon termination of employment with Richmond Public Schools, an employee may be paid for unused vacation leave up to 50 days' accumulation for 12-month employees with ten or more years of service and up to 30 days for 12-month employees with less than ten years of service. Any excess accumulation greater than 50 days or 30 days will be transferred to the Sick Leave Record Balance. Under no circumstances will an employee be paid for vacation leave in excess of 50 days for 12-month employees with ten or more years of service or in excess of 30 days for 12-month employees with less than ten years of service.

C. Use During First Six Months (continued)

Employees may not use vacation during the first six months of employment without the written approval of the superintendent.

Adopted April 20, 1978
Revised July 1, 1980
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 16, 1992
Revised/Adopted June 20, 1996
Revised/Adopted August 5, 1996
Revised/Adopted June 21, 1999 *(retroactive to January 1, 1999)*

7.50 Vacation: Less-Than-Twelve-Month Employees

Less-than-twelve-month contracted personnel shall not earn vacation leave but shall be entitled to all of the holidays to which regular contract teachers are entitled.

Adopted April 20, 1978
Revised/Adopted November 21, 1984

7.51 Absence Without Approved Leave

An employee who is absent without approved leave is subject to termination or other disciplinary action. In addition, the salary of such employee will be deducted for the amount of time of unapproved leave.

Adopted December 17, 1990

7.52 Sabbatical Leave

Personnel who have been employed by the school board for six (6) consecutive years prior to the year in which sabbatical leave is to commence will be eligible to apply for a sabbatical leave for no more than one full year.

The purpose of sabbatical leave will be flexible enough to provide for the specific needs of the individual and schools. Unusual cases will be given special consideration by the superintendent and the school board.

Sabbatical leave recipients will be paid 50% of the salary they would have earned had they remained in their regular job, and they must agree to return to employment with the school board for a minimum of two (2) years.

7.52 Sabbatical Leave (continued)

Such leave may be granted by the school board when, in its judgment, there are sufficient funds and the leave is justifiable according to the needs of the school system.

Adopted December 17, 1990

7.53 Employee Accidents

The school board shall provide and maintain a safe and healthful place of employment for its employees and shall comply with the applicable safety and health requirements of the local, state and federal governments.

Adopted April 20, 1978
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990

7.54 Drug and Alcohol-Free Workplace

A. General Statement of Policy

Richmond Public Schools is committed to the health, safety and well being of its employees. Our employees are the indispensable key to our goal of providing the best possible educational program for our students. The school division considers the influence of drugs and alcohol in the workplace to be detrimental to its employees, as well as to the continued personal growth and academic success of our students. Employee substance abuse increases the potential for accidents, absenteeism, substandard performance, low morale, and tends to undermine public confidence in the school division. Such tendencies are counterproductive to the policy of Richmond Public Schools. Recognizing that drug and alcohol abuse pose a direct and significant threat to its goals, Richmond Public Schools is committed to assuring a drug and alcohol free working environment for all of its employees, which is designed to maintain a safe, healthy and productive work environment for all employees.

Richmond Public Schools is committed to a policy of non-tolerance of alcohol abuse and drug use by applicants as well as employees. The purpose of this policy is to establish guidelines and procedures for the detection of alcohol abuse and drug use in the workplace. This policy assigns the responsibilities of both the Administration and employees in the implementation of this policy. In order to implement this policy, Richmond Public Schools will act to the fullest extent permissible, consistent with the requirements of law and individual rights, to eliminate employee substance abuse in the workplace.

This policy applies to all applicants and all employees regardless of service, position or appointment status. All employees, persons working in personal service arrangements, and covered contractors, have an obligation to report any violation of this policy.

7.54 Drug and Alcohol-Free Workplace (continued)

The Administration shall take such steps as may be necessary to ensure maximum employee awareness of and compliance with this policy. In addition, the Department of Human Resources shall create and maintain an alcohol and drug awareness program for all Richmond Public Schools employees.

In the event of conflict between federal or state law and this policy, federal and/or state law shall prevail.

B. Definitions

1. "Drug paraphernalia" means those items described in Section 18.2-265.1 of the Code of Virginia.

2. "Imitation controlled substance" means those substances defined in Section18.2-247(B) of the Code of Virginia.

3. "Reasonable suspicion" means suspicion, based upon objective and articulable facts, sufficient to lead a prudent supervisor to suspect that an employee is under the influence of alcohol or drugs. Such objective and articulable facts may include, but are not limited to,

- impaired motor coordination
- smell of alcohol
- observed use, possession or sale of
- frequent tardiness and/or absences
- job performance

4. "Safety-sensitive positions" means:

a. Those positions within the Department of Pupil Transportation for which maintenance of a valid Commercial Driver's License is required as a condition of employment, or which require the performance of "safety sensitive functions" as defined in U.S. Department of Transportation regulations;

b. Positions within the Department of Safety and Security.

5. "Workplace" means the site for the performance of work and includes any school property, school-owned or school-approved vehicles used to transport employees or students, and the site of any school-sponsored activity.

C. Prohibited Activity

1. In the Workplace

a. No employee shall unlawfully manufacture, distribute, dispense, purchase, possess, be under the influence of, or use on or in the workplace alcohol, anabolic steroids, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance as defined in the Drug Control Act, Chapter 34 of Title 54.1, Code of Virginia and as defined in Schedules I through V of Title 21, Section 812 of the United States Code, any imitation controlled substance, or drug paraphernalia.

D. General Statement of Policy

1. Any employee who, while in the workplace, has taken or is under the influence of any non-prescription drug which may impair safety, performance or motor functions, shall report to his supervisor that he has taken or is under the influence of such drug.

2. Outside the Workplace

If an employee is charged with and/or convicted of the use, manufacture, possession, distribution, or purchase of a controlled substance, imitation controlled substance or drug paraphernalia while outside of the workplace, disciplinary action will result, up to and including termination, if the employee's conduct may adversely impact or otherwise presents an unacceptable security risk to the school division, its employees or its students.

3. Violation of Criminal Drug Statutes

Any employee charged with a violation of a criminal drug statute shall notify his or her supervisor and the Director of Human Resources no later than five (5) calendar days after his or her conviction.

E. Drug and Alcohol Testing

1. Generally

Richmond Public Schools reserves the right to conduct drug and alcohol tests on employees and job applicants under the circumstances described below and to require employees and applicants to release to the Superintendent, the Director of Human Resources, or their designee(s), and to a Medical Review Officer (MRO) the test results performed by any laboratory or health care provider performing drug and alcohol testing.

E. Drug and Alcohol Testing (continued)

2. Types of Testing

Testing of an individual for the presence of alcohol or drugs may be conducted under any of the following circumstances:

a. where there is reasonable suspicion (as defined in Section B.3 of this Policy) that an employee is under the influence and/or using drugs or alcohol in violation of this policy;

b. following a work-related accident where an employee's supervisor, in consultation with the Superintendent or his designee, determines that safety precautions were seriously violated or unusually careless acts were committed;

c. as part of pre-employment screening for all positions;

d. follow-up and return to duty testing, or testing as part of an agreed upon testing schedule, as a result of prior drug or alcohol-related disciplinary proceedings against an employee; and

e. random testing of employees who hold safety-sensitive positions.

3. Drug and Alcohol Testing Procedures

All drug and alcohol testing (including, but not limited to, sample collection procedures, laboratory analysis of samples, and reporting and review of test results) shall be conducted in accordance with Procedures for Transportation Workplace Drug Testing Programs, 49 C.F.R. Part 40.

4. Consequences

a. Any employee whose test yields a confirmed positive result for alcohol or drugs may be subject to disciplinary action, up to and including termination, and/or may be required to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program. An employee may also be required, as a condition of continued employment, to submit to follow-up and return to duty testing and/or testing pursuant to an agreed upon testing schedule. Any applicant whose test yields a confirmed positive result will be disqualified from the position sought.

b. Any employee who refuses to submit to drug or alcohol testing, attempts to tamper with the results of a drug or alcohol test, or refuses to release the results of a drug or alcohol test shall be subject to disciplinary action, up to and including termination.

7.54 Drug and Alcohol-Free Workplace (continued)

E. Drug and Alcohol Testing (continued)

4. Consequences (continued)

c. Any applicant who refuses to submit to drug or alcohol testing, attempts to tamper with the results of a drug or alcohol test, or refuses to release the results of a drug or alcohol test will be disqualified from consideration for the position sought.

5. Searches

a. Richmond Public Schools reserves the right to search, without employee consent, all areas and property in which it maintains either full control or joint control with the employee, including, but not limited to, Richmond Public Schools' vehicles, property and equipment, under the following circumstances:

(1) when an employee is required to submit to reasonable suspicion testing pursuant to Sections D.2(a) and E.1 of this policy; (2) when an employee is required to submit to post-accident testing pursuant to Sections D.2.(b) and E.2 of this policy; and (3) when an employee who is subject to random testing pursuant to Sections D.2(e) and E.5 of this policy receives a confirmed positive result.

b. Searches made pursuant to Section D.5 (a) may be conducted only by authorized administrative personnel after consultation with the Superintendent Nothing in this policy, however, shall be interpreted to prohibit any search by law enforcement personnel.

6. Costs of Testing

Richmond Public Schools shall bear the cost of all initial testing, including the initial screen and confirmation testing. All costs associated with a retest of a confirmed positive test result (in accordance with Section E.8 of this policy) shall be borne by the applicant or employee raising the challenge and must be prepaid.

7.54 Drug and Alcohol-Free Workplace (continued)

E. Drug and Alcohol Testing (continued)

7. Prescription and Non-Prescription Drugs

An individual who is taking a drug legitimately, whether it is a non-prescription drug being used for bona fide health reasons, a prescription drug being taken pursuant to a valid prescription, or a drug being taken under supervision as part of a court-approved or court-supervised drug rehabilitation program, shall not be deemed to have violated this policy due to testing positive for that drug, provided that the individual provides a valid prescription or order for that drug to the Medical Review Officer in accordance with Section E.6 of this policy and the applicable procedures for review of test results.

F. Testing Procedures

1. Testing Upon Reasonable Suspicion

a. When it is determined by the Superintendent, the Director of Human Resources, or their designee(s) that there is a reasonable suspicion that an employee is under the influence or using drugs or alcohol in violation of this Policy, the Director of Human Resources or his designee shall transport the suspected employee to a pre-approved testing site to submit to testing for alcohol and/or drugs.

b. The employee must remain available for drug and alcohol testing until the testing has been conducted. An employee who is subject to reasonable suspicion testing who fails to remain readily available for such testing shall be deemed by Richmond Public Schools to have refused to submit to testing.

c. The employee shall be placed on administrative leave with pay until the test results are received. An employee who refuses to submit to testing shall be charged with insubordination and placed on administrative leave with pay and may be subject to disciplinary action , up to and including termination.

2. Post-Accident Testing

a. Any employee involved in a work-related accident shall, upon the direction of his supervisor (in accordance with the requirements of Section E.2(b)), as soon as possible following an accident, but in no event more than two (2) hours after an accident, submit to testing for alcohol and drugs at a pre-approved testing site.

7.54 Drug and Alcohol-Free Workplace (continued)

F. Drug and Alcohol Testing (continued)

2. Post-Accident Testing (continued)

b. If the employee's immediate supervisor, in consultation with the Superintendent or his designee, determines that safety precautions were seriously violated or unusually careless acts were committed, the supervisor will ensure that post-accident testing requirements are met. The supervisor, in consultation with the Superintendent or his designee, may decide not to test under the circumstances, however a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident, or that because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by the use of drugs or alcohol.

c. The employee must remain available for drug and alcohol testing until the testing has been conducted. An employee who is subject to post-accident testing and who fails to remain readily available for such testing, including notifying the supervisor of his location if he leaves the scene of the accident prior to submission to such test, shall be deemed by Richmond Public Schools to have refused to submit to testing. Notwithstanding the foregoing statement, nothing in this policy shall prevent an employee from seeking and obtaining emergency medical care whenever necessary.

4. Pre-Employment Testing

The applicant shall report to a pre-approved testing site once he or she has been designated as a finalist for the position sought. Any applicant whose test yields a confirmed positive result shall have the right to have his or her sample retested at his own expense at a different, pre-approved testing site in accordance with Section E.8 of this policy.

5. Follow-up/Return to Duty Testing and Testing Pursuant to an Agreed Upon Schedule

An employee may be required, as a condition of continued employment, to submit to return to duty testing and/or follow-up testing pursuant to an agreed upon schedule subsequent to a confirmed positive test result. The requirements of such testing shall be established by the Department of Human Resources.

6. Random Testing of Employees in Safety-Sensitive Positions

a. The random selection procedure will utilize a computer based generator by which a number is matched with a valid position number and the employee's social security number.

7.54 Drug and Alcohol-Free Workplace (continued)

F. Drug and Alcohol Testing (continued)

6. Random Testing of Employees in Safety-Sensitive Positions (continued)

b. Richmond Public Schools shall maintain a variety of "pools" from which the random selection process shall take place. The percentage of persons to be tested from each pool will be determined as mandated by federal regulations, this policy and the Administrative Procedures Manual.

c. Within every twelve (12) month calendar period, Richmond Public Schools shall randomly test a percentage from each pool. The specific percentage shall be maintained by the Department of Human Resources for review and inspection. An employee may be randomly picked more than once or not picked at all during a twelve-month period.

d. An employee who is randomly selected for drug testing must report to a preapproved testing site for testing within the period of time mandated by his supervisor and consistent with applicable departmental rules. In no event shall such period of time exceed twelve (12) hours after the employee's receipt of notice of his selection from his supervisor.

e. The employee must remain available for drug and alcohol testing until the testing has been conducted. An employee who is subject to random testing who fails to report for testing as directed by his supervisor shall be deemed by Richmond Public Schools to have refused to submit to testing.

7. Review of Test Results

Richmond Public Schools shall contract for the services of a Medical Review Officer (MRO). The general responsibilities of the MRO include, but are not limited to, review and interpretation of test results, examination of alternate medical explanations for a positive test result, examination of medical histories of individuals whose test results are positive to determine if there is a legitimate reason for the positive result, and certification of test results.

7.54 Drug and Alcohol-Free Workplace (continued)

F. Drug and Alcohol Testing (continued)

8. Retention of Samples

The testing laboratory in must retain samples that yield a positive result on confirmation properly secured, long-term, frozen storage for at least 365 days. Within the 365 day period, the employee or a designated representative, or a Richmond Public Schools representative may request in writing that the sample be retained for an additional period of time. If the testing laboratory does not receive a request to retain the sample within the 365 day period, the sample may be discarded. This section shall not be construed to extend the period within which an employee may appeal any disciplinary action taken as a result of a positive test result or the period within which an applicant or employee may request a retest pursuant to Section E.8 of this policy.

9. Retesting of Samples

All applicants and employees whose samples yield a positive result on confirmation may challenge the test results by notifying the Department of Human Resources in writing within fifteen (15) days of receiving the test results. If the test result is challenged, the original sample shall be retested by a certified laboratory other than one used by Richmond Public Schools. The selection of the certified laboratory must be made by the employee from a list of laboratories maintained by the Department of Human Resources.

F. Confidentiality of Test Results

The results of all alcohol and drug testing conducted pursuant to this policy shall remain confidential and may be released by the MRO only to the Superintendent, the Director of Human Resources or their designee(s) upon the written consent of the individual. Test results may be released to and relied upon by the School Board in any disciplinary action taken by the school division, or to the court in any criminal proceeding.

The MRO shall maintain all test results in a secure fashion. All personnel records and information regarding referral, evaluation, test results and treatment shall be maintained in a confidential manner and shall be maintained separate from an employee's personnel file.

7.54 Drug and Alcohol-Free Workplace (continued)

Legal Reference:

Drug-Free Workplace Act of 1988 (Pub. L. 100-690, title V, Subtitle D).

United States Code, Title 21, Section 812. Schedules of controlled substances.

Code of Federal Regulations, Title 49, Part 40. Procedures for Transportation Workplace Drug Testing Programs.

Drug Control Act, Code of Virginia, Title 54.1, Chapter 34.

Code of Virginia, Section 18.2-247(B). Use of terms "controlled substances", "marijuana", "Schedules I, II, III. IV, V and VI" and "imitation controlled substance" in Title 18.2.

Code of Virginia, Section 18.2-265.1. Definition of drug paraphernalia.

Adopted May 16, 1989
Revised/Adopted December 17, 1990
Revised/Adopted April 3, 2000
Revised/Adopted October 16, 2006

7.55 Reports of Certain Acts and Other Conduct

A. Reports shall be made to the superintendent and to the principal or his designee on all incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school sponsored activity; (ii) the assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described in Section 18.2-60.3 of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; (iii) any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property or at a school-sponsored activity, including the theft or attempted theft of student prescription medications; (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in Section 22.1-277.07 of the Code of Virginia, onto school property; (vi) any illegal conduct involving firebombs explosive materials or devices, or hoax explosive devices, as defined in Section 18.2-85 of the Code of Virginia, or explosive or incendiary devices, as defined in Section 18.2-433.1 of the Code of Virginia, or chemical bombs, as described in Section 18.2-87.1 of the Code of Virginia, on a school bus, on school property, or at a school-sponsored activity; (vii) or any threats or false threats to bomb, as described in Section 18.2-83 of the Code of Virginia, made against school personnel or involving school property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on school property, or at a school-sponsored activity, including the nature of the charge.

7.55 Reports of Certain Acts and Other Conduct (continued)

B. The principal shall immediately report to local law enforcement authorities and to the parents of any minor student who is the specific object of the act, any act described in clauses (ii) through (vii) above that may constitute a criminal offense. The principal may report to local law enforcement authorities any incident described in clause (i) above. The principal shall also report to the parents that the incident has been reported to local law

enforcement as required by law and that the parents may contact local law enforcement for further information if they so desire.

C. The principal or his designee shall submit a report of all incidents required or authorized to be reported pursuant to this policy to the Superintendent. The Superintendent shall report annually, on forms provided by the Department of Education, all such incidents to the Department of Education for the purpose of recording the frequency of such incidents. Such information shall also be made available to the public. In submitting reports of such incidents, principals and the Superintendent shall accurately indicate any offenses, arrests, or charges as recorded by law enforcement authorities and required to be reported by such authorities pursuant to subsection D of this policy. A superintendent who knowingly fails to comply or secure compliance with the reporting requirements of this policy shall be subject to the sanctions authorized in Section 22.1-65 of the Code of Virginia. A principal who knowingly fails to comply or secure compliance with the reporting requirements of this section shall be subject to discipline, up to and including dismissal.

D. Local law enforcement authorities shall report, and the principal or his designee shall receive such reports, on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act (Virginia Code Sections 54.1-3400 *et seq*.) and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any of the incidents described in clauses (i) through (viii) of Section A of this policy, and whether the student is released to the custody of his parent, or if the 18 years of age or more, is released on bond. In the event that the superintendent receives notification that a juvenile has committed an act that would be a crime if committed by an adult shall report such information to the principal of the school in which the juvenile is enrolled.

E. The principal or his designee shall also notify the parent of any student involved in an incident listed in Section A of this policy that is required or authorized by .this policy to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

PERSONNEL

Section 7.55
Section 7.56
P

7.55 Reports of Certain Acts and Other Conduct (continued)

Legal Reference:

Code of Virginia, Section 22.1-279.3:1. Reports of certain acts to school authorities.
Code of Virginia, Section 22.1-65. Punishment of division superintendents.
Code of Virginia, Section 22.1-60.3. Stalking; penalty.

Code of Virginia, Section 18.2-83. Threats to bomb or damage buildings or means of transportation; false information as to danger to such buildings, etc.; punishment; venue.
Code of Virginia, Section 18.2-85. Manufacture, possession, use, etc., of firebombs or explosive materials or devices; penalties.
Code of Virginia, Section 18.2-87.1. Setting off chemical bombs capable of producing smoke in certain public buildings.
Code of Virginia, Section 18.2-433.1. Definitions.
Code of Virginia, Section 22.1-277.07. Expulsion of students under certain circumstances; exceptions.
Code of Virginia, Section 54.1-3400 *et seq*. Drug Control Act.

Adopted December 17, 1990
Revised/Adopted September 20, 1994
Revised/Adopted June 19, 1995
Revised/Adopted June 17, 2002
Revised/Adopted June 16, 2003
Revised/Adopted June 21, 2004
Revised/Adopted June 13, 2005
Revised/Adopted June 19, 2006

7.56 Garnishment

The School Board encourages its employees to pay their bills promptly and otherwise manage their personal responsibilities. Disciplinary action in accordance with the procedures set up by the superintendent and consistent with federal and state law shall be taken against any employee who receives a garnishment or other action holding up his or her pay. Employees will be subject to a ten dollar ($10.00) administrative fee to process each garnishment and child support payment deduction.

Adopted April 20, 1978
Revised August 19, 1982
Revised/Adopted November 21, 1984
Revised/Adopted December 17, 1990
Revised/Adopted November 1, 2010

7.57 Fraudulent and Wrongful Acts

A. Illegal, fraudulent or wrongful activity by Richmond Public Schools employees is prohibited. Illegal, fraudulent or wrongful activity shall include, but is not limited to:

(1) Misuse and/or abuse of Richmond Public Schools resources, including making long distance telephone calls, use of fax machines, copiers, postage meters and other

office machinery for personal use or use unrelated to Richmond Public Schools business;

(2) Conduct of illegal activity on school property or through the use of Richmond Public Schools resources;

(3) Abuse of leave policies;

(4) Falsifying of work records;

(5) Mishandling or misappropriation of Richmond Public Schools funds;

(6) Theft, misuse or misappropriation of Richmond Public Schools supplies and materials for personal use or use unrelated to Richmond Public Schools business;

(7) Use of City vehicles assigned for the use of Richmond Public Schools for purposes or activities unrelated to Richmond Public Schools business; and

(8) Any illegal, fraudulent or wrongful activity perpetuated for the "benefit" of Richmond Public Schools.

B. The Department of Internal Audit shall conduct full and complete investigations of all illegal, fraudulent or wrongful acts and shall establish procedures for the conduct of such investigations. The Department of Internal Audit shall advise the Superintendent when it requires the cooperation and/or resources of other departments to complete its investigations and shall secure such cooperation and/or resources through the Superintendent. Reports of all investigations shall be made to the Audit/Budget Committee, the Superintendent and the School Board.

C. Any employee who suspects that an illegal, fraudulent or wrongful act has been committed shall immediately notify his immediate supervisor or the Department of Internal Audit.

D. All persons alleged to have violated this policy will be treated consistently and without regard to position held or length of service. Perpetrators shall be disciplined in accordance with school board policies and administrative regulations relating to discipline.

E. The administration is responsible for knowing exposures to illegal, fraudulent or wrongful acts and shall establish controls and procedures to deter and detect such acts. The administration shall cooperate fully with all internal investigations as well as those conducted by law enforcement, including support of prosecution.

Adopted June 21, 1999

PERSONNEL

Section 7.58
Section 7.59
P

7.58 Fraud, Waste and Abuse Hotline

A. The Department of Internal Audit shall establish and maintain a fraud, waste and abuse hotline to which individuals may report fraud, waste and abuse of Richmond Public Schools resources. The Department of Internal Audit shall adopt procedures consistent with the policy for the implementation of the hotline, receipt of information and investigation of complaints.

B. Except in the case of an employee who knowingly makes a false report, no retaliatory or adverse personnel action may be taken against any employee who reports fraud, waste or abuse within Richmond Public Schools solely on the basis of making such report. "Retaliatory or adverse personnel action" shall include, but not limited to: discharge, suspension, transfer, or demotion of any employee or the withholding of salary increases, the reduction in salary or benefits, or any adverse action taken against an employee within the terms and conditions of employment by Richmond Public Schools.

C. All investigative activity resulting from use of the hotline shall be reported to the Audit/Budget Committee, the Superintendent and the School Board.

D. Upon request, disclosure of information from the records of completed investigations of hotline complaints shall be released to the general public in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation. Unless disclosure is otherwise prohibited, disclosure of information from the completed investigations shall include, but is not limited to: (1) the department involved, (2) the identity of the person who is the subject of the complaint, (3) the nature of the complaint, and (4) the actions taken to resolve the complaint. If the investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of subject person.

Adopted June 21, 1999

7.59 Use of Computer Technology

A. Generally

1. All computer users have the responsibility to use computer resources in an efficient, effective, ethical, and lawful manner.
2. The following policy, rules, and conditions apply to all users of Richmond Public Schools' (RPS) computer resources and services.

7.59 Use of Computer Technology (continued_

A. Generally (continued)

3. Computer resources include, but are not limited to, the following:
    a. host computers,
    b. file servers,
    c. workstations,
    d. standalone computers,
    e. laptops and mobile devices,

f. printers,
g. digital scanners,
h. digital cameras,
i. plotters,
j. software, and
k. internal or external communications networks.

4. Staff members are expected to exercise reasonable protection of RPS' computer resources such as laptops, mobile devices, digital cameras, computers, and electronic data from damage and theft.
5. All users of RPS' mobile devices and computers are expected to comply and agree with the outlined procedures stated within the Staff Mobile Device/Computer Procedure documentation.

B. Care of Richmond Public Schools Computer Resources

1. Users shall not install software/hardware onto their individual computers or the network or change the system configuration including network settings unless under direct supervision or at the direction of Richmond Public Schools' Information Communication and Technology Services.
2. Users must comply with all software licenses, copyrights, and other state and federal laws governing intellectual property.
3. Each staff member is responsible for the costs of repairing any hardware or software damage that occurs off school premises (including labor costs).
4. Staff members will not be held responsible for computer problems resulting from regular school-related use; however, staff members will be held personally responsible for any problems caused by their negligence as deemed by RPS' administration.

C. Use of Richmond Public Schools Computer Resources

1. Users shall not alter or copy any files belonging to another user without first obtaining permission from the owner of the file. The ability to read, alter or copy a file belonging to another user does not imply permission to do so.
2. Fraudulent, harassing, embarrassing, indecent, profane, obscene, intimidating, or any unlawful material shall not be sent by e-mail or other form of electronic communication or displayed on or stored in Richmond Public Schools' computers. Users encountering or receiving such material shall immediately report the incident to their immediate supervisor for investigation.

C. Use of Richmond Public Schools Computer Resources (continued)

3. Users shall not forward e-mail or data to any other person or entity without the express permission of the sender.
4. Users may not remove computer equipment, electronic files or data, or software from any RPS facility without prior written and/or verbal permission from designated personnel.

5. Downloading, coping, or transferring confidential and/or sensitive data, including but not limited to financial, employee, or student data to external media or a computer's local drive without expressed permission from designated personnel is not permitted.

D. Privacy and Security

1. Users shall be responsible for safeguarding their passwords. Individual passwords shall not be printed, scanned or stored on-line, or given to others. Users are responsible for all transactions made using their passwords.
2. Users shall not tamper with or attempt to gain or gain access to computer data to which a staff member has no security authorization such as, but not limited to, financial, employee and student information.
3. Users and staff members shall turn-in or provide appropriate access to any mobile device, computer, and/or computer equipment and accessories assigned to or used by them, upon request from immediate supervisor or authorized district personnel.
4. The computer and telecommunications resources and services of Richmond Public Schools shall not be used for the transmission or storage of commercial or personal advertisements, solicitations, promotions, destructive programs (viruses and/or self-replicating code), political material or any other unauthorized or personal use without prior written permission.
5. Port scanning, security scanning, or network monitoring including capturing network data is not permitted unless the activity is part of the employee's normal job duty.
6. Users shall exercise extreme care in downloading executable programs, program codes, or accessing websites which contains scripts, executable programs, and/or program codes.
7. Removal of any computer equipment's identification markings such as Richmond Public Schools asset tags, bar codes, serial numbers, product number, manufacture name, model numbers or any other identification labels are not permitted.

E. Mobile Device/Computer Theft or Loss

A staff member will be held personally responsible for any RPS mobile device, computers, equipment, data and/or accessories that are stolen during the time they have been assigned to that staff member.

7.59 Use of Computer Technology (continued)

F. Richmond Public Schools' Rights and Duties

1. Richmond Public Schools shall not be liable or responsible for the support of any unauthorized hardware or software.
2. Richmond Public Schools reserves the right, to gain access to and read a user's file when there is substantiated reason to believe that a violation of law or RPS policy has taken place or when the user is absent and the file is needed under a time-dependent, operationally critical circumstance.

3. Richmond Public Schools shall permit the inspection, monitoring, or disclosure of electronic mail or other electronic files without the consent of the holder when required by and consistent with law, when there is substantiated reason to believe that a violation of law or RPS policy has taken place or under time-dependent, operationally critical circumstances.
4. Richmond Public Schools reserves the right to limit disk space for the storage of electronic mail and other electronic files.
5. Richmond Public Schools reserves the right to deny computer resources; including but not limited to internal servers, internet access, or accessibility to data, to any device considered a threat to the integrity of Richmond Public Schools' computing environment.
6. Richmond Public Schools makes no warranties of any kind, either express or written or implied, that the functions or the services provided by or through the school division's systems will be error-free or without defect.
7. Richmond Public Schools shall not be responsible for the accuracy or quality of the information obtained through or stored on systems accessible, but separate from its network.
8. Richmond Public Schools shall not be responsible for financial obligations arising through the unauthorized use of any of its systems.
9. Richmond Public Schools shall not be responsible for the actions of individual users.

G. Penalties for Violation

1. Violation of this policy may result in disciplinary action, up to and including dismissal and/or legal action as deemed appropriate.
2. Violation of copyright laws may result in prosecution under such laws.
3. Any user or staff member who intentionally damages or destroys Richmond Public Schools' hardware and/or software, whether directly or indirectly, shall also be responsible for all costs associated with repair and/or replacement.

Adopted October 18, 1999
Revised/Adopted May 3, 2010

PERSONNEL

Section 7.60
Section 7.61
Section 7.62
P

7.60 Planning Time for Elementary School Teachers.

The School Board shall seek to ensure that all elementary school teachers employed by the school division are provided at least three (3) hours of planning time during the students' school week.

Legal Reference:

Code of Virginia, Section 22.1-291.1. Planning time for school teachers.

Adopted June 19, 2000

7.61 Incentives for Excellence in Teaching

The School Board shall provide incentives for excellence in teaching. Such incentives shall include, but are not limited to, financial support for teachers attending professional development seminars and financial support for teachers seeking and obtaining national certification. The Administration shall promulgate regulations implementing this policy.

Legal Reference:

Code of Virginia, Section 22.1-295. Employment of teachers.

Adopted November 6, 2000

Section 7.62
P

7.62 Internet Website Privacy

The following statement shall be made available on Richmond Public Schools' Internet website in a conspicuous manner:

> It is the policy of Richmond Public Schools that personal information about individuals shall be collected only to the extent necessary to provide the service or benefit desired; that only appropriate information will be collected; and that the individual shall understand the reason the information is collected and be able to examine his or her personal record which is maintained by Richmond Public Schools.

7.62 Internet Website Privacy (continued)

> Richmond Public Schools' website (1) does not collect personal information; (2) does not place a "cookie" on your computer; (3) does not require you to provide any personal information to download files or reports; and (4) will not track your movements through the website.

Legal Reference:

Code of Virginia, Section 22.1-380. Administration of systems including personal information; Internet privacy policy.

Adopted December 4, 2000

7.63 Dress Code

Richmond Public Schools honors all of its employees as highly skilled professionals. To this end, Richmond Public Schools encourages its employees to bear in mind that as professionals, you are expected to dress accordingly. Attire is expected to reflect the tenets of our profession and to set an appropriate example for our students. All employees of Richmond Public Schools are required to dress and present themselves in a mature, professional manner, consistent with their worksite duties. (i.e., physical education teachers, nurses and uniform employees dress as duties require.)

The following are just some examples of inappropriate attire that should not be worn in the workplace:

- Sweat pants
- Midriff tops
- Beach shoes
- Cut-offs
- Wrinkled clothing
- Torn, tattered clothing
- Clothing that is overly revealing and could be distracting

Remember, as professionals you are setting examples for young, impressionable minds. If you have to think about whether or not attire is appropriate for the workplace, you probably shouldn't wear it.

This policy shall become effective July 1, 2005.

Adopted May 2, 2005

PERSONNEL

Section 7.64
P

7.64 Cellular Telephone Usage

Operation of School Board Vehicles

No employee of the school division shall use wireless telecommunications devices, whether handheld or otherwise, while driving a school board-owned vehicle while the vehicle is in motion. This prohibition includes the placing and/or receiving and responding to telephone calls, reading of text messages and electronic mail via cellular phone while the vehicle is in motion. The use of head sets and other hands-free devices is also prohibited.

School Bus Drivers and Monitors

In addition to the prohibition stated above, school bus drivers and monitors shall not use wireless telecommunications devices, whether handheld or otherwise, while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this section shall be construed to prohibit the use of two-way radio devices authorized by RCPS.

Teachers, Instructional Aides and Support Staff

No teacher, instructional aide or member of the support staff shall use a cellular telephone to place or receive calls, or to send or receive text messages or electronic mail while in the classroom setting or during the normal hours when students are in class. Calls may be made and received during lunch periods or planning periods or in case of an emergency related to the safety or security of students or employees.

Violations of this policy shall result in disciplinary action, up to and including termination.

Legal Reference:

Code of Virginia, Section 22.1-78. Bylaws and regulations.
Code of Virginia, Section 22.1-79. Powers and duties.

Adopted June 13, 2005
Revised/Adopted August 15, 2005
Revised/Adopted June 16, 2008

PERSONNEL

Section7.65
P

7.65 Convictions for Certain Crimes and Child Abuse and Neglect Criminal Convictions

As a condition of employment every full-time or part-time Richmond City Public Schools employee shall certify: (i) that he/she has not been convicted of a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child; and (ii) whether he/she has been convicted of a crime of moral turpitude. Any person making a materially false statement regarding any such offense shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

Furthermore, as a condition of employment for full-time, part-time, temporary and permanent positions requiring direct contact with students, an applicant for employment shall certify that he/she has not been the subject of a founded case of child abuse and neglect. Any person making a materially false statement regarding a finding of child abuse and neglect shall be guilty of a Class 1 misdemeanor and upon conviction, the fact of said conviction shall be grounds for the Board of Education to revoke such person's license to teach.

In those instances when licensed personnel are dismissed or resign due to a conviction of any felony, any offense involving the sexual molestation, physical or sexual abuse or rape of a child, any offense involving drugs, or due to having become the subject of a founded case of child abuse or neglect, the local school board shall notify the Board of Education within 10 business days of such dismissal or the acceptance of such resignation.

As a condition of employment, any applicant who accepts full-time, part-time, temporary and permanent employment involving direct contact with students, shall provide written consent and the necessary personal information for the school division to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.2-1515.

In addition, where an RCPS applicant for employment has resided in another state within the last five years, he/she shall provide written consent and the necessary personal information for the school division to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. RCPS shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. Such reasonable steps shall include, but not be limited to, contacting any central child abuse and neglect registry maintained by the relevant state.

If the school division obtains a record of a founded complaint of child abuse and neglect maintained by the Virginia Department of Social Services or another state social service agency, the applicant shall be denied employment, or the employment shall be rescinded.

Grounds for Dismissal – Department of Social Services Data

Any RCPS teacher who is or becomes the subject of a founded complaint of child abuse and neglect shall be dismissed after all rights to an appeal of the Department of Social Services' finding provided by the Code of Virginia § 63.2-1526 have been exhausted. The fact of such finding, after all rights to an appeal provided by the Code of Virginia § 63.2-1526 have been exhausted, shall be grounds for RCPS to recommend that the Board of Education revoke such person's license to teach.

LEGAL REFERENCE: Code of Virginia 1950, as amended §§ 22.1-296.1 and 22.1-313.

Adopted: June 16, 2008

PERSONNEL

Section 7.66
Section 7.67
P

7.66 Grants for homeownership; Affordable workforce housing alternatives

As provided by law, the division superintendent or his or her designee may cooperate with the City of Richmond to offer residential housing assistance grants and may enter into public-private partnerships and other arrangements to provide affordable housing alternatives to school division personnel.

Legal Reference:

Code of Virginia, §15.2-958.2

Adopted: June 15, 2009

7.67 Recertification Documentation

All recertification documentation shall be submitted to the Department of Human Resources in December of the year prior to the employee's recertification deadline.

Legal Reference:

Adopted: June 15, 2009

SECTION 8
PUPILS
TABLE OF CONTENTS

8.01 Extent of School Authority
8.02 Child Abuse
8.03 Early Dismissal
8.04 Entrance Age/Ages of Attendance
8.05 Admission Requirements
8.06 Postgraduate Pupils
8.07 Religious Holidays
8.08 Pregnant Pupils
8.09 Married Pupils
8.10 Compulsory Attendance and Student Absences
8.11 Nonresident: Definitions
8.12 Pupil Conduct
8.13 Corporal Punishment
8.14 Procedures for Student Suspensions and Expulsions
8.15 Expulsion: Generally **(REPEALED)**
8.16 Use of Tobacco **(REPEALED)**
8.17 Destruction or Defacement of School Property
8.18 Classroom Discipline **(REPEALED)**
8.19 Diplomas: Transfer Pupils
8.20 Pupil Assignments
8.21 Reporting to Parents
8.22 Promotion/Retention
8.23 Soliciting Funds
8.24 Pupil Education Records
8.25 Selling to Pupils
8.26 Cadet Corps
8.27 Sex Discrimination
8.28 Exchanging Gifts
8.29 Class Gifts
8.30 Graduation Activities
8.31 Pupil Performance
8.32 Contests, Awards, and Prizes
8.33 Indigent Pupils
8.34 Special Health Requirements: Vaccinations and Examinations
8.35 Safety Patrols
8.36 Insurance
8.37 Psychological Services
8.38 Protective Eye Devices
8.39 Search and Seizure
8.40 Interrogation and Arrest
8.41 Release of Pupils' Names
8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Student Version)
8.43 Parental Involvement in Education

SECTION 8
PUPILS
TABLE OF CONTENTS
(CONTINUED)

8.44 Student Use of Motor Vehicles and Parking
8.45 Nondiscrimination on the Basis of Disability
8.46 Equal Access: Non-curriculum Related Student Groups
8.47 Administering Medication
8.48 Student Publications
8.49 Enrollment in Model Schools
8.50 Readmission of Expelled Students
8.51 Transfer of Students
8.52 Removal of Students from Class
8.53 Suicide Prevention
8.54 Sexual Harassment of Students
8.55 Moment of Silence
8.56 Public Charter Schools
8.57 Bullying and Other Threatening Behavior
8.58 Pledge of Allegiance
8.59 Reassignment of Certain Students
8.60 Student Representatives to School Board
8.61 Completion of Academic Assignments by Suspended Students
8.62 Posting of the United States Bill of Rights and the National Motto
8.63 Administration of Questionnaires and Surveys to Students
8.64 School Registration of Homeless Students
8.65 School Asthma Management Plan
8.66 Wellness Policy
8.67 Open Enrollment
8.68 Exclusion
8.69 In-School Interdisciplinary Alternatives

PUPILS

Section 8.01
Section 8.02
P

8.01 Extent of School Authority

Pupils are considered to be under the jurisdiction of the school board and its agents while in school and when going to and from school.

Legal Reference:

Code of Virginia, Section 22.1-78. Bylaws and regulations.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.02 Child Abuse

To meet its responsibilities under the child abuse law, the board directs the superintendent to:

l. Establish a procedure for reporting any incident of suspected child abuse or neglect to the Richmond Department of Welfare.

   a. Any school personnel, including, but not limited to the principal, assistant principal, teacher, school nurse, social worker, or others, who have reason to suspect abuse or neglect, shall report their suspicion to the Child Protective Services Office and notify the building principal of the report.

   b. If the suspected abuse and neglect are reported through the School Health Services Office, the report shall be relayed immediately to Child Protective Services. The avenue of reporting through School Health Services is available only as a mechanism for facilitating and documenting the report as opposed to having evaluative or investigatory function.

2. Provide orientation for all school personnel regarding the child abuse law and their responsibility to report any incidents of suspected abuse or neglect.

3. Familiarize all school personnel with the established procedure for reporting suspected cases of abuse and neglect.

4. Cause to be posted in each school a notice, pursuant to Section 63.2-1509 of the Code of Virginia, that: (i) any teacher or other person employed in a Richmond Public School who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report suspected cases of child abuse or neglect to the Richmond Department of Social Services or to the principal or his designee; and (ii) all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services toll-free child abuse and neglect hotline.

5. Encourage inter-agency cooperation and provide guidelines for cooperating with Child Protective Services investigations.

   a. Personnel required to make the report of suspect child abuse or neglect shall disclose all information which is the basis for his suspicion of abuse or neglect of the child, and upon request, shall make available to Child Protective Services investigators and the Richmond Department of Social Services any information, records or reports which document the basis for the report. Reports of suspected child abuse and neglect shall also include, if available to the reported, the child's name, date of birth, address, social security number and the identity of the parent/caretaker.

   b. All personnel required to report suspected child abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)). Provision of such information, records and reports by a health care provider shall not be prohibited by Section 8.01-399 of the Code of Virginia.

   c. School personnel shall refrain from any activity which might serve to interfere with Child Protective Services investigations.

   d. School personnel shall treat the reporting process and all subsequent activities relating to the same with the highest degree of confidentiality.

   e. Child Protective Services investigators shall have access to school facilities for the purpose of conducting confidential interviews.

Legal Reference:

Code of Virginia, Section 63.1-248.3. Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

United States Code, Title 20, Section 1232(g) et seq. Family Educational Rights and Privacy Act.

Code of Virginia, Section 8.01-399. Communications between physicians and patients.

Code of Virginia, Section 22.1-291.3. Notice of duty to report child abuse or neglect.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted May 5, 1997
Revised/Adopted June 17, 2002
Revised/Adopted June 21, 2004

8.03 Early Dismissal

No school child shall be permitted to leave school prior to dismissal at the request of or in the company of anyone other than a school employee, a police officer, a court official, or the parent who has custody of the child unless permission of such parent be first secured. No pupil shall be allowed to depart before the appointed hour of closing of school except in cases of sickness or for some pressing emergency and then only with the consent of the principal. Pupils obtaining permission to leave school during school hours on account of sickness shall be required to return a special form properly signed by the parent or legal guardian. All notes of excuse or quests to leave school shall state the reason for such excuse or request. The principal shall judge the validity of all such excuses and requests.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.04 Entrance Age/Ages of Attendance

A. Entrance

Pupils shall be admitted to kindergarten according to age requirements of Virginia law.

8.04 Entrance Age/Ages of Attendance (continued)

B. First Grade

Pupils who meet the age requirements for admission according to Section 22.1-3 of Virginia School Laws shall be admitted to the first grade, except that with the approval of the child's parent or legal guardian he/she may be placed in a kindergarten class.

C. Pupils Past 20th Birthday

Persons who have passed their twentieth birthday shall be permitted to attend the public day schools only with special permission of the superintendent. The school board, at its discretion, may charge such pupils tuition fees.

Legal Reference:

Attorney General's Opinion: The Attorney General of Virginia has ruled that a person attains his next year of age on the day prior to his birthday. Therefore, a child whose birthday falls on October 1 reaches that birthday on September 30. He has not entered upon his birthday, but he has reached it.

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

Code of Virginia, Section 22.1-3. Regulations concerning admission of certain persons to schools; tuition charges.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.05 Admission Requirements

A. Residency

Unless otherwise disqualified by these policies, children who meet the residency requirements as provided in Section 22.1-3 of the Code of Virginia, or who are children placed in foster care, as provided in Section 63.2-100 of the Code of Virginia, shall be admitted free of charge to the school to which they are assigned. It is a Class 4 misdemeanor to knowingly make a false statement concerning the residency of a child within the school division or within a particular attendance zone within the school division to: (1) avoid tuition charges, or (2) enroll a child in a school outside the attendance zone in which the student resides. Any person making such a false statement shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges for the time the student was enrolled in such school division.

8.05 Admission Requirements (continued)

B. Birth Certificate

Either a certified copy of the pupil's birth records or other reliable proof of the pupil's identity and age and an affidavit explaining the inability to produce a certified copy of the birth record must be presented prior to admission of the pupil. The principal or the principal's designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. The principal shall immediately notify the Richmond Police Department when a certified copy of a birth record is not presented for a pupil. The Superintendent shall develop an arrangement in cooperation with the Richmond Police Department to receive reports on disappearances of any children living within the school division.

However, if the student seeking enrollment is a homeless child or youth as defined in Section 22.1-3 of the Code of Virginia, the school shall immediately enroll the student, even if the student is unable to produce the records required for enrollment, shall immediately contact the school last attended to obtain relevant academic and other records and shall comply with the provisions of the federal McKinney-Vento Homeless Education Assistance Improvement Act of 2001, including immediately referring the parent of the student or youth to the school division's Homeless Education Liaison who shall assist in obtaining necessary records for enrollment. If the child is a child placed in foster care as defined in Section 22.1-3.4 of the Code of Virginia, the child shall be enrolled immediately. If documentation of the child's birth records or other reliable proof of the pupil's identity and age is not immediately available at the time of enrollment, the person enrolling the child shall provide a written statement, that to the best of his knowledge, the student's age. The placing social services agency shall obtain and produce child's birth records or other reliable proof of the pupil's identity and age or otherwise ensure compliance with these requirements within 30 days after enrollment.

C. Social Security Numbers

Each student enrolled in Richmond Public Schools shall present a federal social security number within 90 days of enrollment. In any case in which a student is ineligible, pursuant to Department of Education guidelines, to obtain a social security number, or the parent or guardian is unwilling to present a social security number, the Superintendent or his designee shall waive this requirement and shall assign another identifying number to the student.

8.05 Admission Requirements (continued)

D. Preschool Medical Examination

A medical examination is required for admission to school in accordance with the state law and the regulations of the State Department of Health. If a report of a medical examination or a record of such an examination from another school or school division cannot be furnished because the pupil is a child placed in foster care or a homeless child or youth, the person seeking to enroll the pupil shall furnish to the school division an affidavit so stating and also indicating that, to the best of his knowledge, the pupil is in good health and free from any from any communicable or contagious disease. The Homeless Education Liaison shall, as soon as practicable refer the homeless child or youth for physical examination by the City of Richmond Health Department or other clinic or physician's office and immediately admit the pupil to school pending receipt of the report from such physical examination. The local social services agency that has placed a child in foster care shall: (1) within 72 hours of placement, notify the Superintendent and the principal of the school in which the child is to be enrolled (i) that the child has been placed, and (ii) the status of parental rights; and (2) within 30 days after enrollment, obtain and produce documentation of a medical examination or otherwise ensure compliance with these requirements.

E. Street Address

Documents submitted for admission of a child to Richmond Public Schools (except birth certificates and physical examination reports) shall include the street address or route number of his residence. If no street address or route number exists for such residence, a post office box number shall be required. If a street address, route number or post office box number cannot be provided because the pupil is a homeless child or youth, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating, the school division may accept an address in an alternate form it deems appropriate.

F. Criminal Convictions and Delinquency

The parent, guardian, or other person having control or charge of a child of school age must provide, upon registration;

(1) a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense of the following offenses as defined by the Code of Virginia:

(a) A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2;

F. Criminal Convictions and Delinquency (continued)

(b) Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

(c) Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

(d) Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

(e) Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

(f) Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

(g) Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

(h) Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

(i) Robbery pursuant to § 18.2-58;

(j) Prohibited street gang participation pursuant to § 18.2-46.2;

(k) Prohibited criminal street gang activity pursuant to § 18.2-46.2;

(l) Recruitment of other juveniles for a criminal street gang activity pursuant to §18.2-46.3; or

(m) Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

The parent or guardian must also report any offense which is substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories.

The sworn statement shall be maintained as provided in the Code of Virginia § 22.1-288.2 and will not become a part of the student's permanent record unless 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. If disciplinary action is taken for the offense, the information shall become a part of the student's disciplinary record.

F. Criminal Convictions and Delinquency (continued)

(2) a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or in another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record.

When the child is registered as a result of a foster care placement information regarding criminal convictions and delinquency (as required by section F. above) shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

Any person making a materially false statement or affirmation shall be guilty upon conviction of a Class 3 misdemeanor.

Legal Reference:

McKinney-Vento Homeless Education Assistance Improvement Act of 2001, 42 U.S.C. Section 11431 et seq.
Code of Virginia. Section 22.1-3.1. Birth certificates required upon admission; required notice to local law enforcement agency.
Code of Virginia Section 22.1-3.4. Enrollment of certain children laced in foster care.
Code of Virginia. Section 22.1-4.1. Street addresses required in certain school admission documents.
Code of Virginia. Section22.1-260. Reports of children enrolled and not enrolled; nonattendance; social security numbers required.
Code of Virginia. Section 22.1-270. Preschool physical examinations.
Code of Virginia. Section 22.1-256. Children exempted from article.
Code of Virginia. Section 22.1-257. Excusing children who cannot benefit from education.
Code of Virginia. Section 22.1-264.1. Misdemeanor to make false statements as to school division or attendance zone residency; penalty.
Code of Virginia Section 63.2-900. Accepting children for placement in homes facilities, etc. by local boards.
Code of Virginia, Section 22.1-3.2. Notice of Student's status required as a condition of admission.

Adopted Apri1 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 19, 2000
Revised/Adopted June 16, 2003
Revised/Adopted June 21, 2004
Revised/Adopted June 13, 2005
Revised/Adopted June 19, 2006
Revised/Adopted June 18, 2007

PUPILS

Section 8.06
Section 8.07

8.06 Postgraduate Pupils

High school graduates may be admitted as postgraduates for advanced work upon recommendation of the principal and with the approval of the superintendent.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.07 Religious Holidays

Absence from school because of religious holidays shall be considered an excused absence.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990

8.08 Pregnant Pupils

Pregnant pupils may elect to remain in their regular school or elect to attend school specially designed for pregnant pupils.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.09 Married Pupils

Married pupils may attend regular classes.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.10 Compulsory Attendance and Student Absences

A. Compulsory Attendance

Poor attendance is most often symptomatic of some more serious problem. The pupil personnel services staff will make every effort to evaluate the causative factors related to poor attendance and truancy and to effect services aimed at resolving these problems. The compulsory attendance law is seen as but one tool to be used in these efforts and any plan of action should be based on the best interest of the child in question.

The attendance officer for the school division shall develop and maintain a list of children who are eligible but not enrolled in any school and are not exempt from school attendance.

Notice of Failure to Report to School

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee shall make a reasonable effort to endure that direct contact is made with the parent, either in person or through telephone conversation, by the attendance officer to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The attendance officer, the pupil and the parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent an additional day after direct contact with his parent and the attendance officer has received no indication that the parent is aware of or supports the pupil's absence, and a reasonable effort to notify the parent has failed, the attendance officer shall schedule a conference within ten school days with the pupil, the parent and school personnel, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than fifteen school days after the sixth absence.

A. Compulsory Attendance (continued)

Upon the next absence by such pupil without indication to the attendance officer that the parent is aware of or supports the pupil's absence, the school principal or his designee shall notify the attendance officer who shall enforce the compulsory attendance law by (1) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of services or supervision; (2) instituting proceedings against the parent for failing to assist in the enforcement of the pupil's compulsory attendance, or for contributing to the delinquency of a minor, or (3) both.

Compulsory Summer School Attendance and Remediation Programs

Any student who does not pass the Literacy Passport Test or any of the Standards of Learning assessments in grades three, five or eight shall be required to attend a summer school program or to participate in another form of remediation. Any student who passes one or more, but not all of the Standards of Learning assessments in grades three, five and eight may be required to attend a remediation program.

The Superintendent may seek immediate compliance with the compulsory attendance law for any student who is required to attend a special program of prevention, intervention, or remediation during the summer school session or to participate in another form of remediation if the Superintendent determines:

(1) improvement in the student's poor academic performance, or passage of the Literacy Passport Test or of Standards of Learning assessment in grades three, five or eight, or promotion is directly related to his attendance in the summer school program or participation in another form of remediation; and

(2) reasonable efforts to seek the student's attendance in such session have failed (including direct notification of the parents or guardians of the student of the attendance requirement and their inability to secure the student's attendance).

A. Compulsory Attendance (continued)

The School Board may allow compulsory attendance law requirements to be met, for student at least sixteen years of age, through the development of an individual student alternative education plan that meets the guidelines prescribed by the Virginia Board of Education. The Superintendent or attendance officer shall seek immediate compliance with the compulsory attendance law for any student who fails to comply with the conditions of his individual student alternative education plan.

B. Student Absences

Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative work-study program. All other exceptions to a full-day schedule must be approved on an individual basis by the Superintendent or his designee.

Excused absences are absences resulting from conditions beyond the control of the student, the parent or guardian, or the school. The following are acceptable excuses for absences from school: (1) personal illness; (2) personal court appearance; (3) death in the family (including mother, father, spouse, son, daughter, sister, brother, grandparent; aunt, uncle, nephew or niece); (3) religious holidays regularly observed by the student as part of his or her personal religious practice; and (4) extenuating circumstances as approved by the school administration. For personal illness beyond three days, a doctor's note shall be required. School administration, in its discretion, may require documentation of any court appearance. Students are considered present and are marked present on all school records when participating in field trips, athletic events, student government activities, and other functions sanctioned by the school. All other absences (including tardiness and leaving school without permission) are deemed unexcused absences.

Notification of Absences

Students who are absent from school must bring a valid note stating the reason for absence upon returning to school. Unexcused absences shall be handled according to regulations issued by the Superintendent. Student attendance shall be monitored and reported as required by state law and regulations.

B. Student Absences (continued)

Make-Up Work

Credit for make-up work will be granted only for absences that are pre-approved in writing, or with a written note from the parent when the student returns to school. Medical documentation may be required at the principal's discretion. Students absent from school due to long-term and short-term suspensions shall be required to make up work missed during the suspension pursuant to School Board Policy 8.61 – Completion of Academic Assignments by Suspended Students.

Dismissal Precautions

Principals shall not release a student during the school day to any person not authorized by the student's parent or guardian to assume responsibility for the pupil. Students shall be released only on request and authorization of the parent or guardian. The burden of proof regarding the authority of the person to receive the student is on the requesting party. A formal check-out system shall be maintained in each school.

Maximum Number of Unexcused Absences

Students shall not be absent from school without a valid excuse for more than six (6) days (three (3) if on a block schedule) per nine-week period in order to receive academic credit for the grade or subject(s) in which enrolled. Unexcused absences in excess of six (6) (or three (3) if on a block schedule) shall result in failure for the nine-week grading period.

Students shall not be absent from school without a valid excuse for more than ten (10) days (five (5) if on a block schedule) per semester in order to receive academic credit for the grade or subject(s) in which enrolled. Unexcused absences in excess of ten (10) (or five (5) if on a block schedule) shall result in failure for the semester.

B. Student Absences (continued)

The accumulation of absences begins again at the start of the second semester. Absences resulting from short-term or long-term out-of-school suspension shall not be counted as unexcused absences pursuant to this policy.

Transfer Students

Students who transfer from other school divisions are not penalized for absences prior to the day of enrollment in Richmond Public Schools; however, transfer students may not be absent for more than the pro-rated share of the allowable number of unexcused absences per nine-week period or per semester. When a student transfers from one school to another within the school division, the number of absences is transferred and applied toward the maximum allowable number. City of Richmond residents who enter school late may be required to make up school work/time or to have the days counted toward the maximum allowable number of absences.

Waiver of Attendance Policy

Under certain conditions, a waiver of these attendance policies may be considered by the Superintendent. The student and his parent(s) or legal guardian(s) may request, and the Superintendent or his designee may grant, a waiver for the following reason(s): (1) medical hardship (condition whereby a student could not attend as certified by a licensed physician); (2) extenuating educational circumstances as determined by a committee appointed by the Superintendent or his designee or a special education eligibility committee: or (3) transfer situations as approved by a committee appointed by the Superintendent or his designee. The request for a waiver shall be made in writing and may be made at any time during the school year during which an attendance violation occurs or up to the first day of school for students of the next school year. The correspondence shall be directed to the Superintendent or his designee and shall include: (a) the total number of student absences; (b) the reason(s) for the absences and (c) the conditions under which a waiver is being sought, e.g. medical hardship, extenuating education circumstances, or a transfer situation.

The provisions for the waiver may include submission of missed work as outlined in a contract signed by the student, parent(s) and/or legal guardian(s), committee chairman, and school principal.

B. Student Absences (continued)

Notification of Parents

All elementary schools shall monitor student attendance and shall report absences to students and parents/legal guardians. Attendance reports may accompany deficiency notices and/or report cards.

All middle schools and high schools shall monitor student attendance and shall report absences both by day and by individual class periods or blocks to students and parents/legal guardians. Attendance reports may accompany deficiency notices and/or report cards.

When a student reaches the maximum number of unexcused absences from school per nine-week period or semester, the school shall notify the student and parent(s)/legal guardian(s). Initial notification may be verbal; however, it shall be followed by written notification within three (3) school days. A copy of the notification shall be placed in the student's file.

Provisions for Students Who Exceed the Maximum Number of Unexcused Absences

The following options may be utilized with students who have failed because of attendance prior to the completion of the school year:

(1) enroll the student in a semester course(s);

(2) allow the student to take the equivalent of one semester of summer school if he successfully completes the requirements for credit for one semester (academic and attendance); or

(3) develop an alternative education plan which includes: (a) description of the program; (b) maximum number of credits that can be awarded; (c) maximum number of absences; and (d) conduct conditions. The alternative plan must be approved by the principal and the division superintendent or his designee. A contract signed by the principal, parent(s) or guardian(s), student and division superintendent or his designee shall govern the program.

B. Student Absences (continued)

Grading Elementary School Students Who Exceed the Maximum Number of Unexcused Absences

(1) Report Cards: The actual grade(s) made by the student shall be entered on the report card, however, the portion of the report card designated for the grade assignment shall reflect a repeat of the grade level due to excessive absences.

(2) Permanent Records: The actual grade(s) made by the student shall be entered on the permanent record, however, the portion of the report card designated for the grade assignment shall reflect a repeat of the grade level due to excessive absences.

Grading Middle and High School Students Who Exceed the Maximum Number of Unexcused Absences

(1) Report Cards: The actual grade(s) made by the student shall be entered on the report card. A credit of "0" shall be recorded. The following statement shall be placed on the report card: “Although grades were recorded, the student is not eligible to receive a unit of credit or any fractional part thereof due to excessive absences.”

(2) Permanent Records: The actual grade(s) made by the student shall be entered on the permanent record. The course will carry no carnegie unit of credit; a credit of "0" shall be recorded. The course(s) will not be included in the calculation of grade point average. The following statement shall be placed on the permanent record: “Although grades were recorded, the student is not eligible to receive a unit of credit or any fractional part thereof due to excessive absences.”

(3) Class Rank: The grade(s) earned by a student who does not receive academic credit (a carnegie unit) due to excessive absences shall not be calculated into the grade point average.

8.10 Compulsory Attendance and Student Absences (continued)

Legal Reference:

Code of Virginia, Section 22.1-253, 13:1. Standard 1. Basic skills, selected programs, and instructional personnel.

Code of Virginia, Section 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

Code of Virginia, Section 22.1-254.01. Certain student required to attend summer school or after-school sessions; promotion contingent upon remediation.

Code of Virginia, Section 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

Code of Virginia, Section 22.1-261. Attendance officer to make list of children not enrolled; duties of attendance officer.

Adopted: April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 17, 1996
Revised/Adopted June 19, 2000
Revised/Adopted September 16, 2002; Effective November 5, 2002

Section 8.11
P

8.11 Nonresident: Definitions*

A. Generally

The enrollment of nonresident pupils shall be subject to the availability of space and to the approval of the Superintendent, upon the advice of the appropriate principal, and contingent upon the payment of the tuition established by the School Board. Nonresident high school pupils taking less than a full schedule shall pay tuition on a prorated basis. Pupils whose parents or legal guardians move from the City after February 1 may continue in school without charge for the remainder of the school year.

B. Exceptions

In the interest of providing educational continuity to certain students shall be permitted to attend Richmond Public Schools free of charge under the following circumstances:

(1.) Children of active duty military personnel attending a school free of charge in accordance with this section shall not be charged tuition upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in Richmond Public Schools, provided that it was the school division they attended immediately prior to the relocation and shall not be charged tuition for attending school. Such children shall be counted in the Richmond Public Schools' average daily membership. Richmond Public Schools shall not, however, be responsible for providing for their transportation to and from school;

(2.) Certain students who have become homeless during the school year in accordance with the McKinney-Vento Homeless Assistance Act; and

(3.) Students who are placed in foster care within another school division when school staff and the social services agency have determined that it is in the student's best interest to remain enrolled in the school the student attended prior to foster care placement.

Legal Reference:

Code of Virginia, Section 22.1-255. Nonresident children.

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

8.11 Nonresident: Definitions* (continued)

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

Code of Virginia Section 22.1-3.4. Enrollment of certain children laced in foster care.

McKinney-Vento Homeless Education Assistance Improvement Act of 2001, 42 U.S.C. Section 11431 et seq.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 5, 1995
Revised/Adopted September 20, 1995
Revised/Adopted June 21, 1999
Revised/Adopted June 19, 2006

**The School Board has placed a moratorium on this provision for the 1995-96 school year; it will not be enforced until September 1996.*

8.12 Pupil Conduct

Every pupil has the right to be educated in a safe, respectful and inviting environment and a responsibility not to deny this right to any other pupil. The school shall protect the rights of pupils to attend school and participate in all activities of the school. Therefore, it is imperative that each pupil exercise responsible conduct in accordance with the rules and regulations that have been established by Richmond Public Schools.

A. General Conduct

Pupils are expected to maintain positive conduct that is consistent with the following Guiding Principles, including, but not limited to:

- Respect;
- Responsibility;
- Appreciation of differences;
- Honesty;
- Safety; and
- Lifelong learning.

To that end, each school is expected to develop and implement a school-wide positive behavior support and discipline plan. The plan will be aligned with the Richmond Public Schools *Standards of Student Conduct*.

8.12 Pupil Conduct (continued)

A. General Conduct (continued)

Within the plan, conduct issues are to be addressed by implementing proactive strategies to provide positive behavior support. These include defining and teaching behavioral expectations, acknowledging and reinforcing appropriate behavior, developing a continuum of responses for problem behavior and reviewing and analyzing discipline data to evaluate the effectiveness of the plan. When a pupil ceases to maintain acceptable conduct, the school shall make every effort to support the pupil in developing improved behavior through conferences and close contact with the pupil's parent or guardian and through the use of all available school and community resources.

B. Profane or Obscene Language or Conduct

Richmond Public Schools' *Standards of Student Conduct* shall prohibit profane or obscene language or conduct.

C. Enforcement of the *Standards of Student Conduct*

The S*tandards of Student Conduct* are designed to define the basic rules and major expectations of pupils. It is the responsibility of the School Board to adopt policy and regulations and the administration to issue regulations establishing rules of conduct for pupil behavior in order to protect the health, safety and welfare of its pupils.

Building administrators are responsible for ensuring that all pupils, staff members, and parents or guardians are provided the opportunity to become familiar with this policy. Every employee of Richmond Public Schools shall enforce the *Standards of Student Conduct* and shall report all known violations to the appropriate building administrator. All building administrators shall discipline pupils in a fair and consistent manner that is in accordance with the *Standards of Student Conduct*. Any employee found to be in violation of this policy shall be subject to discipline, up to and including dismissal.

LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 19, 2000
Revised/Adopted June 17, 2002
Revised/Adopted April 19, 2010

8.13 Corporal Punishment

The use of corporal punishment is prohibited by any School Board employee. For purposes of this section, "corporal punishment" means the infliction of or causing the infliction of physical pain on a pupil as a means of discipline.

The definitions "corporal punishment" and "abuse or neglect" do not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subsection (1) below or the use of reasonable and necessary force as permitted by subsections (2), (3), (4) and (5) below or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

The above prohibition of corporal punishment shall not be deemed to prevent the following:

1. The use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;
2. The use of reasonable and necessary force to quell a disturbance or remove a pupil from the scene of a disturbance which threatens physical injury to persons or damage to property;
3. The use of reasonable and necessary force to prevent a pupil from inflicting physical harm on him/herself;
4. The use of reasonable and necessary force for self-defense or the defense of others; or
5. 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 pupil or within his/her control.

In determining whether an employee was acting within the exceptions cited above, due deference will be given to reasonable judgments of the employee at the time of the events.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-279.1, 63.2-1511.

Adopted April 20, 1978
Revised/Adopted October 17, 1974
Revised/Adopted August 30, 1989
Revised/Adopted December 17, 1990
Revised/Adopted June 19, 1995
Revised/Adopted June 4, 2001
Revised/Adopted April 19, 2010

Section 8.14
P

8.14 Procedures for Student Suspensions and Expulsions

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspensions include only instances of truancy or tardiness.

Short-Term Suspensions

A pupil may be suspended for not more than 10 school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him/her and, if he/she denies them, an explanation of the facts as known to school personnel and an opportunity to present his/her version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his/her version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his/her designee and the parent or guardian of the pupil suspended. The division superintendent or his/her designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior. The pupil shall remain on out-of-school suspension while awaiting the decision of the division superintendent or his/her designee. The decision of the division superintendent or his/her designee shall be final.

Any oral or written notice to the parent or guardian of a pupil who is suspended from school attendance for not more than 10 days shall include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the pupil's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent or guardian of the pupil.

Pupils with disabilities will be disciplined according to applicable state and federal law.

Long-Term Suspensions

A pupil may be suspended from attendance at school for more than 10 days after written notice is provided to the pupil and his/her parent or guardian of the proposed action and the reasons therefore and of the right to a hearing before the division superintendent or his/her designee. The decision of the division superintendent or his/her designee may be appealed by the

8.15 Procedures for Student Suspensions and Expulsions (continued)

Long-Term Suspensions (continued)

pupil's parent or guardian to the full School Board. Such appeal shall be decided by the School Board within 30 days. The pupil shall remain on out-of-school suspension while awaiting the decision of an appeal to the full School Board.

The written notice of suspension for more than 10 days shall include notification of the length of the suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the pupil is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the pupil may attend during his/her suspension shall be borne by the parent or guardian of the pupil.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring pupils suspended pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such suspension.

Pupils with disabilities will be disciplined according to applicable state and federal law.

Expulsion

Pupils may be expelled from attendance at school after written notice to the pupil and his/her parent or guardian of the proposed action and the reasons therefore and of the right to a hearing before a committee of the School Board. Such committee may confirm or disapprove the expulsion of a pupil. Any such committee of the School Board shall be composed of at least 3 members. If the committee's decision is not unanimous, the pupil or his/her parent or guardian will be notified that they may appeal the committee's decision to the full School Board. Such appeal shall be decided by the School Board within 30 days. The pupil shall remain out of school during the pendency of any appeals process.

The School Board, or a committee thereof, shall confirm or disapprove a proposed expulsion of a pupil regardless of whether the pupil exercised the right to a hearing.

The written notice required by this subsection shall include notification of the length of the expulsion and shall provide information to the parent or guardian of the pupil concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the pupil is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion,

8.16 Procedures for Student Suspensions and Expulsions (continued)

Expulsion (continued)

and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the pupil may attend during his/her expulsion shall be borne by the parent or guardian of the pupil.

Nothing in this subsection shall be construed to prohibit the School Board from permitting or requiring pupils expelled pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such expulsion.

If the School Board determines that the pupil is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent or guardian of such pupil that the pupil may petition the School Board for readmission to be effective 1 calendar year from the date of his/her expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board shall establish, by regulation, a schedule pursuant to which pupils may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board or a committee thereof, or the division superintendent or his/her designee, and, if granted, would enable the pupil to resume school attendance 1 calendar year from the date of the expulsion. If the division superintendent or his/her designee or a committee of the School Board denies the petition, the pupil may petition the School Board for a review of such denial.

Recommendations for expulsion for actions other than those for weapon and drug offenses shall be based on consideration of the following factors:

(1) The nature and seriousness of the violation;
(2) The degree of danger to the school community;
(3) The pupil'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 pupil's age and grade level;
(6) The results of any mental health, substance abuse or special education assessments;
(7) The pupil's attendance and academic records; and
(8) Such other matters as school officials deem appropriate.

8.14 Procedures for Student Suspensions and Expulsions (continued)
Expulsion (continued)

However, no decision to expel a pupil shall be reversed on the grounds that such factors were not considered.

Pupils with disabilities will be disciplined according to applicable state and federal law.

Procedure for Hearing before the School Board

The procedure for the School Board hearing shall be as follows:

1. The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board.
2. The School Board may ask for opening statements from the principal or his/her representative and the pupil or his/her parent or guardian (or their representative) and, at its sole discretion, may allow closing statements.
3. The parties shall present their evidence. The principal shall present his/her evidence first. Witnesses may be questioned by School Board members and by the parties (or their representatives). The School Board may, at its sole discretion, vary this procedure but shall in all cases afford a full opportunity for both parties to present any material and relevant evidence. The School Board may receive the testimony of pupil witnesses outside the presence of the pupil, his/her parent or guardian(s) and their representative if the School Board determines, in its sole discretion, that such action is necessary to protect the pupil witnesses.
4. Formal rules of evidence shall not apply. The School Board shall be the judge of the relevancy and materiality of all evidence.
5. Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be made part of the record.
6. The School Board may, by majority vote, uphold, reject or alter the disciplinary recommendation.
7. The School Board shall transmit its decision to the pupil, his/her parent or guardian, the principal and the division superintendent or his/her designee.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06.

Adopted April 20, 1978
Revised December 14, 1978
Revised November 4, 1980
Revised July 27, 1984
Revised/Adopted October 17, 1984
Revised May 16, 1989
Revised/Adopted November 20, 1989
Revised/Adopted December 17, 1990
Revised/Adopted August 4, 1992
Revised/Adopted August, 1994
Revised/Adopted June 19, 1995
Revised/Adopted June 19, 1995
Revised/Adopted November 18, 2002
Revised/Adopted June 13, 2005
Revised/Adopted APRIL 19, 2010

Section 8.15
Section 8.16
Section 8.17
P

8.15 Expulsion: Generally

REPEALED
LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted April 19, 2010

8.16 Use of Tobacco

REPEALED

LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted April 19, 2010

8.17 Destruction or Defacement of School Property

When a pupil has damaged, destroyed, or defaced any school property, including, but not limited to, textbooks, calculators, uniforms, computers, lockers, and any and all other school issued items, the pupil or his/her parent or guardian shall be required to pay the amount lost thereby in addition to any disciplinary action taken against the pupil as a result of the damage, destruction or defacement. The principal shall secure estimates to determine the cost of repairs or replacement so that the property is restored to its previous condition and so inform the Office of the Superintendent.

The School Board may institute an action and recover from the parents or either of them of any minor living with such parents or either of them for damages suffered by reason of the willful or malicious destruction of, or damage to, school property by such minor. No more than $2,500.00 may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 8.01-43, 18.2-138, 22.1-280.4.
Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted October 20, 2003
Revised/Adopted April 19, 20

8.18 Classroom Discipline

REPEALED

LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted April 19, 2010

8.19 Diplomas: Transfer Pupils

All pupils in the Richmond senior high schools who transfer from other school systems and complete their work in Richmond shall be issued a diploma when necessary units earned in other accredited high schools have been properly certified to the Richmond school authorities.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.20 Pupil Assignments

A. **Assignment**

Pupil assignments within the school are to be evaluated annually; however, this does not preclude evaluation and reassignment at any time during the school year when it is to the pupil's advantage. Before reassignment there should be a conference with the pupil's parent or guardian. The assignment of a pupil is the responsibility of the principal upon the recommendation of the classroom teacher and other professional staff.

B. **Reassignments**

Occasionally, the division superintendent or his/her designee may deem it necessary to reassign pupils from their zoned schools to other comprehensive or alternative schools for a set period of time in order to maintain a safe and orderly environment and prevent possible future harm to pupils. The reassignment to another comprehensive school is administrative in nature and the decision of the division superintendent or his/her designee is final. The reassignment to an alternative school is administrative in nature and the decision of the division superintendent or his/her designee is final unless altered by the School Board, upon timely written petition, as established by regulation, by the pupil or his/her parent or guardian, for a review of the record by

8.20 Pupil Assignments (continued)

B. **Reassignments (continued)**

the School Board. The pupil shall abide by the reassignment determination of the division superintendent or his/her designee unless altered by the School Board based upon a written petition for appeal as previously stated.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-277.2:1.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 2, 2008
Revised/Adopted April 19, 2010

8.21 Reporting to Parents

A. Purpose

The purpose of school reports shall be:

l. To inform parents of the progress made by their children
2. To bring parents into closer understanding of the work of the school
3. To record for pupils their success or achievement
4. To help pupils evaluate their own progress
5. To help the child, the child's parents, and teachers work cooperatively for the child's improvement

B. In addition to regular report cards and interim report cards, Richmond Public Schools educators shall make every effort to communicate with parents concerning student academic progress or behavior. Documentation should be maintained for the school year.

Section 8.22
P

8.21 Reporting to Parents (continued)

C. Parent-Teacher Conferences

A minimum of one day per semester during the school year will be set aside for parent-teacher conferences.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 3, 2002

8.22 Promotion/Retention

Pupils shall be reclassified annually or at any time during the school year when it is to the pupil's advantage.

- At the elementary level, promotion shall be based on successful mastery of grade level curriculum objectives in the areas of mathematics, language arts, science and social studies. Standards of Learning (SOL) tests results should be considered in promotion/retention decisions at grades 3 and 5.

- At the middle school level, promotion shall be based on successful completion of 3 out of 4 core curriculum areas for each grade level. SOL test results administered at grade 8, and passing the LPTs are required for promotion to grade 9.

- At the high school level, promotion shall be determined by the successful completion of the required Carnegie units for each grade level, and on the SOL Proficiency and all components of the LPT.

The guidelines for grade placement are as follows:

Grades	**Credits**
9^{th} to 10^{th}	completion of 5 units, and pass 3 core courses
10^{th} to 11^{th}	completion of 10 units, and pass 6 core courses
11^{th} to 12^{th}	completion of 14 units, and pass 9 core courses

These are minimal requirements that are cumulative in nature. Core courses are English, mathematics, social studies and science.

8.22 Promotion/Retention (continued)

A. Each pupil should learn relevant grade level subject matter before promotion to the next grade. For grades in which the SOL tests are given, achievement of a passing score on the SOL tests should be considered in addition to promotion/retention policies. Achievement expectations and participation in SOL testing of pupils with disabilities will be guided by provisions of their Individualized Education Plan (IEP) or 504 Plan.

B. Each pupil at grades 3, 5, and 8 shall take and be expected to achieve a passing score on the SOL tests for the pupil's respective grades. Schools should use the SOL test results as part of a multiple set of criteria for determining advancing or retaining pupils in grades 3, 5 and 8.

C. Each pupil in middle and high schools shall take applicable end-of-course SOL tests following course instruction. Pupils who achieve a passing score shall be awarded a verified credit for that course.

D. Where practical, parents must be notified of unsatisfactory academic progress, which might affect their child's progression to the next grade or their eligibility for graduation, following the first semester.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 1, 1998
Revised/Adopted October 15, 2001

8.23 Soliciting Funds

Teachers shall take no collections in the schools for any purpose except those for individual class projects.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.24 Pupil Education Records

A. Generally

The Richmond Public Schools shall adhere strictly to the requirements of the Family Educational Rights and Privacy Act (FERPA) and regulations made pursuant thereto. For the purpose of implementing this policy, "Management of the Student's Scholastic Record in the Public Schools of Virginia", as adopted by the Virginia Board of Education, is adopted as a regulation of the School Board for application in the Richmond Public Schools. Parents and legal guardians of students currently enrolled and in attendance shall be notified annually of their right to inspect and review education records of their children or legal wards, as well as of their additional rights under FERPA and its regulations (Appendix F).

Each full time, part time and substitute teacher and any other instructional personnel shall retain records of each student's grades, including, but not limited to, grades earned (in letter and/or numerical form, where applicable) for class work, homework, quizzes, tests, projects, papers, class participation, and examinations, as well as records showing how such grades were calculated, through the completion of the academic year. Such records shall be made available for inspection by the parent, guardian or other person having control or charge of the student, and the principal upon request. Such records shall be maintained by the school for a period of one year (12 calendar months) following the calculation of the student's final grade(s).

B. Missing Children

Richmond Public Schools shall receive reports of disappearances of any children living within the school division from local law enforcement pursuant to Code of Virginia, Section 52-31.1. Upon notification by a local law-enforcement agency of a child's disappearance, the principal of any school in which the child was enrolled at the time of the disappearance shall indicate, by mark, in the child's cumulative record that the child has been reported as missing. Upon notification by law enforcement that the child is located, the principal shall remove the mark from the record.

Upon receiving a request from any school or person for copies of the cumulative records and birth certificate of any child who has been reported by a local law-enforcement agency to be missing, the school being requested to transfer the records shall immediately notify the law enforcement agency that provided the report to the school of the child's disappearance of the

8.24 Pupil Education Records (continued)

location of the school or person requesting the cumulative records and birth certificate of the child, without alerting the requestor of such report.

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

C. Release for Juvenile Justice Purposes

The principal or his/her designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his/her designee may disclose identifying information from a pupil's scholastic record to the following agencies or individuals:

(i) 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;

(ii) 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.

(iii) 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.

D. Birth Certificates

Upon admission to Richmond Public Schools, the principal or his/her designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record.

8.24 Pupil Education Records (continued)

Legal Reference:

United States Code, Title 20, Section 1232g et seq. – "Family Educational Rights and Privacy Act of 1974."
Code of Virginia, Section 22.1-287. Limitations on access to records.
Code of Virginia, Section 22.1-288.1. Notation in school records of missing children; local law enforcement cooperation.
Code of Virginia, section 22.1-288.2 Receipt, dissemination and maintenance of records of certain adjudications or convictions.
Code of Virginia, Section 22.1-289. Transfer and management of student scholastic records; disclosure of information in court notices; penalty.
Virginia Administrative Code, 8 VAC 20-150-10 through –30. "Management of the Student's Scholastic Record in the Public Schools of Virginia."

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 20, 1994
Revised/Adopted June 19, 2000
Revised/Adopted June 19, 2006
Revised/Adopted June 18, 2007

8.25 Selling to Pupils

The sale to pupils of articles of any kind or tickets for any program except those given by the schools themselves shall be prohibited in and around schools except where, in the opinion of the superintendent, an educational purpose will be served.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

Section 8.26
Section 8.27
Section 8.28
P

8.26 Cadet Corps

The cadet corps are at all times under the direct control of the principals, subject to approval by the superintendent, and shall be instructed and guided by their commandants.

Any pupil who is not physically incapacitated may join the cadet corps. Pupils who play band instruments and who join the cadet corps may be organized into a separate company.

In full dress parades of the cadet corps, only members of the cadet corps may participate, and all cadets must wear the standard cadet uniform.

Cadet corps shall attend and participate in public parades, entertainments, exhibits, drills, balls, and other functions only with the knowledge and consent of the principals and with the approval of the superintendent.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.27 Sex Discrimination

It is the policy of the Richmond Public Schools not to discriminate on the basis of sex in educational programs or activities in violation of Title IX of the l972 Education Amendments.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.28 Exchanging Gifts

Exchange of gifts between individual pupils and teachers or other staff personnel is to be discouraged. Extreme discretion should be used by teachers, however, to avoid instances where a charitable spirit may be damaged or where a pupil's feelings may be hurt.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

Section 8.30
Section 8.31
P

8.29 Class Gifts

All gifts from a class to a school must be approved by the school board.

Legal Reference:

Code of Virginia, Section 22.1-126. Property given, devised or bequeathed to school board.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.30 Graduation Activities

Only senior high schools shall have graduation activities. None shall be permitted for middle schools or below.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.31 Public Performance

School bands, orchestras, glee clubs, and choruses shall make public appearances only in the following instances:

1. At functions that are part of the school program whether held in the school building or elsewhere.
2. At community functions organized in the interests of the schools.
3. On educational broadcasts designed to acquaint the public with the work of the schools.
4. At educational meetings or conferences.
5. On civic occasions when such participation does not encroach upon the opportunities of professional musicians for employment.
6. At benefit performances where professional musicians would likewise donate their services

Adopted April 20, 1978
Revised/Adopted October 17, 1984

PUPILS

Section 8.32
Section 8.33
Section 8.34

P

8.32 Contests, Awards, and Prizes

Contests or other activities involving participation by pupils or the granting of awards or prizes to pupils, which are sponsored by agencies outside of the schools, shall not be announced, promoted, or permitted within the schools unless approved by the superintendent. The superintendent shall approve only such contests or other activities as will be of educational value to the participating pupils, and he shall not approve any activity being promoted for purely commercial purposes. Cases involving doubt should be referred to the superintendent or the school board.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.33 Indigent Pupils

Every effort shall be made to offer the best school service to indigent children. To this end the principals and teachers should, upon recommendation of the school nurse or attendance worker, avail themselves of such resources as exist for the welfare of needy pupils. Among the organizations that they may contact are parent-teacher associations, council of parent-teacher associations, family service society, department of public welfare, various civic clubs, and local churches.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.34 Special Health Requirements: Vaccinations and Examinations

Physical Examinations

A. Prior to admission to any elementary school, a student or his parent or guardian must furnish (1) a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination performed within the twelve months prior to the date of entrance, or (2) records including a physical examination from another school division in the Commonwealth of Virginia.

If a report of a medical examination or a record of such an examination from another school or school division cannot be furnished because the pupil is a child placed in foster care or a homeless child or youth, the person seeking to enroll the pupil shall furnish to the school division an affidavit so stating and also indicating that, to the best of his knowledge,

8.34 Special Health Requirements: Vaccinations and Examinations (continued)

Physical Examinations (continued)

the student is in good health and free from any communicable or contagious disease. The school division shall immediately refer the homeless child or youth to the school division's Homeless Education Liaison who shall, as soon as practicable, assist in obtaining the necessary physical examination by the City of Richmond Health Department or other clinic or physician's office and admit the student to school pending receipt of the report from such physical examination. The social services agency that has placed a child in foster care shall obtain and produce documentation of a medical examination or otherwise ensure compliance with these requirements within 30 days after enrollment.

B. A physical examination is not required for any child whose parents or guardian object on religious grounds provided the child shows no visual evidence of illness. The parent or guardian shall state in writing that the child is in good health and free of any communicable or contagious disease.

Immunization Requirements

A. Prior to admission to any grade level in any Richmond public school, a student or his parent or guardian must submit documentary proof of immunizations to the admitting official. If the student does not have the required documentation, the school shall notify the student and his parent or guardian that the student may not be admitted and how to obtain services to comply with the regulation.

B. No certificate of immunization shall be required for school admission if (1) the student, parent or guardian submits and notarized statement that the administration of immunizations conflict with religious beliefs, (2) certification is given by a physician or local health department that one or more of the required immunizations may be detrimental to the student's health, (3) the student is a child placed in foster care, or (4) the student is a homeless child or youth. If a homeless child or youth does not have documentary proof of immunizations or has incomplete immunizations, and is not otherwise exempted from immunizations pursuant to (1) or (2) above, the school division's Homeless Education Liaison shall assist in obtaining proof of or completing immunizations as required. If a child placed is foster care does not have documentary proof of immunizations or

has incomplete immunizations, and is not otherwise exempted from immunizations pursuant to (1) or (2) above, the local social services agency that has placed the child in foster care shall obtain and produce documentation of immunizations or otherwise ensure compliance with these requirements within 30 days after enrollment.

C. Any student whose immunizations are incomplete may be admitted conditionally if the student provides documentation of a least one dose of the required immunizations and a schedule for completion of the required doses within ninety days. Any student failing to comply with his schedule shall be excluded from school until his immunizations are resumed.

D. Immunization records shall be maintained in the student's health folder. Documentary proof of immunization shall be provided to the student or parent or guardian upon written request.

Legal Reference:

Code of Virginia. Section 22,1-3.4. Enrollment of certain children placed in foster care.
Code of Virginia. Section 22.1-270. Preschool physical examinations.
Code of Virginia. Section 22.1-271.1. Definitions.
Code of Virginia. Section 22.1-272.2. Immunization requirements.
Code of Virginia. Section 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 19, 2000
Revised/Adopted June 4, 2001
Revised/Adopted June 21, 2004
Revised/Adopted June 13, 2005

PUPILS

Section 8.35
Section 8.36
Section 8.37
P

8.35 Safety Patrols

The principals of all elementary schools shall organize, with the approval of the superintendent, a school safety patrol to instruct, direct and assist pupils in adjacent areas of each school. Members of a school safety patrol shall serve only with the consent and confirmation of their parents or guardians. Each patrol member shall be selected on the basis of their maturity and degree of responsibility, shall receive adequate instruction in the appropriate duties and procedures, and shall at all times be under the charge of a competent adult.

Adopted April 20, 1978
Revised/Adopted October l7, 1984
Revised/Adopted December 1, 2003

8.36 Insurance

Accident insurance may be offered for pupils to purchase if approved by the superintendent.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.37 Psychological Services

Psychological services as available shall be offered to pupils. These may include testing, counseling, and group testing.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

PUPILS

8.38 Protective Eye Devices

In accordance with Section 22.1-275 of the Code of Virginia, industrial quality eye protective devices shall be purchased by the school division and worn by all teachers, pupils, and visitors in those areas where required by law and such other areas as may be deemed dangerous by the superintendent.

Legal Reference:

Code of Virginia, Section 22.1-275. Protective eye devices.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.39 Search and Seizure

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers, student desks, or automobiles driven to school by students and/or automobiles parked on school property and may seize any illegal, unauthorized, or contraband materials discovered in the search, consistent with applicable law.

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of the students and the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate the law, school policies and regulations, or which may be harmful to the school, its students or other persons. Lockers and other storage facilities are subject to periodic searches for any reason at any time without notice, without student consent, and without a search warrant. Computer network storage areas, any diskettes used with school computers, and school Internet access records shall be treated like school lockers and therefore are subject to search in accordance with this policy.

The school administration may also search property belonging to students when there is a reasonable basis to believe that the student is in possession of an item which violates the law, school policies and regulations, or which may be harmful to the school, its students or other persons. Property belonging to a student includes, but is not limited to, items that can be connected to a student, carried by a student, or stored by a student in areas made available to the student by the school, and may include, but is not limited to, backpacks, book bags, handbags, notebooks and books.

8.39 Search and Seizure (continued)

The school administration also has the right to search any student's person when there is a reasonable basis to believe that the student is in possession of an item which violates the law, school policies and regulations, or which may be harmful to the school, its students or other

persons. Strip searches may be conducted only when necessary to avoid the imminent threat of death or great bodily injury to any person. A strip search, when warranted, may be conducted only by a sworn law enforcement officer of the same sex as the person to be searched and shall be conducted in the presence of a same-sex witness. The sworn law enforcement officer shall consult with the building principal and the Office of Safety and Security prior to conducting the search. No Richmond Public Schools' employee shall engage in the strip search of any person.

Richmond Public Schools' Department of Safety and Security is authorized to use metal detectors to aid in searches in accordance with applicable law and Richmond Public Schools' administrative regulations. Metal detectors may be used when school administrators have individualized suspicion that a student possesses property that threatens the safety of students and school personnel. They may also be used on a random basis to deter the possession of weapons and other illegal and/or dangerous objects.

Richmond Public Schools' Department of Safety and Security is also authorized to use, in conjunction with the City of Richmond Police Department, canine teams to aid in searches for illegal drugs. All canine searches shall be conducted in accordance with applicable law and Richmond Public Schools' administrative regulations. Canine searches may be conducted when school administrators have individualized suspicion that a student may possess illegal drugs. They may also be conducted on a random basis to deter the possession and/or distribution of illegal drugs.

Surveillance cameras are in use in school facilities and on school buses to promote safety and to encourage reasonable orderliness in school, on school property, at school functions, and on school buses. Any person entering a school facility, on school property, at a school function, or riding a school bus is subject to be videotaped.

A student's expectation of privacy and freedom from unreasonable search and seizure must be balanced against the school division's responsibility to protect the health, safety and welfare of all persons within the school community and maintain a safe learning environment for all students. If illegal materials are found during a search, law enforcement officials shall be notified. If unauthorized or contraband materials are discovered, the relevant Standard(s) of Student Conduct shall be enforced.

8.39 Search and Seizure (continued)

Legal Reference:

Code of Virginia, Section 22.1-277.01:2. Guidelines for student searches.

Adopted April 20, 1978

Revised/Adopted October 17, 1984
Revised/Adopted March 1, 1988
Revised/Adopted October 18, 1988
Revised/Adopted June 18, 2001

8.40 Interrogation and Arrest

When any law enforcement officer requests to interrogate a student while on school property, the principal or his designee shall be contacted immediately. The principal or his designee shall make a reasonable effort to contact the parent or guardian and have the parent or guardian present for the interrogation. Law enforcement officers shall not be allowed to interrogate a pupil on school property unless a school representative, the pupil's parent or guardian or the pupil's attorney is present. If the parent, guardian or attorney cannot be contacted or cannot be present, the principal or his designee shall be present.

Parental permission is not required when law enforcement officers seek to interview students who are witnesses to or victims of crimes, as long as the law enforcement officer ascertains that the student is capable of and does consent to being interviewed. Student consent is not required when law enforcement has a warrant for the arrest of a student.

Interviewing of students by Child Protective Services investigators relating to incidents of alleged abuse and neglect is governed by *Policy 8.02* – Child Abuse. Pursuant to that policy, Child Protective Services investigators shall have access to school facilities for the purpose of conducting confidential interviews in accordance with all laws governing the conduct of such interviews.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted September 20, 2004

PUPILS

Section 8.41
Section 8.42
P

8.41 Release of Pupils' Names

The superintendent may authorize the release of lists of names and addresses of members of senior class to schools and colleges which, in his opinion, offer educational opportunities of sufficient merit to interest high school graduates.

Lists of names and addresses of pupils may be released by school officials to non-school personnel or outside agencies only after satisfactory investigation has proved that the list will not be used for any commercial gain or in any way cause embarrassment or annoyance to the public schools, pupils, or their parents.

Legal Reference:

Code of Virginia, Section 22.1-287.l. Directory information.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection
(Student Version)

A. The determination of the appropriate educational setting for the student shall be made by the superintendent on a case-by-case basis. To assist him/her in making the determination, the superintendent will establish a Review Committee composed of: the Director of the Richmond City Health Department (RCHD) or a public health physician designated by the Director; the student's physician; the Director of School Health Services; the student's principal, and, if necessary, other personnel from RPS or persons designated by the superintendent.

The Review Committee shall meet within fourteen (14) days of being established and shall make its recommendation to the superintendent as soon thereafter as practical. Such recommendation shall be based on a majority vote of the Review Committee. Prior to making its recommendation, the Review Committee shall consult with the student's family. The superintendent will notify the student's parent of his/her decision within five (5) school days after receiving the Review Committee's recommendation. The student's parents may appeal the superintendent's decision to the School Board. The request for such appeal must be submitted to the Superintendent in writing within fourteen (14) calendar days of the date of the superintendent's decision. Failure to request an appeal within the specified time will constitute a waiver of the right to an appeal to the School Board.

8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Student Version) Continued

B. Recommendations regarding the type of educational setting for the student who has had a positive medical diagnosis of having AIDS by a physician will be made on a case-by-case basis. The principal will consult with the teacher(s) who have interacted with the student on a daily basis to obtain information about the student condition. Such information will be made available to the Review Committee. If the student's attending physician cannot attend the meeting of the Review Committee, he/she will provide written documentation about the condition of the patient to the Director of School Health Services. Such information will be included in the recommendation, which will be forwarded to the superintendent.

C. The student may be excluded from school pending the superintendent's decision or any re-evaluation.

Generally, students who have AIDS will continue to attend school in their regular classroom settings.

Any decision to exclude an AIDS infected student from his/her normal and regular classroom setting or school shall be based upon a finding that such student poses a real and present threat to the health of the school population or that the student's health status interferes significantly with performance. If a decision is made to exclude the student from his/her normal and regular classroom setting or school, the Review Committee shall regularly re-evaluate the student based upon a plan for periodic review formulated by the Review Committee. If a decision has been made to continue the student's placement in his/her present school, the decision will be reviewed should there be an indication of a change in the student's medical condition or behavior. Any member of the Review Committee may initiate a request to re-evaluate the student, based upon such change. When such reviews are made, they will be done according to the established procedures listed in Section III A of this Policy.

E. Persons involved in the education of a student who has AIDS shall respect the student's right to privacy. The number of personnel who are made aware of the student's condition should be limited to employees who are members of the Review Committee, the principal, school nurse, and the student's teacher(s) in order to assure proper care of the student and to detect situations where the potential for transmission may occur. Other individuals will be informed of the situation on a "need to know" basis with the written consent of the parent/guardian. Information pertaining to the student's condition shall be conveyed by direct oral communication.

Section 8.42
Section 8.43
P

8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Student Version) Continued

E. When a principal is made aware of a major outbreak of communicable disease within the school, such as chickenpox or measles, and where there is a student who has AIDS in that building, the principal may notify the student's parents of such disease and may suggest the parents temporarily exclude the student from school.

F. All decisions with regard to placement of a student having AIDS shall be made in compliance with applicable Federal and State laws. The School Board shall re-examine the above policy as new recommended guidelines from leading authorities concerning school attendance for children infected with AIDS become known.

Legal Reference:

Code of Virginia, Section 22.1-271.3. Guidelines for school attendance for children infected with human immunodeficiency virus.

Adopted November 1, 1988
Revised/Adopted November 20, 1989

8.43 Parental Involvement in Education

When the parents of a student are estranged, separated or divorced, administrative staff shall recognize the parental rights of both parents to participate the child's education. Unless there is a court order to the contrary, both parents have the right to:

1. view the child's school records, in accordance with School Board policies;

2. receive school progress reports, the school calendar, and notices of major school events;.

3. visit the school in accordance with School Board policies;

4. participate in parent-teacher conferences in the case of the non-custodial parent, after a timely request is made;

5. receive all notifications in accordance with the Individuals with Disabilities Education Act; and

8.43 Parental Involvement in Education (continued)

6. receive notice of the student's extended absence, as defined in and pursuant to School Board policy, if both parents have joint physical custody.

Parental Responsibilities

The custodial parent has the responsibility to:

1. keep the school office informed as to the address of residence and how he or she may be contacted at all times;

2. on the Richmond Public Schools registration form, list the current address and phone number of the non-custodial parent, unless such address is unknown and the parent signs a statement to that effect, or unless a court order restricts the educational or visitation rights of the non-custodial parent;

3. provide a copy of any legal document which restricts the educational and/or visitation rights of the non-custodial parent; and

4. 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.

In addition, the principal may request a 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 non-custodial parent has the responsibility to keep the school office apprised of changes in his current phone number and address. Further, the non-custodial parent may make timely requests to participate in parent-teacher conferences.

8.43 Parental Involvement in Education (continued)

Parental Involvement Under the No Child Left Behind Act

Generally

The School Board recognizes that the education of each student is a responsibility shared by the school and the student's family. The School Board endorses the parental involvement goals of Title I (20 U.S.C. § 6318) and Title III (20 U.S.C. § 7012(e)) of the No Child Left Behind Act and encourages the regular participation by parents of all children including those eligible for Title I and Limited English Proficiency (LEP) programs in all aspects of those programs.

In keeping with these beliefs, it is the intention of the School Board to cultivate and support active parental involvement in student learning. The School Board shall:

1. Provide activities that will educate parents regarding the intellectual and developmental needs of their children. These activities will promote cooperation between the division and other agencies or school/community groups (such as parent-teacher groups, the Head Start program, the Reading First program, and various family literacy programs available within the school division to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development;

2. Implement strategies to involve parents in the educational process, including:

   a. keeping families informed of opportunities for involvement and encouraging participation in various programs;

   b. providing access to educational resources for parents and families to use with their children;

   c. keeping families informed of the objectives of district educational programs as well as of their child's participation and progress with these programs;

3. Enable families to participate in the education of their children through a variety of roles. For example, family members may:

   a. provide input into School Board policies;

   b. volunteer time within the classroom and school programs.

8.43 Parental Involvement in Education (continued)

Generally (continued)

4. Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent involvement strategies;

5. Perform regular evaluations of parent involvement at each school and in the school division;

6. Provide access, upon request, to any instructional material used as part of the educational curriculum; and

7. If practicable, provide information in a language understandable to parents.

In addition, for parents of students eligible for LEP programs, the School Board will inform such parents of how they can be active participants in assisting their children:

a. to learn English;

b. to achieve at high levels in core academic subjects; and

c. to meet the same challenging academic content and student academic achievement standards on the Virginia Standards of Learning Tests as all children are expected to meet.

Parental Involvement in Title I Plan

The School Board encourages parents of children eligible to participate in Title I, Part A, programs to take advantage of all the options available to them under the No Child Left Behind Act to improved their child's academic performance, such as school choice, supplemental services and the signing of parent compact agreements.

Parental Involvement in School Review and Improvement

The School Board encourages parents of children eligible to participate in Title I, Part A, and LEP programs to participate in the annual process of school review and, if applicable, the development of school improvement plans as implemented by the No Child Left Behind Act. Parents may participate by joining school planning and management committees, becoming informed and involved partners and signing parent compact agreements.

8.43 Parental Involvement in Education (continued)

Division Responsibilities

The School Board and each school that receives Title I, Part A, funds, shall:

1. provide assistance to parents of children served by the school or school division, as applicable, in understanding topics such as Virginia's academic content standards and student academic achievement standards, state and local academic assessments, and how to monitor a child's progress and work with educators to improve the achievement of their children;

2. provide materials and training to help parents work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;

3. educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

4. to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First and public preschool and other programs, and conduct other activities, such as family literacy programs and parent resource centers, that encourage and support parents in more fully participating in the education of their children;

5. ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and

6. provide such other reasonable support for parental involvement activities as parents may request.

8.43 Parental Involvement in Education (continued)

Division Responsibilities

The School Board, and each school that receives Title I, Part A, funds, may:

1. involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

2. provide necessary literacy training from Title I funds if the school division has exhausted all other reasonable available sources of funding for such training;

3. pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

4. train parents to enhance the involvement of other parents;

5. arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators who work directly with participating children and parents who are unable to attend such conferences at school in order to maximize parental involvement and participation;

6. adopt and implement model approaches to improving parental involvement;

7. establish a division-wide parent advisory council to provide advice on all matters related to parental involvement in programs supported under No Child Left Behind; and,

8.43 Parental Involvement in Education (continued)
Parental Involvement Under the No Child Left Behind Act (continued)

Division Responsibilities (continued)

8. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

School Parental Involvement Policies

Each school served under Title I, Part A, shall jointly develop with and distribute to parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the following:

1. convening an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation in Title I, Part A, and to explain the requirements of Title I, Part A, and the rights of parents to be involved;

2. offering a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under No Child Left Behind, transportation, child care, or home visits, as such services relate to parental involvement;

3. involving parents in an organized, ongoing, and timely way, in the planning, review, and improvement of Title I, Part A, programs including the planning, review, and improvement of the school parental involvement policy and the joint development of the school-wide program plan under the No Child Left Behind Act of 2001, 20 U.S.C. § 6312(b)(2), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

4. providing parents of participating children:
   a. timely information about Title I, Part A, programs;
   b. a description and explanation of the curriculum in use at the school, the academic assessments used to measure student progress, and the proficiency levels students are expected to meet;
   c. if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

P

8.43 Parental Involvement in Education (continued)
Parental Involvement Under the No Child Left Behind Act (continued)

School Parental Involvement Policies (continued)

d. if the school-wide program plan under the No Child Left Behind Act of 2001, 20 U.S.C. § 6312(b)(2) is not satisfactory to the parents of participating children, submitting any parent comments on the plan when the school makes the plan available to the division.

Parental Involvement in Utilization of Funding

Parents of children receiving services under Title I, Part A, shall be involved in the decisions regarding how funds provided under Title I, Part A, are used for parental involvement activities.

Policy Review

The content and effectiveness of this policy will be evaluated annually with regard to improving the academic quality of the schools receiving Title I, Part A, or LEP funds. These annual evaluations will identify barriers to greater participation by parents (particularly by parents who are economically disadvantaged, have disabilities, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The School Board will use the findings of these annual evaluations to design strategies for more effective parental involvement, and to revise, if necessary, this policy.

Legal Reference:

United States Code, Title 20, Section 1232 et seq. Family Educational Rights and Privacy Act.
United States Code Title 20, Sections 6312; 6316; 6318. No Child Left Behind Act of 2001.
Code of Virginia, Section 20-124.6. Access to child's records.
Code of Virginia, Section, 22.1-4.3. Participation in certain school activities by noncustodial parent.

Adopted September 5, 1989
Revised/Adopted August 4, 2003

Section 8.44
P

8.44 Student Use of Motor Vehicles and Parking

Student use of private motor vehicles for transportation to and from school is discouraged by the school board. School bus transportation is provided for all students who live beyond a reasonable walking distance or who must walk over a dangerous route to school.

Parking facilities are provided at all high schools as a convenience to those students who must drive to school. Parking on school grounds is a privilege that may be granted by principals to students who meet the following conditions:

1. The student must file a written statement of his or her need to drive a private vehicle to school with the principal and must agree to notify the principal promptly of any change in the conditions that establish this need.

2. The student must register any vehicle driven to school in the school office and must purchase a school parking permit for each vehicle each year.

3. The parking permit must be displayed on the left front bumper of the vehicle for which it was issued.

4. Upon arriving at school, the student must drive directly to the designated area for student parking, park the car and proceed promptly to the school building. Students may not sit in parked cars or linger in the parking area before, during or after school.

5. Once on school grounds, the student will not be permitted to leave until school is dismissed, unless permission has been obtained from the school administration.

6. The student will obey traffic laws and school regulations and observe normal safety precautions at all times.

Principals are empowered to enforce this policy and may revoke the parking privileges of any student who does not comply with these regulations.

Adopted December 17, 1990

8.45 Nondiscrimination on the Basis of Disability

No otherwise qualified person with a disability shall, solely by reason of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. For purposes of this policy, a qualified person with a disability shall be one who satisfies the definition of "qualified disabled person" set forth in the Rehabilitation Act of 1973 and its implementing regulations.

The Director of Special Education is designated as Coordinator for the implementation of this policy.

The superintendent shall adopt regulations to effect this policy.

Legal References

29 U.S.C. §§ 706 (8), 794 (1978); 34 CFR Part 104 (1980).

Adopted December 17, 1990
Revised/Adopted September 20, 1994

8.46 Equal Access: Non-curriculum Related Student Groups

A. General

In compliance with the Equal Access Act, Title VIII of Public Law 98-377, the school board establishes the following policy for meetings of noncurriculum related groups of secondary school students. Such noncurriculum related student groups, as defined in this policy, shall have equal access to secondary school facilities and shall not be discriminated against on the basis of the content of the speech at such meetings.

8.46 Equal Access: Noncurriculum Related Student Groups (continued)

B. Groups and Activities

Noncurriculum related student groups are defined as those whose primary purpose is to foster student interest in political, religious, community service, or recreational activities. Such groups are not sponsored by the school or its agents or employees. Participation of students is voluntary and is neither encouraged nor discouraged by the school.

Any secondary school that permits meetings of noncurriculum related student groups shall establish times before and/or after school for these groups to meet. No group may be permitted to meet more often than once a week. All activities shall be student initiated and conducted. Nonschool personnel may not participate in these activities unless approved by the principal in advance.

Students shall abide by all policies, regulations, and rules for student conduct. Any group which interferes with the orderly operation of the school shall be denied the opportunity to meet on school premises.

Nothing in this policy is intended to permit any meeting or activity which is otherwise unlawful.

C. Supervision

Noncurriculum related student groups desiring to meet on school premises must have a monitor who is a volunteer and a certified employee and is approved by the principal. The monitor shall supervise the group and its activities to ensure that it operates in compliance with the Equal Access Act and this policy and all other policies and regulations of the school board. The monitors shall have the authority, under the supervision of the principal, to order any group or student who violates this policy to leave school premises.

Monitors of religious groups may not participate in the form, content, or activity of the group.

8.46 Equal Access: Noncurriculum Related Student Groups (continued)

D. Application for Use of School Facilities

Noncurriculum related student groups desiring to meet on school premises shall submit their request in writing to the principal of the school at least five (5) school days in advance of the desired meeting date. Such requests shall state the purpose of the meeting, the type of activities involved, the expected number of students who will attend, the time and length of the meeting, and the name of the voluntary certified school employee who will act as monitor. If any nonschool person is desired to be present, this request shall be made with the application for use of facilities.

The principal shall review each application and, if in accordance with this policy, shall assign the group a suitable meeting place. Applications not in accordance with this policy shall be denied.

E. Appeal

Groups which are denied permission to use school facilities under this policy by a principal may appeal the principal's decision to the superintendent.

F. Disclaimer

In establishing this policy the school board is not promoting, endorsing, or sponsoring noncurriculum related groups; it is merely making facilities available to such groups of secondary school students on a nondiscriminatory basis.

Adopted December 17, 1990

Section 8.47
P

8.47 Administering Medication

A. General

All medicines should be administered to students at home by their parents if at all possible. Administration of medication at school will be done only in accordance with this policy. Any student who fails to follow this policy or whose parents fail to follow this policy will be excluded from school until compliance is obtained. The principal shall determine whether or not there is compliance with the provisions of this policy.

B. Prescription and Nonprescription Medication

If a student must take prescription and nonprescription medication at school, the medication may be administered by the school nurse, the principal, or the principal's designee in accordance with the provisions of this policy:

1. The parent must provide the principal with the medication and written instructions from the physician to include:

    a) student's name
    b) name and purpose of medication
    c) dosage and time of administration
    d) possible side effects and measures to be taken if side effects occur
    e) termination date for administering the medication

2. With the exception of school administrative personnel and persons employed by school boards who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation or dismissed on the basis of his or her refusal to perform nonemergency health-related services for students. However, instructional aides and clerical employees may not refuse to dispense oral medications. “Health-related services” means those activities which, when performed in a health care facility, must be delivered or under the supervision of a licensed or certified professional.

8.47 Administering Medication (continued)

C. Emergency Lifesaving Measures

1. The parent of any student who has a condition that would require emergency, lifesaving medication or other measures must inform the principal of the condition and provide instructions from the attending physician on measures to be taken, including administering any medication. These instructions should cover measures to be taken while the student may be on a school bus or other times when medication is not immediately available.

2. In school buildings with an instructional and administrative staff of ten or more, at least two employees shall have current training or have received training in the past two years in emergency first aid and cardiopulmonary resuscitation, and if one or more students attending such school has been diagnosed with diabetes, at least two employees shall have been trained in the administration of insulin and glucagon. In school buildings with an instructional and administrative staff of fewer than ten, at least one employee shall have current training or shall have received training the past two years in emergency first aid and cardiopulmonary resuscitation, and if one or more students attending such school has been diagnosed with diabetes, at least one employee has been trained in the administration of insulin and glucagon. "Employee" includes any person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board. When a registered nurse, nurse practitioner, physician or physician assistant is present, no employee who is not a registered nurse, nurse practitioner, physician or physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber authorization and parental consent shall be obtained by any employee who is not a registered nurse, nurse practitioner, physician or physician assistant to assist with the administration of insulin and administer glucagon.

D. Safekeeping of Medication

Except as provided in Section E below, all medication must be kept by the school nurse or the principal in a secure, locked place known by and accessible to any person who may have to administer lifesaving medication.

8.47 Administering Medication (continued)

E. Possession and Self-Administration of Inhaled Asthma and Anaphylaxis Medications

1. Students diagnosed with asthma, anaphylaxis or both may possess and self-administer inhaled asthma medications and/or auto-injectable epinephrine during the school day, at school-sponsored activities or while on the school bus or other school property, provided that:

   a. The parent, legal guardian or custodian, or other person having control or charge of the student gives written consent for self-medication; and

   b. the student's primary care provider or medical specialist, or a licensed physician or licensed nurse practitioner must provide written notice that identifies the student, states that the student has been diagnosed with asthma and/or anaphylaxis, gives approval for the student to self-administer inhaled asthma medications and/or auto-injectable epinephrine that have been prescribed for the student, indicates the name and dosage of the medication and the frequency in which it is to be administered (including any circumstances which warrant its use, such as before exercising or engaging in physical activity), and attests to the student's demonstrated ability to self-administer inhaled asthma medications and/or auto-injectable epinephrine.

2. The school division shall develop an individualized health care plan, including emergency procedures for any life-threatening conditions, for each student who self-administers inhaled asthma and/or anaphylaxis medications.

3. The school division shall consult with the student's parent, legal guardian or custodian, or other person having control or charge of the student before imposing any restrictions upon the student's self-administration of inhaled asthma and/or anaphylaxis medications, and before permission to possess and self-administer such medications is revoked.

4. Permission to possess and self-administer inhaled asthma and/or anaphylaxis medications shall be effective for one year (365 calendar days) and shall be renewed annually.

8.47 Administering Medication (continued)

E. Possession and Self-Administration of Inhaled Asthma and Anaphylaxis Medications (continued)

5. Self-administration of inhaled asthma and/or anaphylaxis medications shall be consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manuals.

6. A school principal or other employee of the School Board who, in good faith, without compensation, and in the absence of gross negligence or willful misconduct, supervises the self-administration of inhaled asthma medications or auto-injectable epinephrine by a student pursuant to this policy, shall not be liable for any civil damages for acts or omissions resulting from the supervision of self-administration of inhaled asthma medications or auto-injectable epinephrine by such student. Further, no principal or school board employee shall be liable for any civil damages for injuries or deaths resulting from the misuse of auto-injectable epinephrine.

   For the purposes of this section, "employee" shall include any person employed by a local health department who is assigned to a public school pursuant to an agreement between a local health department and the School Board.

F. First Aid

School personnel may administer first aid, but only in accordance with the standing orders of School Health Services.

G. Medication Recommendations by School Personnel

School personnel shall not recommend the use of psychotropic medications for any student. “Psychotropic medications” are those medications the prescribed intention of which is to alter mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication. Nothing in this policy shall prohibit school health staff, classroom teachers or other school professionals from recommending that a student be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner, with the written consent of the student’s parent.

8.47 Administering Medication (continued)

Legal Reference:
Code of Virginia, Section 22.1-274. School health services.
Code of Virginia, Section 22.1-274.2. Possession and self-administration of inhaled asthma medications by asthmatic students.
Code of Virginia, Section 22.1-274.3. Policies regarding medication recommendations by school personnel.

Adopted December 17, 1990
Revised/Adopted April 1, 1996
Revised/Adopted June 21, 1999
Revised/Adopted June 19, 2000
Revised/Adopted June 17, 2002
Revised/Adopted June 13, 2005

8.48 Student Publications

A. School-Sponsored Publications

School-sponsored student publications are an integral part of the learning experience and the instructional program. The principal shall be ultimately responsible for such publications.

B. Nonschool-Sponsored Publications

The unauthorized sale or distribution of nonschool-sponsored publications will not be permitted on school property at any time.

Adopted December 17, 1990

8.49 Enrollment in Model Schools

Model schools shall enroll all applicants who are residents of the neighborhood attendance zone, students currently enrolled in that model school, or siblings of students currently enrolled in that model school. The remaining vacancies, if any, shall be filled by applicants who are selected by procedures approved by the Superintendent.

Adopted April 21, 1992

8.50 Readmission of Expelled Students

The School Board shall establish, by regulation, a schedule pursuant to which pupils may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board or a committee thereof, or the division superintendent or his/her designee and, if granted, would enable the pupil to resume school attendance 1 calendar year from the date of the expulsion. If the division superintendent or his/her designee or a committee of the School Board denies such petition, the pupil may petition the School Board for review of such denial.

The School Board will consider a request for readmission of an expelled pupil in accordance with the established schedule. The School Board, however, may consider a request for readmission earlier if such request is initiated by a court of competent jurisdiction.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-277.06.

Adopted March 5, 1991
Revised/Adopted April 19, 2010

8.51 Transfer of Students

A pupil shall, upon written request of the pupil's parent or guardian (or the pupil himself if an emancipated minor) be transferred to another comparable school in the school division, if available, if the pupil has been the victim of any crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia, which was committed by: (1) another pupil attending classes in the school; (2) by any employee of the School Board; or (3) by any volunteer, contract worker or other person who regularly performs services in the school; or if the crime was committed upon school property or on any school bus owned or operated by the school division. Transportation for the transferred pupil shall be provided in accordance with the School Board policies.

"Victim" means any pupil who has been the victim of a crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia and who has suffered physical, psychological, or economic harm as a direct result of the commission of such crime.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-3.3.
.

Adopted June 24, 1997
Revised/Adopted April 19, 2010

PUPILS

Section 8.52
P

8.52 Removal of Students from Class

A teacher shall have the initial authority to remove a pupil from class for disruptive behavior. Disruptive behavior is defined as a violation of school board regulations governing pupil conduct that interrupts or obstructs the learning environment.

The School Board shall establish, within the regulations governing pupil conduct the following:

1. Criteria for the removal of a pupil from class;
2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removal from class;
3. Procedures for the written notification to a pupil and his/her parent or guardian of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the pupil's behavior and the possible consequences if such behavior does not cease;
4. Guidelines for the alternative assignment and instruction of such pupil and for the duration of such removal; and
5. Procedures for the return of the pupil to class, for teacher participation in any decision by the principal to return a pupil to the class from which he/she has been removed, and for the resolution of any disagreements between such principal and teacher regarding such return.

The principal shall ensure that a pupil removed from class under this policy continues to receive an education in accordance with school board policies.

Application of this policy to a pupil with a disability shall be consistent with federal and state laws and regulations as well as school board policy regarding pupils with disabilities.

Teachers are expected to use a variety of classroom management strategies that encourage and reward appropriate behavior and to develop individual behavior intervention plans to address chronic behavior problems. The school division may provide ongoing support and professional development opportunities in these areas. Any teacher whose evaluation indicates deficiencies in the management of pupil conduct may be required by the division superintendent or his/her designee to attend professional development activities designed to improve classroom management and disciplinary skills.

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

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-276.2.

Adopted June 23, 1998
Revised/Adopted April 19, 2010

8.53 Suicide Prevention

Any licensed administrative or instructional personnel employed by the school board who, in the scope of his or her employment, has reason to believe, as a result of direct communication from a student, that such student is imminent risk of suicide, shall, as soon as practicable, contact at least one of the student's parents to determine whether the parent is aware of the student's mental state and whether the parent wishes to obtain or has already obtained counseling for the student. If, however, the student indicates that the reason for being at imminent risk of suicide relates to parental abuse or neglect, contact shall instead by made with the local department of social services or the State Department of Social Services child abuse and neglect hotline, stressing the need to take immediate action to protect the student from harm.

Adopted June 21, 1999

8.54 Sexual Harassment of Students

A. General Statement

It is the policy of Richmond Public Schools to maintain a learning environment that is free from sexual harassment. Richmond Public Schools prohibits any form of sexual harassment. It shall be a violation of this policy for any pupil, teacher, administrator, or other school personnel of Richmond Public Schools to harass a pupil through conduct or communication of a sexual nature while on school property, going to and from school, waiting for the school bus at designated bus stops, on the school bus, or participating in or attending school-sponsored or school-related activities, such as field trips, conferences or athletic events. For purposes of this policy, "school personnel" includes School Board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of Richmond Public Schools.

Richmond Public Schools will act to investigate all complaints of sexual harassment, whether formal or informal, verbal or written, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

B. Definition

For purposes of this policy, sexual harassment of a pupil consists of, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other inappropriate verbal, written, electronic, telephonic, or physical conduct or communication of a sexual nature through any means when:

8.53 Sexual Harassment of Students (continued)

Definition (continued)

1. A pupil, teacher, administrator, or other school personnel of the school division causes a pupil to believe that he/she must submit to unwelcome sexual conduct or communication in order to participate in a school program or activity or to otherwise receive an education, or when a teacher, administrator, or other school personnel of the school division causes a pupil to believe that the employee will make an educational decision based on whether or not the pupil submits to unwelcome sexual conduct; or
2. The unwelcome sexual conduct is so severe, persistent or pervasive that it has the purpose or effect of substantially and unreasonably interfering with a pupil's ability to participate in or benefit from an educational program or activity or to otherwise receive an education, or creates an intimidating, hostile, threatening or abusive educational environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual advances;
- Unwelcome pressure for sexual activity;
- Unwelcome touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
- Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
- Unwelcome verbal harassment or abuse;
- Graffiti of a sexual nature;
- Sexual gestures;
- Sexual or dirty jokes;
- Touching one's self sexually or talking about one's sexual activity in front of others;
- Spreading rumors about or rating other pupils as to sexual activity or performance;
- Unwelcome sexually motivated or inappropriate patting, pinching or physical contact. This prohibition does not preclude legitimate, non-sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as a teacher's consoling hug of a young pupil, or one pupil's demonstration of a sports move requiring contact with another pupil;

8.54 Sexual Harassment of Students (continued)

Definition (continued)

- Other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by either: (1) implied or overt threats concerning an individual's educational status; or (2) implied or overt promises of preferential treatment with respect to one's educational status;
- Unwelcome behavior or words directed at an individual because of gender;
- Sending and receiving sexually explicit messages or photos electronically, primarily through use of cellular phones, including consensual and nonconsensual exchange, distribution, or possession of graphic images or messages; and
- Unwelcome verbal harassment or abuse, threats of physical harm, or assaults directed at an individual because of sexual orientation.

C. Reporting Procedures

Any pupil who believes he/she has been the victim of sexual harassment by a pupil, teacher, administrator or other school personnel, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the school division, is required to immediately report the alleged act(s) to an appropriate school division official designated by this policy.

Any teacher, administrator, or other school official who has or receives notice that a pupil has or may have been the victim of sexual harassment by a pupil, teacher, administrator or other school personnel, or by any other person who is participating in, observing or otherwise engaged in activities, under the auspices of the school division, is required to immediately report the alleged act(s) to an appropriate school division official designated by this policy.

Any other person with knowledge or belief that a pupil has or may have been the victim of sexual harassment by a pupil, teacher, administrator, or other school personnel, or by any other person who is participating in, observing or otherwise engaged in activities, under the auspices of the school division, is encouraged to immediately report the alleged act(s) to an appropriate school division official designated by this policy.

The school division encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school division's administrative offices, but use of formal reporting forms is not mandated and oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment directly to the division superintendent or his/her designee.

8.55 Sexual Harassment of Students (continued)

Reporting Procedures (continued)

In each school building, the principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Any adult school division personnel who receives a report of sexual harassment shall inform the building principal immediately. Upon receipt of a report, the principal must notify the division superintendent or his/her designee immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the division superintendent or his/her designee. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the division superintendent or his/her designee. Failure to forward any harassment report or complaint as provided in this policy will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the division superintendent or his/her designee by the reporting party or the complainant. If any complaint involves the designee of the division superintendent, the complaint shall be made or filed directly with the division superintendent. If the complaint involves the division superintendent, the complaint shall be made or filed directly with the School Board.

The school division has designated Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services as the school division official(s) with responsibility to identify, prevent, and remedy sexual harassment. The Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services shall:

- Receive reports or complaints of sexual harassment;
- Oversee the investigative process;
- Be responsible for assessing the training needs of the school division's staff and pupils in connection with the dissemination, comprehension, and compliance with this policy;
- Arrange for necessary training required for compliance with this policy; and
- Insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal education opportunity, including sexual harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful sexual harassment, recommend appropriate discipline and remedies when sexual harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.

8.56 Sexual Harassment of Students (continued)

Reporting Procedures (continued)

The school division will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the school division's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

D. Investigation

Upon receipt of a report or complaint alleging sexual harassment, the Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services shall immediately undertake or authorize the investigation. That investigation may be conducted by school division officials or by a third party designated by the school division.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents that may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this policy, the school division shall consider:

- The nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between the parties involved;
- The sex and age of the victim and harasser;
- The identity of the perpetrator, including whether the perpetrator was in a position of power over the pupil allegedly subjected to harassment;
- The number of alleged harassers;
- Where the harassment occurred;
- Whether there have been other incidents in the school involving the same or other pupils;
- Whether the conduct has adversely, or continues to adversely affect the pupil's education or educational environment; and
- The context in which the alleged incidents occurred.

Investigation (continued)

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, Richmond Public Schools may take steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation.

The investigation shall be completed no later than 15 work days from receipt of the report. The investigator shall make a written report to the Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether there appears to be a violation of this policy. The investigator's duty to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

E. School Division Action

Upon receipt of a report of sexual harassment, the school division will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, parent-teacher conferences, warning, suspension, expulsion, transfer, remediation, termination or discharge. Any action taken for violation of this policy shall be consistent with the requirements of state and federal law, School Board *Bylaws and Policies,* the *Administrative Procedures Manual* and the *Standards of Student Conduct.*

In determining what is an appropriate response to a finding that sexual harassment in violation of this policy has occurred, the school division shall consider:

- What response is most likely to end any ongoing harassment;
- Whether a particular response is likely to deter similar future conduct by the harasser or others;
- The amount and kind of harm suffered by the victim of the harassment;
- The identity of the party or parties who engaged in the harassing conduct; and
- Whether the harassment was engaged in by school personnel, and if so, the school division will also consider how it can best remediate the effects of the harassment.

In the event that evidence suggests that the harassment is also a crime under state or federal law, school officials shall report the results of the investigation to the appropriate law enforcement agency.

8.58 Sexual Harassment of Students (continued)

School Division Action (continued)

The results of the school division's investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties by the school division in accordance with state and federal laws regarding data and records privacy, and consistent with the privacy rights of the complainant and the alleged harasser.

If the results of the school division's evaluation of a complaint or harassment results in a conclusion that an individual has engaged in sexual harassment in violation of this policy, or that any individual has failed to report harassment as required by this policy, that individual may appeal this determination by use of established School Board procedures for appealing other adverse personnel and/or education related actions. If the results of the school division's investigation of a complaint of harassment results in a conclusion that no harassment has occurred, an individual who was allegedly subjected to harassment and believes this conclusion to be erroneous may appeal this determination by use of established School Board procedures for appealing other adverse personnel and/or education related actions.

Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained for a period of 2 years at the School Board administrative offices.

Acts of Reprisal

Submission of a good faith complaint or report of sexual harassment will not affect the complainant's future employment, grades, learning or working environment or work assignments.

The School Board shall discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who knowingly files a false complaint of sexual harassment.

The School Board shall discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports an incident of alleged sexual harassment, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

F. Dissemination of Policy and Training

The school division shall conspicuously post this policy against sexual harassment in each school, in a place accessible to pupils, faculty, administrators, employees, parent or guardians, and members of the public. The notice shall include the name, mailing address and telephone number of the Chief Academic Office and/or Assistant Superintendent for Administrative and Support Services, the Virginia Council on Human Rights, and the mailing address and telephone number of the United States Department of Education, Office of Civil Rights.

A summary of this policy shall appear in the *Standards of Student Conduct*. A complete copy of the policy shall be made available upon the request of parents or guardians, pupils, and other interested parties.

The School Board shall develop a method a discussing this policy with pupils and employees. Training on the requirements of this policy and the appropriate responses to issues regarding sexual harassment will be provided to all school personnel on an annual basis, and at such other times as the School Board in consultation with the division superintendent or his/her designee determines necessary or appropriate.

This policy shall be reviewed at least annually for compliance with state and federal law.

LEGAL REFERENCE: None

Adopted October 18, 1999
Revised/Adopted January 3, 2000
Revised/Adopted September 2, 2003
Revised/Adopted April 19, 2010

PUPILS

Section 8.54
P

SEXUAL HARASSMENT COMPLAINT FORM

Name of Complainant: _____

_____

Home Address: _____

_____

Work Address: _____

_____

Home Phone: _____

Work Phone: _____

Date(s) of Alleged Incident(s): _____

_____

Where did the incident(s) occur? _____

Name(s) of Person(s) you believe harassed you or another person:_____

_____

If someone other than you was harassed, identify the other person(s):

_____

Describe the incident as clearly as possible, including such things as what force, if any was used, any verbal statements (i.e. threats, requests, demands, etc.), what if any physical contact was involved. Attach additional pages if necessary.

_____

_____

List any witnesses who were present: _____

_____

_____

This complaint is based on my honest belief that _____has harassed me or another person.

I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Received by:

_____
Signature of Complainant

_____ Date: _____
Signature

Title: _____

Date: _____

PUPILS

Section 8.54
P

RICHMOND PUBLIC SCHOOLS
STUDENT SEXUAL HARASSMENT POLICY

Every Richmond Public Schools student has the right to feel respected and safe. Consequently, we want you to know about our policy to prevent and address incidents of sexual harassment of students.

Richmond Public Schools prohibits any form of sexual harassment. It shall be a violation of this policy for any student, teacher, administrator, or other school personnel of Richmond Public Schools to harass a student through conduct or communication of a sexual nature while on school property, going to and from school, waiting for the school bus at designated bus stops, on the school bus, or participating in or attending school-sponsored or school-related activities, such as field trips, conferences or athletic events.

Sexual harassment may include:

- unwelcome sexual advances or pressure for sexual activity
- touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex
- coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts, sexual intercourse or a sexual act on another
- unwelcome behavior or words directed at an individual because of gender
- unwelcome verbal harassment or abuse
- sexual graffiti, notes or cartoons
- sexual gestures
- sexual or dirty jokes
- spreading rumors about or rating other students as to sexual activity or performance
- other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats or implied or overt promises of preferential treatment
- Violent sexual acts
- unwelcome verbal harassment or abuse, threats of physical harm, or assaults directed at an individual because of sexual orientation.

If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the Superintendent. You should also make a written report and give it to a teacher, counselor, the principal or the Superintendent. Your privacy will be respected as much as possible.

We take seriously all reports of sexual harassment and will take all appropriate action to investigate such claims, to eliminate the harassment, and to discipline any persons found to have engaged in such conduct.

Richmond Public Schools will also take action if anyone tries to intimidate you or take action to harm you because you made a report.

This is a summary of Richmond Public Schools' policy against sexual harassment of students. A complete copy of the policy is available from your principal or from Richmond Public Schools' Administrative Offices, 301 North 9th Street, Richmond, Virginia 23219, upon request.

RICHMOND PUBLIC SCHOOLS
STUDENT SEXUAL HARASSMENT POLICY (continued)

SEXUAL HARASSMENT IS AGAINST THE LAW.

Contact: Associate Superintendent for Instruction and Accountability, Richmond Public Schools, 301 North 9th Street, Richmond, Virginia Telephone: (804) 780-7704

Virginia Council on Human Rights, 900 E. Main Street, Pocahontas Building, 4th Floor, P.O. Box 717, Richmond, Virginia 23206 Telephone: (804) 225-2292

United States Department of Education, Office of Civil Rights, Customer Service Team, Mary E. Switzer Building, 330 C Street, S. W, Washington, D.C. 20202 Telephone: (800) 421-3481

Section 8.55
Section 8.56
P

8.55 Moment of Silence

Each classroom within Richmond Public Schools shall observe daily one minute of silence. During the one-minute period of silence, the teacher responsible for the classroom shall ensure that all students remain seated and silent and make no distracting display so that each student may, in the exercise of individual choice, meditate, pray or engage in any other silent activity which does not interfere with, distract or impede other students in their exercise of individual choice.

Adopted June 19, 2000

8.56 Public Charter Schools

A. Purpose

In order to (i) encourage the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and student assessment; (iii) provide parents and students more options within their school divisions; (iv) provide teachers with a vehicle for establishing schools with innovative instruction and school scheduling, management and structure; (v) encourage the use of performance-based educational programs; (vi) establish and maintain high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, the Richmond School Board shall receive and consider applications for the establishment of public charter schools.

B. Definitions

(1) A "public charter school" is a public, non-sectarian alternative school located within the Richmond school division. A public charter school may be created as a new school or by converting all or part of an existing public school. No public charter school shall be established through the conversion of a private school or a nonpublic home-based educational program. A public charter school for at-risk students may be established as a residential school.

(2) A "regional public charter school" is a public charter school operated by two (2) or more school boards and is chartered directly by the relevant school boards.

8.56 Public Charter Schools (continued)

(3) An "at-risk student" is a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Virginia Department of Education criteria, which research indicates may negatively influence educational success.

C. Establishment of Public Charter Schools; Requirements

(1) Public Charter Schools for At-Risk Students

In establishing public charter schools, the School Board shall give priority to public charter school applications designed to increase the educational opportunities of at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation.

(2) Compliance with State and Federal Law

All public charter schools shall be subject to federal and state laws, regulations and constitutional provisions prohibiting discrimination in admissions, employment or operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or the need for special education services. Public charter schools shall also be subject to any court-ordered desegregation plan in effect in the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.

(3) Enrollment

Enrollment shall be open to any child who is deemed to reside (as defined in Section 22.1-3 of the Code of Virginia) within the school division or, in the case of a regional public charter school, within any of the relevant school divisions, through a lottery process on a space-available basis. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

(4) Tuition

A public charter school shall not charge tuition.

D. Application and Review Process

(1) Content of Public Charter School Application

Any person, group or organization, including any institution of higher education, may submit an application for the formation of a public charter school. The applicant must complete the entire application in the format provided in Exhibit A of this policy. The content of the public charter school application shall be in accordance with state law.

D. (2) Review Team

The School Board shall establish a "review team" consisting of appropriate school personnel, a local business representative and a resident public charter school proponent to evaluate public charter school applications. The School Board shall designate the chairman of the review team as the contact person for answering questions about the application process and receiving applications. The review team shall work cooperatively with applicants for public charter schools. When an application is incomplete, the review team shall request the necessary information. If, however, the applicant does not provide the necessary information within a reasonable timeframe (as established by the review team) then the application may be denied.

The review team shall (1) recommend to the School Board appropriate criteria for reviewing public charter school applications; (2) evaluate all public charter school applications based on the review criteria adopted by the School Board; (3) recommend one of the following options to the School Board for each application: approve, reject, place on a waiting list or return with suggestions for improvement; (4) monitor public charter school progress; and (5) make recommendations for revocation, renewal or non-renewal of charter contracts.

(3) Regulations

The School Board shall require, and the Administration shall promulgate, regulations governing the process for receiving, reviewing and ruling on applications for the establishment of public charter schools. Such regulations must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based. A copy of the regulations, including the review criteria, shall be available to any interested party upon request.

(4) Review of Application by the Board of Education

The public charter school applicant may submit its proposed charter application to the Board of Education for review and comment. The Board's review shall examine such applications for feasibility, curriculum, financial soundness, and other objective criteria as the Board may establish, consistent with existing state law. The Board's review and comment shall be for the purpose of ensuring that the application conforms with such criteria, but shall not include consideration as to whether the application shall be approved by the local school board.

E. School Board Decision

Written notice of the School Board's decision shall be sent to the applicant and if the application is denied, the written notice shall include the reasons for the denial. Priority shall be granted to applications designed to increase the educational opportunities of at-risk students. The School Board's decision to grant or deny an application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal.

8.56 Public Charter Schools (continued)

F. Charter Contract

Upon approval of a charter application, the School Board and the management committee of the public charter school shall enter into a contract which contains all agreements between the School Board and the public charter school. The approved application shall serve as the basis for the contract. Such contract between the public charter school and the School Board or relevant school boards shall reflect all requests for release of the public charter school from school division policies and state regulations. The charter contract shall also include other provisions negotiated by the School Board or its designee. A charter may be granted for up to three years. Any material revision of the charter contract shall be made in writing and must be approved by the School Board or in the case of a regional public charter school, between the regional public charter school and the relevant school boards and the management committee of the public charter school.

G. Waivers of School Board Policy and State Regulation

A public charter school may operate free from specified School Board policies and state regulations, except the Standards of Quality, the Standards of Learning and the Standards of Accreditation, as agreed in the charter contract. The School Board shall designate in its regulations governing public charter schools which School Board policies may not be waived. The School Board, or relevant school boards, shall request from the Board of Education, on behalf of its public charter schools, waivers from state regulations contained in each approved charter application. If the public charter school is designed to increase the opportunities of at-risk students, then the School Board, or relevant school boards, as the case may be, shall request that the Board of Education approve an Individual School Accreditation Plan.

8.56 Public Charter Schools (continued)

H. Management and Operation

A public charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract. The management committee shall be composed of parents of students enrolled in the school, teachers and administrators working in the school and representatives of any community sponsors, or any combination thereof. A public charter school shall be responsible for its own operations. However, a public charter school may negotiate and contract with the School Board, or any other third party, for the provision of necessary services. Services provided by the School Board must be provided at cost.

I. Personnel

Public charter school personnel shall be employees of the School Board or local school boards granting the charter and shall be selected as agreed in the charter contract. Professional, licensed employees currently employed by the School Board may volunteer for assignment to a public charter school and may be assigned by the School Board to a public charter school for one contract year and reassigned annually upon the request of the employee and the recommendation of the management committee. Professional, licensed employees assigned to a public charter school shall receive the same employment benefits as such personnel assigned to noncharter schools. Professional, licensed personnel who request assignment to a noncharter school or who are not recommended for reassignment in the public charter school, other than for reasons cited in § 22.1-307 of the Code of Virginia, shall be transferred to a noncharter school according to School Board policy.

The School Board, or in the case of a regional public charter school, relevant school boards may employ such health, mental health, social services, and other related personnel to serve in residential charter schools for at-risk students as determined in the charter agreement; however, the School Board is not required to fund the residential or other services provided by a residential charter school.

The School Board has the final authority to assign professional, licensed personnel to charter or noncharter schools within the division.

8.56 Public Charter Schools (continued)

J. Funding

Public charter schools shall be funded as provided by law and as negotiated in the charter contract.

K. Revocation and Renewal of the Charter Contract

The School Board may revoke a charter contract if:

(1) the public charter school violates the conditions, standards or procedures established in the application;

(2) the public charter school fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;

(3) the public charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board);

K. Revocation and Renewal of the Charter Contract (continued)

(4) the public charter school fails to meet generally accepted standards of fiscal management;

(5) the public charter school violates any provision of law from which it has not been exempted; or

(6) the School Board determines that it is not in the public interest or for the welfare of the students within the division to continue the operation of the public charter school (for example, the public charter school is no longer financially sound or fails to achieve state testing standards or decrease absentee rates).

A charter contract may be approved and renewed for a period not to exceed five (5) years. The management committee must apply to renew the charter no later than six (6) months prior to the expiration of the charter contract. The application for renewal shall contain:

8.56 Public Charter Schools (continued)

(1) a report on the progress of the public charter school in achieving the goals, objectives, program and performance standards for students and other conditions and terms the School Board or relevant school boards required in the charter;

(2) a financial statement, on forms prescribed by the Board of Education, disclosing the costs of administration, instruction and other spending categories which is written in a way to allow the School Board or relevant school boards and the public to compare such costs to the costs of other schools and comparable organizations; and

(3) other information the School Board may require.

If a charter contract is revoked or not renewed, or a public charter school is dissolved, the management committee shall be responsible for all financial obligations of the public charter school.

L. Reports

The School Board shall report to the Board of Education the following:

(1) the grant or denial of public charter school applications;

(2) the number of charters granted or denied and the reasons for such denials;

(3) whether any of the charters granted are designed to increase the educational opportunities of at-risk students or students served by schools that have not achieved full accreditation;

(4) an annual evaluation of each public charter school;

(5) an annual comparison of the performance of public charter school students and students enrolled in regular schools; and

(6) the number of students enrolled in each public charter school at the end of the school year.

P

8.56 Public Charter Schools (continued)

Legal Reference:

Code of Virginia, Section 22.1-3. Persons to whom public schools shall be free.
Code of Virginia, Section 22.1-26. Joint and regional schools; regional public charter schools.
Code of Virginia, Section 22.1-212.5 *et seq*. Establishment of Charter Schools.
Code of Virginia, Section 22.1-307. Dismissal, etc., of teacher; grounds.

Adopted February 20, 2001
Revised/Adopted June 4, 2001
Revised/Adopted June 17, 2002
Revised/Adopted June 21, 2004

EXHIBIT A
CHARTER SCHOOL APPLICATION

Any person, group or organization, including any institution of higher education, may submit an application for the formation of a charter school. Applicants must follow state law and School Board policy regarding charter schools. Applications must be received by the Clerk of the School Board between October and January 31 of the school year prior to the anticipated opening of the Charter School, An original plus fifteen (15) copies of the application must be submitted. [An application fee of $75.00 shall be submitted with the application.] Applicants must follow the application format provided below.

I. Mission Statement

Describe the mission of the proposed charter school, including any specific area of concentration (i.e. math and science, technology or the arts). This statement should include the core philosophy or purpose of the school as well as the target student population, including whether the school intends to increase the opportunities of educationally at-risk students. **As required by law, the mission must be consistent with the Standards of Quality, the Standards of Accreditation and Standards of Learning.**

II. Goals and Educational Objectives

Describe the goals and educational objectives of the proposed charter school. This section should include broad student achievement goals. The objectives should be expressed as a concrete, measurable statement of what students should know and be able to do at various levels of education and identify practices that will improve teaching and enhance learning. **As required by law, the objectives and goals must meet or exceed the Standards of Learning.**

III. Evidence of Support

Provide tangible evidence of support for the formation of the charter school from an adequate number of parents, teachers, pupils, residents of the school division, or any combination thereof. Such tangible evidence may include a petition, signed letters of support, surveys or minutes of a charter school organizational meeting.

IV. Statement of Need

Describe the need for the charter school and how that need was determined.

V. Description of the Education, Pupil Performance Standards and Curriculum

Describe the curriculum and the methods of instruction, including teaching materials and any innovative techniques to be used. List the pupil performance standards and how they were established. This section should also provide the school calendar. **As required by law, the elements in this section must meet or exceed applicable Standards of Quality, the Standards of Accreditation and Standards of Learning.**

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

VI. Pupil Evaluation: Assessments, Timeline and Corrective Action

Describe the plan for evaluating student performance, including any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by Section 22.1-253.13:3 of the Code of Virginia. Include a timeline for the achievement of the stated standards and goals and a procedure for corrective action if student performance falls below the stated standards and goals. For secondary charter schools, describe the method for determining that a student has satisfied the requirements for graduation and how the transfer of credits between schools will be accomplished. This section should demonstrate how the charter school will be accountable to the School Board, parents, the community and the state.

VII. Admissions Process

Describe the student admission policy, including the lottery (random) process to be used if there are more applicants than spaces available. If applicable, the admission policy may be tailored to meet the specific mission and goals of the charter school. **Any admission process must be consistent with federal and state laws, regulations and constitutions regarding discrimination and any court-ordered desegregation plan in effect in the school division.** This section should include a timeframe for registering and admitting students, and how the school will seek a cross section of the community's children, including at-risk students.

Describe how transfers of students between charter schools and noncharter schools will be accomplished and how students enrolled after the start of the school year will be accommodated.

VIII. Financial Plan: Evidence of Economical Soundness, Proposed Budget and Annual Audit

Provide a budget and any other information that illustrates the proposed charter school is economically sound for both the charter school and the school division. Include detailed sources of revenue and expenditures for the proposed term of the charter (at most three years), a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school division, will be conducted and the manner in which the school division can ensure fiscal and administrative compliance with the charter. Anticipated gifts, grants or donations and a student fee schedule should be included.

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

IX. Displacement Plan: Pupils and Employees

Describe the displacement plan for students and employees who will not attend or be employed in the charter school in instances of the conversion of an existing public school to a public charter school, and for the placement of students and employees upon termination or revocation of the charter. This section should also include a plan for the placement of students and employees if the charter school facility is destroyed (e.g. by flood or fire), unable to be occupied or dissolved for any reason.

X. Management and Operation

Describe the management and operation of the charter school, including the nature and extent of parental, professional educator and community involvement. List the names and addresses of the proposed management committee. This section should include (1) a detailed description of the relationship between the management committee and the local school board, including the charter school spokesperson (i.e. who is accountable to the school board); (2) how the charter school will be accountable to the public, including a plan for compliance with the Virginia Freedom of Information Act and reporting requirements; (3) how the management committee is selected and its relationship to the teachers and administrators; (4) a description of the rules and procedures followed to arrive at policy and operational decisions; and (5) summaries of the job descriptions of key personnel, including the school leader/principal.

XI. Employee Relations

Explain the relationship that will exist between the charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees (e.g. a signed employee handbook or personnel policy).

XII. Legal Liability and Insurance Coverage

Describe the arrangement between the charter school and the School Board regarding their respective legal liability and applicable insurance coverage. Insurance coverage should include health, property and casualty (automobile liability, general liability, property, officer and employee liability) and workers' compensation.

XIII. Transportation

Describe the plan for transporting students to and from school, including arrangements made with the School Board, private providers or parents.

XIV. Assurances

Assure that he charter school is non-sectarian and will not charge tuition by including a statement to that effect.

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

XV. Residential School for At-Risk Students

If the charter school will serve as a residential school for at-risk students, describe: (1) the residential program, facilities and staffing; (2) any parental education and after-care initiatives; (3) the funding sources for the residential and other services provided and (4) any counseling or other social services to be provided and their coordination with any current state and local initiatives.

XVI. Waivers

Describe and justify any waiver from School Board policies and state regulations that the charter school requests. The Standards of Quality, the Standards of Accreditation and Standards of Learning may not be waived. **Please note that state law only allows waivers of policy and regulation; no waiver of state or federal statutes or regulations is permitted.**

XVII. Discrimination

Assure that the charter school will follow state and federal law prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services and shall be subject to any court-ordered desegregation plan in effect in the school division.

XVIII. Applicant Information

List the name, address, phone number and qualifications of the applicant(s) and designate an applicant contact person.

XIX. Facility

Describe the facility(ies) to be used for the charter school or the plan for the acquisition of a facility. If the facility is not property of the school division, then the following must be provided: (1) a certificate of occupancy; (2) a health inspection certificate; (3) an annual fire certificate of inspection; (4) proof of compliance with federal, state and local health and safety laws and regulations; and (5) a copy of the lease or contract under which the charter school will use the facility. If the facility is the property of the school division, then describe plans, if any, for alteration or renovation.

XX. Health and Safety

Describe the procedures the charter school will implement to ensure health and safety of the students and employees, including how and if the management committee will conduct a state criminal record check on all employees; how the charter school will conduct fingerprinting and federal criminal record checks, if applicable; how the charter school will comply with the requirement to report child abuse; and how the charter school will comply with Occupational Safety & Health Act requirements.

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

XXI. Indemnity

Assure that the School Board will be defended, held harmless and indemnified against any claim, action, loss, damage, injury, liability, cost or expense of any kind as a result of the operation of the charter school or actions by its agents, employees, invitees or contractors.

XXII. Services

List the services and their estimated costs that the applicant wishes the School Board to provide; for example, food service, payroll or conducting criminal background checks. Also, list services that will be provided by others and their estimated costs.

XXIII. Timeline

Provide a detailed timeline, identifying each step required to establish the charter school, including, but not limited to, staff hiring, location and purchase of materials, implementing the evaluation plan, obtaining necessary services, opening an appropriate facility and consulting with experts, if necessary. **Please note that it will take approximately 8-12 months to implement the proposal.**

XXIV. Renewal

Assure that if the charter school desires to renew its contract, it shall apply at least six (6) months prior to the expiration of the contract.

XXV. Disclosure of Ownership or Financial Interest

Disclose any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school. The successful applicant and governing body, administrators and other personnel of the public charter school have a continuing duty to disclose such interests during the term of the charter.

XXVI. Board of Education Review

Provide the results of any Board of Education Review of your charter school application.

Adopted June 17, 2002
Revised/Adopted June 21, 2004

Section 8.57
Section 8.58
P

8.57 Bullying and Other Threatening Behavior

Bullying is defined as direct behaviors, such as teasing, taunting, threatening, hitting and stealing, that are initiated by 1 or more pupils against a victim or victims. In addition to direct attacks, bullying may also be indirect, such as spreading rumors that cause victims to be socially isolated through intentional exclusion.

All pupils have the right to be educated in an atmosphere that is free from fear, intimidation and harassment. Bullying, teasing, hazing, or other acts of intimidation can have long-term negative effects on the emotional and educational well being of pupils and are therefore prohibited. Such prohibited conduct includes (in addition to those bullying behaviors described above), but is not limited to, any verbal, written, electronic, physical or mental teasing, or threat of bodily injury or use of force directed toward another person for any reason.

The consequences for incidents of bullying shall be consistent with those for assault and battery, as described in the *Standards of Student Conduct*.

LEGAL REFERENCE: None

Adopted June 4, 2001
Revised/Adopted April 19, 2010

8.58 Pledge of Allegiance

In recognition of the civic heritage of the United States of America, all students shall learn the Pledge of Allegiance and demonstrate such knowledge. The flag of the United States shall be in place in each classroom.

The Pledge of Allegiance shall be recited daily in each classroom of the school division at a time during the school day determined appropriate by the School Board. During the Pledge, the students shall stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform.

No student shall be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical or other grounds to his participating in the recitation of the Pledge. Students who are exempt from reciting the Pledge shall remain quietly standing or sitting at their desks and shall make no display that disrupts or distracts others who are reciting the Pledge.

8.58 Pledge of Allegiance (continued)

The School Board shall provide appropriate accommodations for students who are unable to comply with this policy due to disability.

The School Board's *Standards of Student Conduct* shall apply to disruptive behavior during the recitation of the Pledge in the same manner as in other circumstances of other behavior.

Legal Reference:

Code of Virginia, Section 22.1-202. Instruction in history and principles of flags of United States and Virginia; pledge of allegiance to American flag; guidelines developed by the Board.

Adopted June 4, 2001

8.59 Reassignment of Certain Students

Any pupil who commits an assault and/or battery on a teacher or other school employee shall be recommended for expulsion from Richmond Public Schools. A pupil found to have committed assault and/or battery on a teacher or other school employee (if and when such pupil is permitted to return to school following his/her suspension or expulsion) shall be assigned to a school other than the one to which his/her victim is assigned.

LEGAL REFERENCE: None

Adopted June 4, 2001
Revised/Adopted April 19, 2010

Section 8.61
P

8.60 Student Representatives to School Board

The School Board shall, upon the recommendation of the Administration, adopt procedures for the appointment of student representatives to the School Board. The student representatives shall be selected from among the students enrolled in Richmond Public Schools. The student representatives shall serve in a nonvoting advisory capacity, on a rotating basis, for a term of one month.

The student representatives to the School Board shall not be construed as members of the School Board for any purpose, including, but not limited to, establishing a quorum or making any official decision. The School Board shall exclude the student representatives from closed or executive sessions of the School Board held pursuant to the Freedom of Information Act.

Legal Reference:

Code of Virginia, Section 22.1-86.1. Appointment of student representatives to local school boards.

Adopted June 4, 2001

8.61 Completion of Academic Assignments by Suspended Students

Any student who is suspended from school, whether short-term or long-term, shall receive and complete all academic assignments (class work and homework) during the period of the suspension and submit the completed work to his or her classroom teacher(s) upon his or her return to school. In addition, the suspended student, upon his or her return, shall be administered all quizzes and/or tests given in his or her absence. A student's failure to complete academic assignments or to take quizzes or tests as required shall be addressed in accordance with the classroom policy regarding incomplete assignments.

LEGAL REFERENCE: None

Adopted March 18, 2002
Revised/Adopted April 19, 2010

8.62 Posting of the United States Bill of Rights and the National Motto

Each school within the school division shall post prominently and in a conspicuous place (i) the Bill of Rights of the Constitution of the United States; and (ii) the statement, "In God We Trust," the National Motto, enacted by Congress in 1956, for all students to read. The School Board, in its discretion, may accept contributions in cash or in-kind from any person, to defray the costs of implementing this policy. "Person," for purposes of this policy, shall mean any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

Legal Reference:

Virginia Acts of Assembly of 2003, Chapter 902, §§ 1-2.
Code of Virginia. Section 1-13.19. Person.

Adopted June 17, 2002
Revised/Adopted June 16, 2003

8.63 Administration of Questionnaires and Surveys to Students

A. Inspection of Instructional Materials by Parents or Guardians

Federal law requires that all instructional materials, including teacher's manuals, films, tapes, or other supplementary material, which will be used in connection with any survey, analysis, or evaluation as part of any applicable federal program be made available for inspection by the parents or guardians of students. The School Board shall make any and all such instructional materials available for inspection by parents or guardians as is described in this Policy.

B. Definitions

As used in this Policy, the following terms have the meanings provided below.

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

Section 8.63
P
8.63 Administration of Questionnaires and Surveys to Students

B. Definitions (continued)

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

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

"*Personal information*" means individually identifiable information, including a student's or parent's first and last name; (2) a home or other physical address (including street name and the name of the city or town); (3) a telephone number; or (4) a Social Security identification number.

"*Survey*" includes an evaluation.

C. Procedure for Requesting Opportunity to Inspect Instructional Materials

Parents who want to inspect any such instructional materials should submit to the principal or his designee of the school that their student attends, a written request to inspect. The written request should describe in as much detail as is possible the instructional materials that the parents wish to inspect. Parents may make their request to inspect instructional materials verbally; however, the School Board recommends that requests to inspect instructional materials be submitted in writing, where possible, to avoid any misunderstanding regarding the requests. Upon receiving requests to review instructional materials, the principal or his designee shall consult with the requesting parents and schedule a mutually agreeable time for the parents to review the requested materials at the school. Such review shall be scheduled within a reasonable amount of time following the receipt by the principal or his designee of the request, but affording the school administration sufficient time to gather the requested materials.

8.63 Administration of Questionnaires and Surveys to Students (continued)

D. Participation in Surveys and Evaluations

No student shall be required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveals information concerning any of the following topics without the prior written consent of the student's parent or the student (if the student is an adult or emancipated minor):

(1) political affiliations or beliefs of the student or the student's parent;

(2) mental or psychological problems of the student or the student's family;

(3) sex behavior or attitudes;

(4) illegal, anti-social, self-incriminating, or demeaning behavior;

(5) critical appraisals of other individuals with whom respondents/students have close family relationships;

(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

(7) religious practices, affiliations, or beliefs of the student or student's parent; or

(8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

8.63 Administration of Questionnaires and Surveys to Students (continued)

E. Additional Rights and Protections

In addition to those rights listed above, students and their parents enjoy the following rights and protections:

(1) Right to Inspect Surveys: Parents of students have the right to inspect, after making a request to do so to the appropriate school officials, any survey created by a third party before the survey is administered or distributed by any school to their students. Parents requesting the opportunity to inspect any such survey shall be granted access to the survey instrument within a reasonable period of time following the parents' request. Parents should follow the procedures described above to request an inspection of surveys.

(2) Arrangements to Protect Student Privacy: In the event that any school administers or distributes to students a survey containing one or more of the topics listed above, the school shall take the following precautions to protect the privacy of any student completing any survey:

(a) Where appropriate, such surveys shall administered/distributed anonymously, so that students completing the surveys cannot be identified by their responses.

(b) School officials administering surveys subject to this Policy shall inform students before administering the survey that the students are not required to complete the survey. School officials shall also inform students that if they choose to complete the survey, their responses shall be reviewed only by persons who are employed by Richmond Public Schools and/or by the developer/provider of the survey instrument.

8.63 Administration of Questionnaires and Surveys to Students (continued)

E. Additional Rights and Protections (continued)

(c) During the completion of surveys by students, teachers, guidance counselors and/or other school administrators who are administering the surveys shall not review surveys as they are being completed by students. Preferably, the school officials will pass out the surveys and collect them from the front of the room in which they are being completed, so that no school official can identify any students' responses.

(d) School officials, including teachers, guidance counselors, and/or school administrators, shall collect completed surveys separately from any and all other materials collected from students. The completed surveys shall be maintained in separate files related solely to the administration/distribution the subject survey, and shall not be maintained in students' individual student records.

(3) Inspection of Instructional Materials: In addition to the right to inspect instructional materials described above in this Policy, parents, after making a request to the appropriate school officials, may inspect any instructional material used as part of the educational curriculum for students. Parents requesting the opportunity to inspect any such instructional materials shall be granted access to the materials within a reasonable period of time following the parents' request. Parents should follow the procedure described above to request an inspection of instructional materials.

(4) Physical Examinations and Screenings: Richmond Public Schools administers physical examinations and screenings required by applicable Virginia law and the Individuals with Disabilities Education Act. In addition, Richmond Public Schools from time-to-time administers physical examinations or screenings not required by law but to assist families (e.g., heights and weights for students at ages not otherwise required by law). In such instances, parents are notified and provided the opportunity to opt out of such examinations or screenings. The School Board shall involve parents in any revision to this or other policies requiring the administration of physical examinations or screenings of students other than those required by applicable Virginia law or the Individuals with Disabilities Education Act.

8.63 Administration of Questionnaires and Surveys to Students (continued)

E. Additional Rights and Protections (continued)

Commercial Use of Information: Questionnaires and surveys shall not be administered to students during the regular school day or at school sponsored events without written, informed parental consent when participation in such questionnaires or surveys may result in the sale for commercial purposes of personal information regarding the individual student. When such questionnaires or surveys are administered, parents of students have the same right to inspect the instruments as they do surveys related to the topics listed above in this Policy. In addition, Richmond Public Schools, to the extent consistent with the purpose of distributing the personal information, shall take all reasonable steps necessary to protect student privacy.

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

(5) Commercial Use of Information (continued)

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

8.63 Administration of Questionnaires and Surveys to Students (continued)

F. Opt-Out Provisions

Parents on behalf of their children (or emancipated students for themselves) may opt out of participating in any of the following:

(1) activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), as discussed above;

(2) the administration of any survey containing one or more of the items listed above;

(3) any nonemergency, invasive physical examination or screening as described above, that is:

(a) required as a condition for attendance at any Richmond Public School;

(b) administered by any Richmond Public School and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student or of other students.

G. Parental Notification

(1) Notification of Policies:

The School Board shall provide notice of this Policy directly to parents of students annually at the beginning of each school year and within a reasonable period of time after any substantive change in this Policy.

P

8.63 Administration of Questionnaires and Surveys to Students (continued)

(2) Notification of Specific Events:

The School Board shall notify directly the parents of students, at least annually at the beginning of each academic year, regarding the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

(a) activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), as is discussed above;

(b) the administration of any survey containing one or more of the items listed above;

(c) any nonemergency, invasive physical examination or screening as is described above, that is (i) required as a condition for attendance at any Richmond Public School, (ii) administered by any Richmond Public School and scheduled by the School in advance, and (iii) not necessary to protect the immediate health and safety of the student or other students.

(3) Notification of Surveys Requesting Sexual Information

In any case in which a questionnaire or survey requesting sexual information of students is to be administered, the school board shall notify the parent concerning the administration of such questionnaire or survey in writing not less than 30 days prior to its administration. The notice shall inform the parent regarding the:

(a) nature and types of questions included in the questionnaire or survey;

(b) purposes and age-appropriateness of the survey; and

8.63 Administration of Questionnaires and Surveys to Students (continued)

(3) Notification of Surveys Requesting Sexual Information (continued)

(c) whether and how any findings or results will be disclosed.

Parents shall have the right to review the questionnaire or survey and to exempt their child from participating in the survey. However, no questionnaire or survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

H. Policy Adoption and Revision

The School Board adopted this Policy following consultation with parents of Richmond Public Schools students. Any amendment or revision to this Policy shall be made by the School Board only after consultation with parents of Richmond Public Schools students.

Legal Reference:

United States Code, Title 20, Section 1232h; 34 C.F.R. Part 98. Protection of pupil rights.

Code of Virginia, Section § 22.1-79.3. Policies regarding certain activities.

Adopted June 17, 2002
Revised/Adopted August 4, 2003
Revised/Adopted June 19, 2006

PUPILS

Section 8.64
Section 8.65
P

8.64 School Registration of Homeless Students

Richmond Public Schools is committed to educating homeless children and youth and will serve each homeless student according to the student's best interest.

Richmond Public Schools shall comply with the requirements of the McKinney-Vento Homeless Assistance Act, Subtitle VII-B, with respect to the enrollment of homeless children and youth. The Administration shall promulgate regulations and/or procedures consistent with the requirements of the Act and the provisions of this policy.

Legal Reference:

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431 *et seq*.

Adopted February 17, 2004

8.65 School Asthma Management Plan

Asthma is a common chronic childhood illness and a major cause of student absences from school. Students with poorly controlled asthma may have greater difficulty with school work and a higher incidence of grade failure. Asthma attacks (acute episodes of symptoms) can be serious and life-threatening for students who experience them. Public school officials can help students control their asthma by helping them follow individualized asthma action plans, by minimizing students' exposure to allergens and other irritants, and by responding appropriately to students' asthma episodes. These efforts will support the academic performance and improve the health status of asthmatic students.

Each school shall prepare, adopt, and implement a comprehensive plan for the management and education of students and staff that suffer from asthmatic attacks. This plan shall be based on current research and best practices. The plan shall be developed in partnership with families, health care providers and community agencies and implemented within the context of a coordinated school health program and shall include the following provisions:

1. Asthma awareness education for students shall be integrated into health education, science, and physical education curricula at appropriate levels.

2. Employees at each school shall participate in professional development sessions that include basic information about asthma, asthma management practices, and emergency response procedures.

3. Procedures shall be established to identify students with significant asthma morbidity[1], that is, students whose health, education, or quality of life are negatively impacted by their asthma.

8.65 School Asthma Management Plan (continued)

4. Procedures shall be established to systematically identify and minimize other asthma triggers (respiratory allergens and irritants) in school buildings and on school grounds.

5. Procedures shall be established to proactively seek out those students who may suffer from asthma that is connected to indoor air quality.

6. Procedures shall be established to develop an integrated pest management (IPM) program to reduce sources of food, water, and shelter for pests in and around school buildings with procedural guidelines for pesticide application and for notification of parents/guardians and building occupants prior to the application.

7. Procedures shall be established to submit annual progress reports and recommendations for program improvements to the Superintendent and the School Board.

[1]"Morbidity" is defined as "the rate of incidence of a disease."

Adopted February 6, 2006

8.66 Wellness Policy

RICHMOND PUBLIC SCHOOLS
LOCAL WELLNESS POLICY
ISSUED BY THE
RICHMOND CITY SCHOOL BOARD
CHAIRMAN: DAVID BALLARD

SUPERINTENDENT: DR. DEBORAH JEWELL-SHERMAN
2006 – 2007 SCHOOL YEAR

The development and adoption of this policy is mandated by the Child Nutrition and Women, Infants and Children (WIC)

8.66 Wellness Policy (continued)

Reauthorization Act of 2004[1] . As required, this policy is established in accordance with United States Department of Agriculture (USDA) regulations[2] and guidance, and existing Virginia regulations[3] and guidance, as they apply to school nutrition programs. The guidelines are equally as restrictive as the state and federal school nutrition laws and will be modified in the event that new legislation is enacted.

Richmond Public Schools recognizes that childhood overweight and obesity rates have nearly tripled in the past thirty years and continue to rise. Poor eating habits and increased sedentary activities have contributed to this trend. There are numerous emotional and health consequences of being overweight. Since the greatest portion of a child's day is spent in the school environment, schools are in a strong position to impact children's nutritional and physical activity habits and reduce the proliferation of childhood obesity. Nutrition and physical activities are essential for students to achieve their full academic and physical potential.

The goals and purposes of this policy are to:

1. Provide a framework for schools to make positive changes that will increase and develop a framework for wellness.

2. Offer recommendations and provide guidelines, at the district level, that will strengthen school nutrition and physical activity programs in Richmond Public Schools.

3. Address the issues that underlie the soaring rates of overweight children and adolescents in our district.

4. Provide our students with healthier food and beverage options and increase opportunities for physical activities.

---

1. *Public Law 108-265.*
2. *National School Lunch Program Regulations*, 7 C.F.R. Part 210; See also, *School Breakfast Program Regulations*, 7 C.F.R. Part 220.
3. See, *Virginia Regulations for the School Breakfast Program,* 8 VAC 20-580-10 et. seq.

Committee Members

Kevin G. Adams	Teacher/AD
Helen W. Ragazzi, M.D.	Parent/Pediatrician
Joseph Boatwright, III M.D.	Pediatrician
Lee Reaves,	Exec. Dir. Team Up-Rich.
Dominique Bourqeios	Teacher/PE
Charlene Rodgers	Nurse Coordinator
Christina Gaines	Teacher/PE
Sharonda Samuels	Student
William James	Instructional Specialist
Cathy M. Stith	Nurse Manager
Trent Jones	Risk Management
Sterling Stokes	Principal
Reggie Malone	School Board
Vista Suarez, Ph.D.	School Nutrition
Natalie May, Ph.D.	Parent
Patrick Tully	Teacher/PE
Mary Pierce	Principal
Dionne Ward	Principal
Ethan Pitts, Jr.	Teacher/PE
Alan Worrell	Teacher/PE

Mission Statement:

Richmond Public Schools believes healthy eating and physical activities, in a holistic school environment, are essential for students to achieve full academic, social, physical, psychological and emotional well being.

Nutrition Statement:

Academic performance and quality of life are enhanced by the choice and availability of healthy foods and nutrition education in our school district.

8.66 Wellness Policy (continued)

Nutrition Guidelines

School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of fruits and vegetables,[4]
- serve only low-fat (1%) and fat-free milk[5] and nutritionally-equivalent nondairy alternatives -- as defined by the United States Department of Agriculture (USDA);
- ensure that at least half of the served grains are whole grain,[6] and
- ensure that a vegetarian option is offered daily

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, schools should share information about the nutritional content of meals with parents and students. Such information could be made available on menus, a website, on cafeteria menu boards, placards, or other point-of-purchase materials.

Breakfast

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the greatest extent possible, operate the School Breakfast Program.
- Schools will, to the greatest extent possible, utilize methods to serve nutritious school breakfasts that encourage participation.
- Schools will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

8.66 Wellness Policy (continued)

Free and Reduced-priced Meals

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals[7]. Toward this

end, schools may utilize electronic identification and payment systems, promote the availability of school meals to all students.

4. To the extent possible, schools will offer at least two non-fried vegetable and two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.

5. As recommended by the Dietary Guidelines for Americans 2005.

6. According to the USDA, a whole grain is one labeled as a "whole" grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include "whole" wheat flour, cracked wheat, brown rice, and oatmeal.

7. It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.
(See, Free and Reduced Price Eligibility Regulations, 7 CFR 245.8)

Summer Food Service Program

Participation in the Summer Food Service Program will be encouraged for schools in which more than 50% of students are eligible for free or reduced-price school meals. Participation will be encouraged for at least six weeks between the last day of the academic school year and the first day of the following school year, and preferably throughout the entire summer vacation.

Qualifications of School Food Service Staff

Qualified nutrition professionals will administer the school meal programs. As part of the school district's responsibility to operate a food service program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.[8]

Sharing of Foods and Beverages

Schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets. A notice of this policy will be shared with parents at the beginning of each semester.

****

Foods and Beverages Sold Individually (*i.e.*, foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.)

Elementary Schools: The school food service program will approve and provide all food and beverage sales to students in elementary schools.

Middle and High Schools: In middle and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

Beverages:

- Allowed: water without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 100% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionally-equivalent nondairy beverages (as defined by USDA);

- Not allowed: soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 100% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

8. *School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.*

Foods:

A food item sold individually:

- will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;
- will have no more than 35% of its weight from added sugars;[9]
- will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, french fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes.
- A choice of at least two fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines).[10]

Portion Sizes:

Limit portion sizes of foods and beverages sold individually to those listed below:

- One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
- One ounce for cookies;
- Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;
- Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
- Eight ounces for non-frozen yogurt;
- Twelve fluid ounces for beverages, excluding water; and
- The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

8.66 Wellness Policy (continued)

Fundraising Activities:

To support children's health and school nutrition-education efforts, school fundraising activities will not involve food, or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

9. *If a food manufacturer fails to provide the added sugars content of a food item, use the percentage of weight from total sugars (in place of the percentage of weight from added sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.*

10. *Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.*

Snacks:

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's dietary health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items to teachers, after-school program personnel, and parents.

- If eligible, schools that provide snacks through after-school programs will pursue receiving reimbursements through the National School Lunch Program.

Rewards:

Schools will not use foods or beverages, (especially those that do not meet the nutrition standards for foods and beverages sold individually (above), as rewards for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment.

8.66 Wellness Policy (continued)

Celebrations:

Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (above). The district will disseminate a list of healthy party ideas to parents and teachers.

School-sponsored Events: (such as, but not limited to, athletic events, dances, or performances).

Foods and beverages offered or sold at school-sponsored events outside the school day will meet the nutrition standards for meals or for foods and beverages sold individually (above).

Nutrition Education Goals

Richmond Public Schools will:

- Provide helpful hints related to diet and health activities to students, parents and staff.
- Enhance the SOL health curriculum with cross-curriculum integration of nutrition education.
- Display information in the school building and cafeteria that relates to nutrition.
- Provide nutritional information about foods served in the cafeteria to students, parents and staff.
- Provide parent organizations and teachers with a list of ideas and vendors for fund-raisers that include the sale of nonfood items and healthy food alternatives such as fruits and vegetables.
- Establish a school-wide wellness education committee to support the RPS wellness policy.

- Coordinate with the community partners to assist with creating a healthy school environment.
- Provide an ongoing staff development related to wellness education.

Physical Activity and Educational Goals

Richmond Public Schools will:

- Provide a standard based Physical Education Curricula, which focuses on knowledge, skills and attitudes toward physical activity needed to maintain an active lifestyle.

- Provide safe facilities, space and equipment for physical activities during and after school hours.

- Enforce measures to prevent injuries and illness related to specific physical activities, environmental conditions and individual health related limitations.

- Provide time within the school day for minimum daily physical activity as follows:

  Elementary Schools

  1. Forty-five minutes per week with Physical Education (PE) instructor
  2. Twenty-five minutes of structured recess with classroom teacher

  Middle School

  1. Provide semester long physical education exploratory courses for sixth and seventh graders.

  2. Provide one full school year of physical education for eighth grade students as directed by the master schedule (minimum of 180 minutes per week according to the block schedule).

  High School

  1. Provide two years of physical education (typically provided in ninth and tenth grades) for a minimum of 180 minutes per week according to the block schedule. (two graduation credits as directed by Standards of Accreditation)

- Provide adaptive/adapted physical education and/or curriculum modifications and accommodations for students with disabilities as stated in the student's Individualized Education Program (IEP) or 504 plan.

- Discourage the denial of physical activity and/or recess as a form of discipline or for classroom make-up time.

- Measure and monitor student's physical activity knowledge, motor skills and behavior related to physical activity.

- Provide physical activity promotions for all employees.

Other School-Based Activities

- School dining areas have sufficient space for students to sit and consume meals.
- School dining areas are clean, safe and pleasant environments.
- Enough serving areas are provided to ensure student access to school meals with a minimum of wait time.
- Meal times are scheduled near the middle of the day.
- Students are given adequate time to enjoy eating healthy meals.
- Only foods and beverages meeting established nutrient standards are sold in vending machines throughout the school campus.
- Fundraising efforts will be supportive of healthy eating.
- On-going professional training and development is provided for all school personnel.
- Support for the health of all students is demonstrated by supporting school health clinics, health screenings, and assisting enrollment of eligible children in Medicaid and other state children's health insurance programs.
- For the safety and security of the food and facility, access to the food service operations are limited to the food service staff and authorized personnel.

8.68 Wellness Policy (continued)

Implementation Plan

The Wellness Committee realizes that the implementation of the Wellness Policy will be an incremental process. Staff, students, and parents must be notified of the upcoming plans. The Public Information Department will be instrumental in publicizing and promoting RPS' local policy. Tools such as videos and pamphlets will be developed to inform our constituents of the forthcoming guidelines, goals and objectives.

In June 2006, a video explaining the policy will be made available for all school based staff. Pamphlets will be sent home with all students prior to the last day of the 2006 school year. The information, including the expectations and desired outcomes of this policy, will be reiterated to principals at the Leadership Retreat in August 2006. Parents will receive additional information at Open House events and through public television outlets.

G. *Monitoring Plan*

By early September, each school building will have established a Wellness Committee comprised of teachers, administrators and other school staff. The purpose of this Committee is to monitor its school's progress in meeting the established wellness goals. The attached evaluation tool will be used for this monitoring process (Richmond Public Schools Wellness Policy – Meeting the Challenge). The tool uses a scale from 0 (not happening; no change has been initiated) to 3 (already happening) to specify the progression of the desired outcomes.

Baseline data will be gathered in September of each school year. The information will be reassessed in January and again in May of each school year. Reports on each school's progress will be reported to the District's Wellness Policy Designee by January 30th and May 1st. Schools which have made little or no progress toward reaching the goals of this policy will be asked to submit a corrective action plan to the Wellness Designee addressing any areas where desired outcomes have not yet been achieved. The corrective action plans should be developed by the school's Wellness Committee and must be submitted no later than May 31st.

PUPILS

Section 8.66
P

8.69 Wellness Policy (continued)

Richmond Public Schools Wellness Policy – Meeting the Challenge

For each item, please use the following numbers to indicate what is happening at your school

0 = not happening, and change has not been initiated
1 = not happening, but change has been initiated (i.e., discussions, meetings, planning committee established)
2 = action plan for change is in progress
3 = this is already happening at our school

Leadership to address healthy eating and physical activity in school

_____ A Wellness Committee exists to set, review, and update policies related to healthy eating and physical activity.
_____ A team of students, teachers, administrators, school food service, community partners, and parents exist to support wellness policies and guidelines.
_____ Our school coordinates with community partners to create a healthy school environment.
_____ Parent organizations (e.g., P.T.A.) support the wellness policy and guidelines.
_____ Teachers and staff receive ongoing staff development related to wellness education.
_____ Teachers, school food service, and administrators participate in wellness programs.
_____ Adults eat & interact with students.

Meeting the Healthy Eating Challenge

School Meals Served in the Cafeteria:
_____ Meals are appealing and attractive to the children.
_____ Meals are served in clean and pleasant surroundings.
_____ Children may choose from a variety of fruits and vegetables.
_____ Milk options Include only low-fat (1%) and fat-free milk.
_____ At least half of the grains served are whole grains.
_____ Meals include a daily vegetarian option.
_____ New, healthful, and appealing food choices are often available.
_____ Nutrition information is available to students & their parents.

Food Service Staff:
_____ Our food service staff are appropriately certified.
_____ Our food service staff receive annual professional development training.
_____ Our food service staff are friendly and courteous to children.

8.70 Wellness Policy (continued)

School Breakfasts:
_____ Our school participates in the School Breakfast Program.
_____ Parents are notified that the School Breakfast Program is available.
_____ Families are encouraged to provide a healthy breakfast for their children (e.g., newsletters, flyers).

Free- and Reduced-Price Meals:
_____ Our school makes every effort to prevent the overt identification of students in this program.

_____ Our school makes every effort to eliminate any social stigma attached to participation in this program.

A La Carte Food Items (vending machines, snack lines, fundraisers, school stores, etc.):
_____ A la carte food items generally meet the nutritional guidelines established by the RPS wellness policy.
_____ Beverages sold only include 100% fruit juice, water, no-calorie & caffeine-free soft drinks, and low-fat milk.
_____ Food items sold generally are low-fat, low sugar, and low-sodium.
_____ Wherever foods are sold a la carte, at least 2 fruits & non-fried vegetables are offered for sale.
_____ Portion sizes are generally reasonable.

School Fundraising:
_____ School fundraising activities generally meet the nutritional guidelines established by the wellness policy.
_____ Our school encourages fundraising activities that promote physical activity (e.g., family walks, dance-athons).
_____ A list of ideas for acceptable fundraising activities has been provided to all organizations.

Snacks:
_____ Snacks served during the day make a positive contribution to children's dietary health.
_____ Snacks served during after-school care or enrichment programs make a positive contribution to children's dietary health.
_____ Fruits and vegetables are the primary snacks served to students.
_____ Water is the primary beverage served to students.
_____ Teachers, after-school program personnel, and parents have received a list of healthful snack items.

Rewards:
_____ Teachers generally do not use foods or beverages as rewards for academic performance or good behavior; on those occasions when they do, it is with foods or beverages that meet the nutritional guidelines in the policy.
_____ Teachers have received a list of suggested ways to reward children using something other than food.
_____ Food or beverages are not withheld as a punishment.

Celebrations:
_____ Class parties are limited to no more than one a month.

_____ Each party includes no more than one food or beverage that does not meet the nutritional guidelines.
_____ Teachers & parents have been given a list of healthy party ideas.

School-sponsored Events:
_____ Foods and beverages offered or sold at school-sponsored events *outside the school day* generally meet the nutritional standards for foods and beverages as outlined in the wellness policy.

Meeting the Nutrition Education Challenge

_____ Our school enhances the SOL health curriculum with cross-curriculum integration of nutrition education.
_____ Classroom lessons are coordinated with others (e.g., PE, school food service, art, etc.)
_____ Families receive wellness tips through homework, parent-teacher conferences, newsletters, flyers, etc.
_____ Messages emphasize "choices" and healthy body image rather than body weight.
_____ Messages support the new Food Guide Pyramid.

Meeting the Physical Activity Challenge

_____ Our physical education curriculum focuses on knowledge, skills, and attitudes toward physical activity that promote a healthy lifestyle.
_____ Our school provides safe facilities, space, and equipment for physical activities *during* school hours.
_____ Our school provides safe facilities, space, and equipment for physical activities *after* school hours.
_____ Rules and guidelines designed to prevent injury are enforced.
_____ Rules and guidelines designed to prevent illness are enforced.
_____ At the elementary level, adequate time (as outlined by District policy) is provided each day for physical activity.

8.72 Wellness Policy (continued)

_____ Teachers do not deny children physical activity and/or recess as a form of discipline.
_____ Teachers do not use recess time for classroom make-up time.
_____ Students' physical activity knowledge, motor skills, and behavior related to physical activity are monitored.
_____ Our school provides age-appropriate modified activities for physically and/or mentally challenges students as needed.
_____ Intramural programs and physical activity clubs are available, and ALL students are encouraged to participate.
_____ Physical activity promotions are available for all employees.

Internet Resources

- MyPyramid.gov – USDA's website for the new Pyramid.
- Nutrition.gov – USDA's new resource for accurate nutrition information.
- www.nal.usda.gov- USDA's Food and Nutrition Information Center – Information on every aspect of agriculture, including nutrition and food
- www.nal.usda.gov/fnic/educators - USDA Food and Nutrition Information Center Resources for Teachers - Subject-specific bibliographies of books, audiovisuals, articles, and web resources.
- www.5aday.com - Five A Day – Information on increasing fruits and vegetables in the diet.
- www.nationaldairycouncil.org/nationaldairycouncil/tools - National Dairy Council – Nutrition information for teachers, parents and school foodservice.
- www.actionforhealthykids.org - Action for Healthy Kids – Information on state activities promoting healthy school environments.
- www.pecentral.org - PE Central – Classroom activities, lessons, field trips and other physical activity tools for K-12 educators.
- Fitness.gov – the President's Council on Physical Fitness and Sport - a gateway to physical activity, fitness and health resources available on government websites.
- www.actionforhealthykids.org - Action for Healthy Kids – Great suggestions for creating a healthy school environment for kids for Action for Healthy Kids.

PUPILS

Section 8.66
Section 8.67
P

8.73 Wellness Policy (continued)

- www.chccs.k12.nc.us/studentservices/healthservices/constructiveclassroom.pdf - Constructive Classroom Rewards – Info on the food reward issue with suggestions for healthy rewards.
- www.fns.usda.gov/tn - USDA's Team Nutrition - Training and technical assistance for foodservice, nutrition education for children, and school and community support for healthy eating and physical activity.

Adopted: June 19, 2006

Section 8.67
P

8.67 Open Enrollment

The School Board of the City of Richmond supports and encourages families to be active and engaged participants in their neighborhood zoned schools. A student may, however, seek to enroll in an out-of-zone school with limited space availability through a process prescribed by procedures developed in accordance with this open enrollment policy by the administration of Richmond Public Schools.

Full-time employees of Richmond Public Schools who are (1) residents of the City of Richmond; and (2) the parents or guardians of dependent children seeking enrollment in an out-of-zone school with limited space availability, will be entered into the open enrollment process or in the case of specialty or alternative programs, enter the prescribed admissions process for that special program. Any children of an employee attending a Richmond Public Schools school through a placement made prior to the enactment of this policy may continue in that placement through the terminal grade offered at that school.

Legal Reference: Code of Virginia §22.1-79. Powers and Duties.

Adopted January 4, 2010

PUPILS

Section 8.68
P

8.68 EXCLUSION

A pupil may be excluded from attendance after (i) written notice to the pupil and his/her parent or guardian that the pupil may be subject to exclusion, including the reasons, and notice of the opportunity for the pupil and his/her parent or guardian to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his/her designee, and the decision to exclude the pupil from attendance. The decision of the division superintendent or his/her designee to exclude shall be final unless altered by the School Board, upon timely written petition, as established in regulation, by the pupil so excluded or of his/her parent or guardian, for the review of the record by the School Board.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, or division superintendent or his/her designee, as the case may be at the relevant hearing, the pupil may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such pupil may re-petition the School Board for admission.

The School Board may permit pupils excluded pursuant to this policy to attend an alternative education program provided by the School Board for the term of such exclusion.

Admission of Pupils Suspended or Expelled from another School Division or Private School

A pupil who has been expelled or suspended for more than 30 days from attendance at school by a school board or a private school in the Commonwealth of Virginia or in another state, or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by the School Board, regardless of whether such pupil has been admitted to another school division or private school in this Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission. Such a pupil may be excluded after (i) written notice to the pupil and his/her parent or guardian that the pupil may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the pupil and his/her parent or guardian to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his/her designee and the decision has been made to exclude the pupil from attendance.

8.68 EXCLUSION (continued)

- The decision of the division superintendent or his/her designee to exclude shall be final unless altered by the School Board, upon written petition to the School Board, within 10 school days following the decision, for a review of the record.
- In the case of a suspension of more than 30 days, the term of the exclusion may not exceed the duration of such suspension.
- In excluding any such expelled pupil from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such pupil by the expelling school board pursuant to

Virginia Code §22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

- The School Board may permit or require excluded pupils to attend the alternative education program for the term of such exclusion.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-277.2.

Adopted April 19, 2010

8.69 IN-SCHOOL DISCIPLINARY ALTERNATIVES

As provided in the *Standards of Student Conduct*, building administrators may utilize in-school suspension or other in-school disciplinary alternatives as a consequence for a pupil's disciplinary infraction.

LEGAL REFERENCE: None

Adopted April 19, 2010

SECTION 8
PUPILS
TABLE OF CONTENTS

8.01 Extent of School Authority
8.02 Child Abuse
8.03 Early Dismissal
8.04 Entrance Age/Ages of Attendance
8.05 Admission Requirements
8.06 Postgraduate Pupils
8.07 Religious Holidays
8.08 Pregnant Pupils
8.09 Married Pupils
8.10 Compulsory Attendance and Student Absences
8.11 Nonresident: Definitions
8.12 Pupil Conduct
8.13 Corporal Punishment
8.14 Procedures for Student Suspensions and Expulsions
8.15 Expulsion: Generally **(REPEALED)**
8.16 Use of Tobacco **(REPEALED)**
8.17 Destruction or Defacement of School Property
8.18 Classroom Discipline **(REPEALED)**
8.19 Diplomas: Transfer Pupils
8.20 Pupil Assignments
8.21 Reporting to Parents
8.22 Promotion/Retention
8.23 Soliciting Funds
8.24 Pupil Education Records
8.25 Selling to Pupils
8.26 Cadet Corps
8.27 Sex Discrimination
8.28 Exchanging Gifts
8.29 Class Gifts
8.30 Graduation Activities
8.31 Pupil Performance
8.32 Contests, Awards, and Prizes
8.33 Indigent Pupils
8.34 Special Health Requirements: Vaccinations and Examinations
8.35 Safety Patrols
8.36 Insurance
8.37 Psychological Services
8.38 Protective Eye Devices
8.39 Search and Seizure
8.40 Interrogation and Arrest
8.41 Release of Pupils' Names
8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Student Version)
8.43 Parental Involvement in Education

SECTION 8
PUPILS
TABLE OF CONTENTS
(CONTINUED)

8.44 Student Use of Motor Vehicles and Parking
8.45 Nondiscrimination on the Basis of Disability
8.46 Equal Access: Non-curriculum Related Student Groups
8.47 Administering Medication
8.48 Student Publications
8.49 Enrollment in Model Schools
8.50 Readmission of Expelled Students
8.51 Transfer of Students
8.52 Removal of Students from Class
8.53 Suicide Prevention
8.54 Sexual Harassment of Students
8.55 Moment of Silence
8.56 Public Charter Schools
8.57 Bullying and Other Threatening Behavior
8.58 Pledge of Allegiance
8.59 Reassignment of Certain Students
8.60 Student Representatives to School Board
8.61 Completion of Academic Assignments by Suspended Students
8.62 Posting of the United States Bill of Rights and the National Motto
8.63 Administration of Questionnaires and Surveys to Students
8.64 School Registration of Homeless Students
8.65 School Asthma Management Plan
8.66 Wellness Policy
8.67 Open Enrollment
8.68 Exclusion
8.69 In-School Interdisciplinary Alternatives

PUPILS

Section 8.01
Section 8.02
P

8.01 Extent of School Authority

Pupils are considered to be under the jurisdiction of the school board and its agents while in school and when going to and from school.

Legal Reference:

Code of Virginia, Section 22.1-78. Bylaws and regulations.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.02 Child Abuse

To meet its responsibilities under the child abuse law, the board directs the superintendent to:

l. Establish a procedure for reporting any incident of suspected child abuse or neglect to the Richmond Department of Welfare.

   a. Any school personnel, including, but not limited to the principal, assistant principal, teacher, school nurse, social worker, or others, who have reason to suspect abuse or neglect, shall report their suspicion to the Child Protective Services Office and notify the building principal of the report.

   b. If the suspected abuse and neglect are reported through the School Health Services Office, the report shall be relayed immediately to Child Protective Services. The avenue of reporting through School Health Services is available only as a mechanism for facilitating and documenting the report as opposed to having evaluative or investigatory function.

2. Provide orientation for all school personnel regarding the child abuse law and their responsibility to report any incidents of suspected abuse or neglect.

3. Familiarize all school personnel with the established procedure for reporting suspected cases of abuse and neglect.

4. Cause to be posted in each school a notice, pursuant to Section 63.2-1509 of the Code of Virginia, that: (i) any teacher or other person employed in a Richmond Public School who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report suspected cases of child abuse or neglect to the Richmond Department of Social Services or to the principal or his designee; and (ii) all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services toll-free child abuse and neglect hotline.

5. Encourage inter-agency cooperation and provide guidelines for cooperating with Child Protective Services investigations.

   a. Personnel required to make the report of suspect child abuse or neglect shall disclose all information which is the basis for his suspicion of abuse or neglect of the child, and upon request, shall make available to Child Protective Services investigators and the Richmond Department of Social Services any information, records or reports which document the basis for the report. Reports of suspected child abuse and neglect shall also include, if available to the reported, the child's name, date of birth, address, social security number and the identity of the parent/caretaker.

   b. All personnel required to report suspected child abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless such disclosure violates the Family Educational Rights and Privacy Act (20 U.S.C. § 1232(g)). Provision of such information, records and reports by a health care provider shall not be prohibited by Section 8.01-399 of the Code of Virginia.

   c. School personnel shall refrain from any activity which might serve to interfere with Child Protective Services investigations.

   d. School personnel shall treat the reporting process and all subsequent activities relating to the same with the highest degree of confidentiality.

   e. Child Protective Services investigators shall have access to school facilities for the purpose of conducting confidential interviews.

Legal Reference:

Code of Virginia, Section 63.1-248.3. Physicians, nurses, teachers, etc., to report certain injuries to children; penalty for failure to report.

United States Code, Title 20, Section 1232(g) et seq. Family Educational Rights and Privacy Act.

Code of Virginia, Section 8.01-399. Communications between physicians and patients.

Code of Virginia, Section 22.1-291.3. Notice of duty to report child abuse or neglect.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted May 5, 1997
Revised/Adopted June 17, 2002
Revised/Adopted June 21, 2004

8.03 Early Dismissal

No school child shall be permitted to leave school prior to dismissal at the request of or in the company of anyone other than a school employee, a police officer, a court official, or the parent who has custody of the child unless permission of such parent be first secured. No pupil shall be allowed to depart before the appointed hour of closing of school except in cases of sickness or for some pressing emergency and then only with the consent of the principal. Pupils obtaining permission to leave school during school hours on account of sickness shall be required to return a special form properly signed by the parent or legal guardian. All notes of excuse or quests to leave school shall state the reason for such excuse or request. The principal shall judge the validity of all such excuses and requests.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.04 Entrance Age/Ages of Attendance

A. Entrance

Pupils shall be admitted to kindergarten according to age requirements of Virginia law.

8.04 Entrance Age/Ages of Attendance (continued)

B. First Grade

Pupils who meet the age requirements for admission according to Section 22.1-3 of Virginia School Laws shall be admitted to the first grade, except that with the approval of the child's parent or legal guardian he/she may be placed in a kindergarten class.

C. Pupils Past 20th Birthday

Persons who have passed their twentieth birthday shall be permitted to attend the public day schools only with special permission of the superintendent. The school board, at its discretion, may charge such pupils tuition fees.

Legal Reference:

Attorney General's Opinion: The Attorney General of Virginia has ruled that a person attains his next year of age on the day prior to his birthday. Therefore, a child whose birthday falls on October 1 reaches that birthday on September 30. He has not entered upon his birthday, but he has reached it.

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

Code of Virginia, Section 22.1-3. Regulations concerning admission of certain persons to schools; tuition charges.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.05 Admission Requirements

A. Residency

Unless otherwise disqualified by these policies, children who meet the residency requirements as provided in Section 22.1-3 of the Code of Virginia, or who are children placed in foster care, as provided in Section 63.2-100 of the Code of Virginia, shall be admitted free of charge to the school to which they are assigned. It is a Class 4 misdemeanor to knowingly make a false statement concerning the residency of a child within the school division or within a particular attendance zone within the school division to: (1) avoid tuition charges, or (2) enroll a child in a school outside the attendance zone in which the student resides. Any person making such a false statement shall be liable to the school division in which the child was enrolled as a result of such false statements for tuition charges for the time the student was enrolled in such school division.

8.05 Admission Requirements (continued)

B. Birth Certificate

Either a certified copy of the pupil's birth records or other reliable proof of the pupil's identity and age and an affidavit explaining the inability to produce a certified copy of the birth record must be presented prior to admission of the pupil. The principal or the principal's designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. The principal shall immediately notify the Richmond Police Department when a certified copy of a birth record is not presented for a pupil. The Superintendent shall develop an arrangement in cooperation with the Richmond Police Department to receive reports on disappearances of any children living within the school division.

However, if the student seeking enrollment is a homeless child or youth as defined in Section 22.1-3 of the Code of Virginia, the school shall immediately enroll the student, even if the student is unable to produce the records required for enrollment, shall immediately contact the school last attended to obtain relevant academic and other records and shall comply with the provisions of the federal McKinney-Vento Homeless Education Assistance Improvement Act of 2001, including immediately referring the parent of the student or youth to the school division's Homeless Education Liaison who shall assist in obtaining necessary records for enrollment. If the child is a child placed in foster care as defined in Section 22.1-3.4 of the Code of Virginia, the child shall be enrolled immediately. If documentation of the child's birth records or other reliable proof of the pupil's identity and age is not immediately available at the time of enrollment, the person enrolling the child shall provide a written statement, that to the best of his knowledge, the student's age. The placing social services agency shall obtain and produce child's birth records or other reliable proof of the pupil's identity and age or otherwise ensure compliance with these requirements within 30 days after enrollment.

C. Social Security Numbers

Each student enrolled in Richmond Public Schools shall present a federal social security number within 90 days of enrollment. In any case in which a student is ineligible, pursuant to Department of Education guidelines, to obtain a social security number, or the parent or guardian is unwilling to present a social security number, the Superintendent or his designee shall waive this requirement and shall assign another identifying number to the student.

8.05 Admission Requirements (continued)

D. Preschool Medical Examination

A medical examination is required for admission to school in accordance with the state law and the regulations of the State Department of Health. If a report of a medical examination or a record of such an examination from another school or school division cannot be furnished because the pupil is a child placed in foster care or a homeless child or youth, the person seeking to enroll the pupil shall furnish to the school division an affidavit so stating and also indicating that, to the best of his knowledge, the pupil is in good health and free from any from any communicable or contagious disease. The Homeless Education Liaison shall, as soon as practicable refer the homeless child or youth for physical examination by the City of Richmond Health Department or other clinic or physician's office and immediately admit the pupil to school pending receipt of the report from such physical examination. The local social services agency that has placed a child in foster care shall: (1) within 72 hours of placement, notify the Superintendent and the principal of the school in which the child is to be enrolled (i) that the child has been placed, and (ii) the status of parental rights; and (2) within 30 days after enrollment, obtain and produce documentation of a medical examination or otherwise ensure compliance with these requirements.

E. Street Address

Documents submitted for admission of a child to Richmond Public Schools (except birth certificates and physical examination reports) shall include the street address or route number of his residence. If no street address or route number exists for such residence, a post office box number shall be required. If a street address, route number or post office box number cannot be provided because the pupil is a homeless child or youth, and the person seeking to enroll the pupil furnishes to the school division an affidavit so stating, the school division may accept an address in an alternate form it deems appropriate.

F. Criminal Convictions and Delinquency

The parent, guardian, or other person having control or charge of a child of school age must provide, upon registration;

(1) a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense of the following offenses as defined by the Code of Virginia:

(a) A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), or 7 (§ 18.2-308 et seq.) of Chapter 7 of Title 18.2;

F. Criminal Convictions and Delinquency (continued)

(b) Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

(c) Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

(d) Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

(e) Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

(f) Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

(g) Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

(h) Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

(i) Robbery pursuant to § 18.2-58;

(j) Prohibited street gang participation pursuant to § 18.2-46.2;

(k) Prohibited criminal street gang activity pursuant to § 18.2-46.2;

(l) Recruitment of other juveniles for a criminal street gang activity pursuant to §18.2-46.3; or

(m) Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

The parent or guardian must also report any offense which is substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories.

The sworn statement shall be maintained as provided in the Code of Virginia § 22.1-288.2 and will not become a part of the student's permanent record unless 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. If disciplinary action is taken for the offense, the information shall become a part of the student's disciplinary record.

F. Criminal Convictions and Delinquency (continued)

(2) a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or in another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record.

When the child is registered as a result of a foster care placement information regarding criminal convictions and delinquency (as required by section F. above) shall be furnished by the local social services agency or licensed child-placing agency that made the foster care placement.

Any person making a materially false statement or affirmation shall be guilty upon conviction of a Class 3 misdemeanor.

Legal Reference:

McKinney-Vento Homeless Education Assistance Improvement Act of 2001, 42 U.S.C. Section 11431 et seq.
Code of Virginia. Section 22.1-3.1. Birth certificates required upon admission; required notice to local law enforcement agency.
Code of Virginia Section 22.1-3.4. Enrollment of certain children laced in foster care.
Code of Virginia. Section 22.1-4.1. Street addresses required in certain school admission documents.
Code of Virginia. Section22.1-260. Reports of children enrolled and not enrolled; nonattendance; social security numbers required.
Code of Virginia. Section 22.1-270. Preschool physical examinations.
Code of Virginia. Section 22.1-256. Children exempted from article.
Code of Virginia. Section 22.1-257. Excusing children who cannot benefit from education.
Code of Virginia. Section 22.1-264.1. Misdemeanor to make false statements as to school division or attendance zone residency; penalty.
Code of Virginia Section 63.2-900. Accepting children for placement in homes facilities, etc. by local boards.
Code of Virginia, Section 22.1-3.2. Notice of Student's status required as a condition of admission.

Adopted Apri1 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 19, 2000
Revised/Adopted June 16, 2003
Revised/Adopted June 21, 2004
Revised/Adopted June 13, 2005
Revised/Adopted June 19, 2006
Revised/Adopted June 18, 2007

PUPILS

Section 8.06
Section 8.07

8.06 Postgraduate Pupils

High school graduates may be admitted as postgraduates for advanced work upon recommendation of the principal and with the approval of the superintendent.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.07 Religious Holidays

Absence from school because of religious holidays shall be considered an excused absence.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990

8.08 Pregnant Pupils

Pregnant pupils may elect to remain in their regular school or elect to attend school specially designed for pregnant pupils.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.09 Married Pupils

Married pupils may attend regular classes.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.10 Compulsory Attendance and Student Absences

A. Compulsory Attendance

Poor attendance is most often symptomatic of some more serious problem. The pupil personnel services staff will make every effort to evaluate the causative factors related to poor attendance and truancy and to effect services aimed at resolving these problems. The compulsory attendance law is seen as but one tool to be used in these efforts and any plan of action should be based on the best interest of the child in question.

The attendance officer for the school division shall develop and maintain a list of children who are eligible but not enrolled in any school and are not exempt from school attendance.

Notice of Failure to Report to School

Whenever any pupil fails to report to school for a total of five scheduled school days for the school year and no indication has been received by school personnel that the parent is aware of and supports the pupil's absence, and a reasonable effort to notify the parent has failed, the school principal or his designee shall make a reasonable effort to endure that direct contact is made with the parent, either in person or through telephone conversation, by the attendance officer to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The attendance officer, the pupil and the parent shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reasons for the pupil's nonattendance.

If the pupil is absent an additional day after direct contact with his parent and the attendance officer has received no indication that the parent is aware of or supports the pupil's absence, and a reasonable effort to notify the parent has failed, the attendance officer shall schedule a conference within ten school days with the pupil, the parent and school personnel, to resolve issues related to the pupil's nonattendance. The conference shall be held no later than fifteen school days after the sixth absence.

A. Compulsory Attendance (continued)

Upon the next absence by such pupil without indication to the attendance officer that the parent is aware of or supports the pupil's absence, the school principal or his designee shall notify the attendance officer who shall enforce the compulsory attendance law by (1) filing a complaint with the juvenile and domestic relations court alleging the pupil is a child in need of services or supervision; (2) instituting proceedings against the parent for failing to assist in the enforcement of the pupil's compulsory attendance, or for contributing to the delinquency of a minor, or (3) both.

Compulsory Summer School Attendance and Remediation Programs

Any student who does not pass the Literacy Passport Test or any of the Standards of Learning assessments in grades three, five or eight shall be required to attend a summer school program or to participate in another form of remediation. Any student who passes one or more, but not all of the Standards of Learning assessments in grades three, five and eight may be required to attend a remediation program.

The Superintendent may seek immediate compliance with the compulsory attendance law for any student who is required to attend a special program of prevention, intervention, or remediation during the summer school session or to participate in another form of remediation if the Superintendent determines:

(1) improvement in the student's poor academic performance, or passage of the Literacy Passport Test or of Standards of Learning assessment in grades three, five or eight, or promotion is directly related to his attendance in the summer school program or participation in another form of remediation; and

(2) reasonable efforts to seek the student's attendance in such session have failed (including direct notification of the parents or guardians of the student of the attendance requirement and their inability to secure the student's attendance).

A. Compulsory Attendance (continued)

The School Board may allow compulsory attendance law requirements to be met, for student at least sixteen years of age, through the development of an individual student alternative education plan that meets the guidelines prescribed by the Virginia Board of Education. The Superintendent or attendance officer shall seek immediate compliance with the compulsory attendance law for any student who fails to comply with the conditions of his individual student alternative education plan.

B. Student Absences

Students shall attend school for a full day unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a cooperative work-study program. All other exceptions to a full-day schedule must be approved on an individual basis by the Superintendent or his designee.

Excused absences are absences resulting from conditions beyond the control of the student, the parent or guardian, or the school. The following are acceptable excuses for absences from school: (1) personal illness; (2) personal court appearance; (3) death in the family (including mother, father, spouse, son, daughter, sister, brother, grandparent; aunt, uncle, nephew or niece); (3) religious holidays regularly observed by the student as part of his or her personal religious practice; and (4) extenuating circumstances as approved by the school administration. For personal illness beyond three days, a doctor's note shall be required. School administration, in its discretion, may require documentation of any court appearance. Students are considered present and are marked present on all school records when participating in field trips, athletic events, student government activities, and other functions sanctioned by the school. All other absences (including tardiness and leaving school without permission) are deemed unexcused absences.

Notification of Absences

Students who are absent from school must bring a valid note stating the reason for absence upon returning to school. Unexcused absences shall be handled according to regulations issued by the Superintendent. Student attendance shall be monitored and reported as required by state law and regulations.

B. Student Absences (continued)

Make-Up Work

Credit for make-up work will be granted only for absences that are pre-approved in writing, or with a written note from the parent when the student returns to school. Medical documentation may be required at the principal's discretion. Students absent from school due to long-term and short-term suspensions shall be required to make up work missed during the suspension pursuant to School Board Policy 8.61 – Completion of Academic Assignments by Suspended Students.

Dismissal Precautions

Principals shall not release a student during the school day to any person not authorized by the student's parent or guardian to assume responsibility for the pupil. Students shall be released only on request and authorization of the parent or guardian. The burden of proof regarding the authority of the person to receive the student is on the requesting party. A formal check-out system shall be maintained in each school.

Maximum Number of Unexcused Absences

Students shall not be absent from school without a valid excuse for more than six (6) days (three (3) if on a block schedule) per nine-week period in order to receive academic credit for the grade or subject(s) in which enrolled. Unexcused absences in excess of six (6) (or three (3) if on a block schedule) shall result in failure for the nine-week grading period.

Students shall not be absent from school without a valid excuse for more than ten (10) days (five (5) if on a block schedule) per semester in order to receive academic credit for the grade or subject(s) in which enrolled. Unexcused absences in excess of ten (10) (or five (5) if on a block schedule) shall result in failure for the semester.

B. Student Absences (continued)

The accumulation of absences begins again at the start of the second semester. Absences resulting from short-term or long-term out-of-school suspension shall not be counted as unexcused absences pursuant to this policy.

Transfer Students

Students who transfer from other school divisions are not penalized for absences prior to the day of enrollment in Richmond Public Schools; however, transfer students may not be absent for more than the pro-rated share of the allowable number of unexcused absences per nine-week period or per semester. When a student transfers from one school to another within the school division, the number of absences is transferred and applied toward the maximum allowable number. City of Richmond residents who enter school late may be required to make up school work/time or to have the days counted toward the maximum allowable number of absences.

Waiver of Attendance Policy

Under certain conditions, a waiver of these attendance policies may be considered by the Superintendent. The student and his parent(s) or legal guardian(s) may request, and the Superintendent or his designee may grant, a waiver for the following reason(s): (1) medical hardship (condition whereby a student could not attend as certified by a licensed physician); (2) extenuating educational circumstances as determined by a committee appointed by the Superintendent or his designee or a special education eligibility committee: or (3) transfer situations as approved by a committee appointed by the Superintendent or his designee. The request for a waiver shall be made in writing and may be made at any time during the school year during which an attendance violation occurs or up to the first day of school for students of the next school year. The correspondence shall be directed to the Superintendent or his designee and shall include: (a) the total number of student absences; (b) the reason(s) for the absences and (c) the conditions under which a waiver is being sought, e.g. medical hardship, extenuating education circumstances, or a transfer situation.

The provisions for the waiver may include submission of missed work as outlined in a contract signed by the student, parent(s) and/or legal guardian(s), committee chairman, and school principal.

B. Student Absences (continued)

Notification of Parents

All elementary schools shall monitor student attendance and shall report absences to students and parents/legal guardians. Attendance reports may accompany deficiency notices and/or report cards.

All middle schools and high schools shall monitor student attendance and shall report absences both by day and by individual class periods or blocks to students and parents/legal guardians. Attendance reports may accompany deficiency notices and/or report cards.

When a student reaches the maximum number of unexcused absences from school per nine-week period or semester, the school shall notify the student and parent(s)/legal guardian(s). Initial notification may be verbal; however, it shall be followed by written notification within three (3) school days. A copy of the notification shall be placed in the student's file.

Provisions for Students Who Exceed the Maximum Number of Unexcused Absences

The following options may be utilized with students who have failed because of attendance prior to the completion of the school year:

(1) enroll the student in a semester course(s);

(2) allow the student to take the equivalent of one semester of summer school if he successfully completes the requirements for credit for one semester (academic and attendance); or

(3) develop an alternative education plan which includes: (a) description of the program; (b) maximum number of credits that can be awarded; (c) maximum number of absences; and (d) conduct conditions. The alternative plan must be approved by the principal and the division superintendent or his designee. A contract signed by the principal, parent(s) or guardian(s), student and division superintendent or his designee shall govern the program.

B. Student Absences (continued)

Grading Elementary School Students Who Exceed the Maximum Number of Unexcused Absences

(1) Report Cards: The actual grade(s) made by the student shall be entered on the report card, however, the portion of the report card designated for the grade assignment shall reflect a repeat of the grade level due to excessive absences.

(2) Permanent Records: The actual grade(s) made by the student shall be entered on the permanent record, however, the portion of the report card designated for the grade assignment shall reflect a repeat of the grade level due to excessive absences.

Grading Middle and High School Students Who Exceed the Maximum Number of Unexcused Absences

(1) Report Cards: The actual grade(s) made by the student shall be entered on the report card. A credit of "0" shall be recorded. The following statement shall be placed on the report card: “Although grades were recorded, the student is not eligible to receive a unit of credit or any fractional part thereof due to excessive absences.”

(2) Permanent Records: The actual grade(s) made by the student shall be entered on the permanent record. The course will carry no carnegie unit of credit; a credit of "0" shall be recorded. The course(s) will not be included in the calculation of grade point average. The following statement shall be placed on the permanent record: “Although grades were recorded, the student is not eligible to receive a unit of credit or any fractional part thereof due to excessive absences.”

(3) Class Rank: The grade(s) earned by a student who does not receive academic credit (a carnegie unit) due to excessive absences shall not be calculated into the grade point average.

8.10 Compulsory Attendance and Student Absences (continued)

Legal Reference:

Code of Virginia, Section 22.1-253, 13:1. Standard 1. Basic skills, selected programs, and instructional personnel.

Code of Virginia, Section 22.1-254. Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

Code of Virginia, Section 22.1-254.01. Certain student required to attend summer school or after-school sessions; promotion contingent upon remediation.

Code of Virginia, Section 22.1-258. Appointment of attendance officers; notification when pupil fails to report to school.

Code of Virginia, Section 22.1-261. Attendance officer to make list of children not enrolled; duties of attendance officer.

Adopted: April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 17, 1996
Revised/Adopted June 19, 2000
Revised/Adopted September 16, 2002; Effective November 5, 2002

Section 8.11
P

8.11 Nonresident: Definitions*

A. Generally

The enrollment of nonresident pupils shall be subject to the availability of space and to the approval of the Superintendent, upon the advice of the appropriate principal, and contingent upon the payment of the tuition established by the School Board. Nonresident high school pupils taking less than a full schedule shall pay tuition on a prorated basis. Pupils whose parents or legal guardians move from the City after February 1 may continue in school without charge for the remainder of the school year.

B. Exceptions

In the interest of providing educational continuity to certain students shall be permitted to attend Richmond Public Schools free of charge under the following circumstances:

(1.) Children of active duty military personnel attending a school free of charge in accordance with this section shall not be charged tuition upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in Richmond Public Schools, provided that it was the school division they attended immediately prior to the relocation and shall not be charged tuition for attending school. Such children shall be counted in the Richmond Public Schools' average daily membership. Richmond Public Schools shall not, however, be responsible for providing for their transportation to and from school;

(2.) Certain students who have become homeless during the school year in accordance with the McKinney-Vento Homeless Assistance Act; and

(3.) Students who are placed in foster care within another school division when school staff and the social services agency have determined that it is in the student's best interest to remain enrolled in the school the student attended prior to foster care placement.

Legal Reference:

Code of Virginia, Section 22.1-255. Nonresident children.

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

8.11 Nonresident: Definitions* (continued)

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

Code of Virginia Section 22.1-3.4. Enrollment of certain children laced in foster care.

McKinney-Vento Homeless Education Assistance Improvement Act of 2001, 42 U.S.C. Section 11431 et seq.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 5, 1995
Revised/Adopted September 20, 1995
Revised/Adopted June 21, 1999
Revised/Adopted June 19, 2006

**The School Board has placed a moratorium on this provision for the 1995-96 school year; it will not be enforced until September 1996.*

8.12 Pupil Conduct

Every pupil has the right to be educated in a safe, respectful and inviting environment and a responsibility not to deny this right to any other pupil. The school shall protect the rights of pupils to attend school and participate in all activities of the school. Therefore, it is imperative that each pupil exercise responsible conduct in accordance with the rules and regulations that have been established by Richmond Public Schools.

A. General Conduct

Pupils are expected to maintain positive conduct that is consistent with the following Guiding Principles, including, but not limited to:

- Respect;
- Responsibility;
- Appreciation of differences;
- Honesty;
- Safety; and
- Lifelong learning.

To that end, each school is expected to develop and implement a school-wide positive behavior support and discipline plan. The plan will be aligned with the Richmond Public Schools *Standards of Student Conduct*.

8.12 Pupil Conduct (continued)

A. General Conduct (continued)

Within the plan, conduct issues are to be addressed by implementing proactive strategies to provide positive behavior support. These include defining and teaching behavioral expectations, acknowledging and reinforcing appropriate behavior, developing a continuum of responses for problem behavior and reviewing and analyzing discipline data to evaluate the effectiveness of the plan. When a pupil ceases to maintain acceptable conduct, the school shall make every effort to support the pupil in developing improved behavior through conferences and close contact with the pupil's parent or guardian and through the use of all available school and community resources.

B. Profane or Obscene Language or Conduct

Richmond Public Schools' *Standards of Student Conduct* shall prohibit profane or obscene language or conduct.

C. Enforcement of the *Standards of Student Conduct*

The S*tandards of Student Conduct* are designed to define the basic rules and major expectations of pupils. It is the responsibility of the School Board to adopt policy and regulations and the administration to issue regulations establishing rules of conduct for pupil behavior in order to protect the health, safety and welfare of its pupils.

Building administrators are responsible for ensuring that all pupils, staff members, and parents or guardians are provided the opportunity to become familiar with this policy. Every employee of Richmond Public Schools shall enforce the *Standards of Student Conduct* and shall report all known violations to the appropriate building administrator. All building administrators shall discipline pupils in a fair and consistent manner that is in accordance with the *Standards of Student Conduct*. Any employee found to be in violation of this policy shall be subject to discipline, up to and including dismissal.

LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted June 19, 2000
Revised/Adopted June 17, 2002
Revised/Adopted April 19, 2010

8.13 Corporal Punishment

The use of corporal punishment is prohibited by any School Board employee. For purposes of this section, "corporal punishment" means the infliction of or causing the infliction of physical pain on a pupil as a means of discipline.

The definitions "corporal punishment" and "abuse or neglect" do not include physical pain, injury or discomfort caused by the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subsection (1) below or the use of reasonable and necessary force as permitted by subsections (2), (3), (4) and (5) below or by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

The above prohibition of corporal punishment shall not be deemed to prevent the following:

1. The use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control;
2. The use of reasonable and necessary force to quell a disturbance or remove a pupil from the scene of a disturbance which threatens physical injury to persons or damage to property;
3. The use of reasonable and necessary force to prevent a pupil from inflicting physical harm on him/herself;
4. The use of reasonable and necessary force for self-defense or the defense of others; or
5. 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 pupil or within his/her control.

In determining whether an employee was acting within the exceptions cited above, due deference will be given to reasonable judgments of the employee at the time of the events.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-279.1, 63.2-1511.

Adopted April 20, 1978
Revised/Adopted October 17, 1974
Revised/Adopted August 30, 1989
Revised/Adopted December 17, 1990
Revised/Adopted June 19, 1995
Revised/Adopted June 4, 2001
Revised/Adopted April 19, 2010

Section 8.14
P

8.14 Procedures for Student Suspensions and Expulsions

Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspensions include only instances of truancy or tardiness.

Short-Term Suspensions

A pupil may be suspended for not more than 10 school days by either the school principal, any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him/her and, if he/she denies them, an explanation of the facts as known to school personnel and an opportunity to present his/her version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the notice, explanation of facts, and opportunity to present his/her version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his/her designee and the parent or guardian of the pupil suspended. The division superintendent or his/her designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior. The pupil shall remain on out-of-school suspension while awaiting the decision of the division superintendent or his/her designee. The decision of the division superintendent or his/her designee shall be final.

Any oral or written notice to the parent or guardian of a pupil who is suspended from school attendance for not more than 10 days shall include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the pupil's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent or guardian of the pupil.

Pupils with disabilities will be disciplined according to applicable state and federal law.

Long-Term Suspensions

A pupil may be suspended from attendance at school for more than 10 days after written notice is provided to the pupil and his/her parent or guardian of the proposed action and the reasons therefore and of the right to a hearing before the division superintendent or his/her designee. The decision of the division superintendent or his/her designee may be appealed by the

8.15 Procedures for Student Suspensions and Expulsions (continued)

Long-Term Suspensions (continued)

pupil's parent or guardian to the full School Board. Such appeal shall be decided by the School Board within 30 days. The pupil shall remain on out-of-school suspension while awaiting the decision of an appeal to the full School Board.

The written notice of suspension for more than 10 days shall include notification of the length of the suspension and shall provide information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the pupil is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the School Board during or upon the expiration of the suspension. The costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the pupil may attend during his/her suspension shall be borne by the parent or guardian of the pupil.

Nothing herein shall be construed to prohibit the School Board from permitting or requiring pupils suspended pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such suspension.

Pupils with disabilities will be disciplined according to applicable state and federal law.

Expulsion

Pupils may be expelled from attendance at school after written notice to the pupil and his/her parent or guardian of the proposed action and the reasons therefore and of the right to a hearing before a committee of the School Board. Such committee may confirm or disapprove the expulsion of a pupil. Any such committee of the School Board shall be composed of at least 3 members. If the committee's decision is not unanimous, the pupil or his/her parent or guardian will be notified that they may appeal the committee's decision to the full School Board. Such appeal shall be decided by the School Board within 30 days. The pupil shall remain out of school during the pendency of any appeals process.

The School Board, or a committee thereof, shall confirm or disapprove a proposed expulsion of a pupil regardless of whether the pupil exercised the right to a hearing.

The written notice required by this subsection shall include notification of the length of the expulsion and shall provide information to the parent or guardian of the pupil concerning the availability of community-based educational, training, and intervention programs. Such notice shall state further whether or not the pupil is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion,

8.16 Procedures for Student Suspensions and Expulsions (continued)

Expulsion (continued)

and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the pupil may attend during his/her expulsion shall be borne by the parent or guardian of the pupil.

Nothing in this subsection shall be construed to prohibit the School Board from permitting or requiring pupils expelled pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such expulsion.

If the School Board determines that the pupil is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent or guardian of such pupil that the pupil may petition the School Board for readmission to be effective 1 calendar year from the date of his/her expulsion, and of the conditions, if any, under which readmission may be granted.

The School Board shall establish, by regulation, a schedule pursuant to which pupils may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board or a committee thereof, or the division superintendent or his/her designee, and, if granted, would enable the pupil to resume school attendance 1 calendar year from the date of the expulsion. If the division superintendent or his/her designee or a committee of the School Board denies the petition, the pupil may petition the School Board for a review of such denial.

Recommendations for expulsion for actions other than those for weapon and drug offenses shall be based on consideration of the following factors:

(1) The nature and seriousness of the violation;
(2) The degree of danger to the school community;
(3) The pupil'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 pupil's age and grade level;
(6) The results of any mental health, substance abuse or special education assessments;
(7) The pupil's attendance and academic records; and
(8) Such other matters as school officials deem appropriate.

8.14 Procedures for Student Suspensions and Expulsions (continued)
Expulsion (continued)

However, no decision to expel a pupil shall be reversed on the grounds that such factors were not considered.

Pupils with disabilities will be disciplined according to applicable state and federal law.

Procedure for Hearing before the School Board

The procedure for the School Board hearing shall be as follows:

1. The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board.
2. The School Board may ask for opening statements from the principal or his/her representative and the pupil or his/her parent or guardian (or their representative) and, at its sole discretion, may allow closing statements.
3. The parties shall present their evidence. The principal shall present his/her evidence first. Witnesses may be questioned by School Board members and by the parties (or their representatives). The School Board may, at its sole discretion, vary this procedure but shall in all cases afford a full opportunity for both parties to present any material and relevant evidence. The School Board may receive the testimony of pupil witnesses outside the presence of the pupil, his/her parent or guardian(s) and their representative if the School Board determines, in its sole discretion, that such action is necessary to protect the pupil witnesses.
4. Formal rules of evidence shall not apply. The School Board shall be the judge of the relevancy and materiality of all evidence.
5. Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be made part of the record.
6. The School Board may, by majority vote, uphold, reject or alter the disciplinary recommendation.
7. The School Board shall transmit its decision to the pupil, his/her parent or guardian, the principal and the division superintendent or his/her designee.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 22.1-277, 22.1-277.04, 22.1-277.05, 22.1-277.06.

Adopted April 20, 1978
Revised December 14, 1978
Revised November 4, 1980
Revised July 27, 1984
Revised/Adopted October 17, 1984
Revised May 16, 1989
Revised/Adopted November 20, 1989
Revised/Adopted December 17, 1990
Revised/Adopted August 4, 1992
Revised/Adopted August, 1994
Revised/Adopted June 19, 1995
Revised/Adopted June 19, 1995
Revised/Adopted November 18, 2002
Revised/Adopted June 13, 2005
Revised/Adopted APRIL 19, 2010

Section 8.15
Section 8.16
Section 8.17
P

8.15 Expulsion: Generally

REPEALED
LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted April 19, 2010

8.16 Use of Tobacco

REPEALED

LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted April 19, 2010

8.17 Destruction or Defacement of School Property

When a pupil has damaged, destroyed, or defaced any school property, including, but not limited to, textbooks, calculators, uniforms, computers, lockers, and any and all other school issued items, the pupil or his/her parent or guardian shall be required to pay the amount lost thereby in addition to any disciplinary action taken against the pupil as a result of the damage, destruction or defacement. The principal shall secure estimates to determine the cost of repairs or replacement so that the property is restored to its previous condition and so inform the Office of the Superintendent.

The School Board may institute an action and recover from the parents or either of them of any minor living with such parents or either of them for damages suffered by reason of the willful or malicious destruction of, or damage to, school property by such minor. No more than $2,500.00 may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, §§ 8.01-43, 18.2-138, 22.1-280.4.
Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted October 20, 2003
Revised/Adopted April 19, 20

8.18 Classroom Discipline

REPEALED

LEGAL REFERENCE: None

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted April 19, 2010

8.19 Diplomas: Transfer Pupils

All pupils in the Richmond senior high schools who transfer from other school systems and complete their work in Richmond shall be issued a diploma when necessary units earned in other accredited high schools have been properly certified to the Richmond school authorities.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.20 Pupil Assignments

A. **Assignment**

Pupil assignments within the school are to be evaluated annually; however, this does not preclude evaluation and reassignment at any time during the school year when it is to the pupil's advantage. Before reassignment there should be a conference with the pupil's parent or guardian. The assignment of a pupil is the responsibility of the principal upon the recommendation of the classroom teacher and other professional staff.

B. **Reassignments**

Occasionally, the division superintendent or his/her designee may deem it necessary to reassign pupils from their zoned schools to other comprehensive or alternative schools for a set period of time in order to maintain a safe and orderly environment and prevent possible future harm to pupils. The reassignment to another comprehensive school is administrative in nature and the decision of the division superintendent or his/her designee is final. The reassignment to an alternative school is administrative in nature and the decision of the division superintendent or his/her designee is final unless altered by the School Board, upon timely written petition, as established by regulation, by the pupil or his/her parent or guardian, for a review of the record by

8.20 Pupil Assignments (continued)

B. **Reassignments (continued)**

the School Board. The pupil shall abide by the reassignment determination of the division superintendent or his/her designee unless altered by the School Board based upon a written petition for appeal as previously stated.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-277.2:1.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 2, 2008
Revised/Adopted April 19, 2010

8.21 Reporting to Parents

A. Purpose

The purpose of school reports shall be:

l. To inform parents of the progress made by their children
2. To bring parents into closer understanding of the work of the school
3. To record for pupils their success or achievement
4. To help pupils evaluate their own progress
5. To help the child, the child's parents, and teachers work cooperatively for the child's improvement

B. In addition to regular report cards and interim report cards, Richmond Public Schools educators shall make every effort to communicate with parents concerning student academic progress or behavior. Documentation should be maintained for the school year.

Section 8.22
P

8.21 Reporting to Parents (continued)

C. Parent-Teacher Conferences

A minimum of one day per semester during the school year will be set aside for parent-teacher conferences.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 3, 2002

8.22 Promotion/Retention

Pupils shall be reclassified annually or at any time during the school year when it is to the pupil's advantage.

- At the elementary level, promotion shall be based on successful mastery of grade level curriculum objectives in the areas of mathematics, language arts, science and social studies. Standards of Learning (SOL) tests results should be considered in promotion/retention decisions at grades 3 and 5.

- At the middle school level, promotion shall be based on successful completion of 3 out of 4 core curriculum areas for each grade level. SOL test results administered at grade 8, and passing the LPTs are required for promotion to grade 9.

- At the high school level, promotion shall be determined by the successful completion of the required Carnegie units for each grade level, and on the SOL Proficiency and all components of the LPT.

The guidelines for grade placement are as follows:

Grades	**Credits**
9^{th} to 10^{th}	completion of 5 units, and pass 3 core courses
10^{th} to 11^{th}	completion of 10 units, and pass 6 core courses
11^{th} to 12^{th}	completion of 14 units, and pass 9 core courses

These are minimal requirements that are cumulative in nature. Core courses are English, mathematics, social studies and science.

8.22 Promotion/Retention (continued)

A. Each pupil should learn relevant grade level subject matter before promotion to the next grade. For grades in which the SOL tests are given, achievement of a passing score on the SOL tests should be considered in addition to promotion/retention policies. Achievement expectations and participation in SOL testing of pupils with disabilities will be guided by provisions of their Individualized Education Plan (IEP) or 504 Plan.

B. Each pupil at grades 3, 5, and 8 shall take and be expected to achieve a passing score on the SOL tests for the pupil's respective grades. Schools should use the SOL test results as part of a multiple set of criteria for determining advancing or retaining pupils in grades 3, 5 and 8.

C. Each pupil in middle and high schools shall take applicable end-of-course SOL tests following course instruction. Pupils who achieve a passing score shall be awarded a verified credit for that course.

D. Where practical, parents must be notified of unsatisfactory academic progress, which might affect their child's progression to the next grade or their eligibility for graduation, following the first semester.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 1, 1998
Revised/Adopted October 15, 2001

8.23 Soliciting Funds

Teachers shall take no collections in the schools for any purpose except those for individual class projects.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.24 Pupil Education Records

A. Generally

The Richmond Public Schools shall adhere strictly to the requirements of the Family Educational Rights and Privacy Act (FERPA) and regulations made pursuant thereto. For the purpose of implementing this policy, "Management of the Student's Scholastic Record in the Public Schools of Virginia", as adopted by the Virginia Board of Education, is adopted as a regulation of the School Board for application in the Richmond Public Schools. Parents and legal guardians of students currently enrolled and in attendance shall be notified annually of their right to inspect and review education records of their children or legal wards, as well as of their additional rights under FERPA and its regulations (Appendix F).

Each full time, part time and substitute teacher and any other instructional personnel shall retain records of each student's grades, including, but not limited to, grades earned (in letter and/or numerical form, where applicable) for class work, homework, quizzes, tests, projects, papers, class participation, and examinations, as well as records showing how such grades were calculated, through the completion of the academic year. Such records shall be made available for inspection by the parent, guardian or other person having control or charge of the student, and the principal upon request. Such records shall be maintained by the school for a period of one year (12 calendar months) following the calculation of the student's final grade(s).

B. Missing Children

Richmond Public Schools shall receive reports of disappearances of any children living within the school division from local law enforcement pursuant to Code of Virginia, Section 52-31.1. Upon notification by a local law-enforcement agency of a child's disappearance, the principal of any school in which the child was enrolled at the time of the disappearance shall indicate, by mark, in the child's cumulative record that the child has been reported as missing. Upon notification by law enforcement that the child is located, the principal shall remove the mark from the record.

Upon receiving a request from any school or person for copies of the cumulative records and birth certificate of any child who has been reported by a local law-enforcement agency to be missing, the school being requested to transfer the records shall immediately notify the law enforcement agency that provided the report to the school of the child's disappearance of the

8.24 Pupil Education Records (continued)

location of the school or person requesting the cumulative records and birth certificate of the child, without alerting the requestor of such report.

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

C. Release for Juvenile Justice Purposes

The principal or his/her designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his/her designee may disclose identifying information from a pupil's scholastic record to the following agencies or individuals:

(i) 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;

(ii) 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.

(iii) 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.

D. Birth Certificates

Upon admission to Richmond Public Schools, the principal or his/her designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record.

8.24 Pupil Education Records (continued)

Legal Reference:

United States Code, Title 20, Section 1232g et seq. – "Family Educational Rights and Privacy Act of 1974."
Code of Virginia, Section 22.1-287. Limitations on access to records.
Code of Virginia, Section 22.1-288.1. Notation in school records of missing children; local law enforcement cooperation.
Code of Virginia, section 22.1-288.2 Receipt, dissemination and maintenance of records of certain adjudications or convictions.
Code of Virginia, Section 22.1-289. Transfer and management of student scholastic records; disclosure of information in court notices; penalty.
Virginia Administrative Code, 8 VAC 20-150-10 through –30. "Management of the Student's Scholastic Record in the Public Schools of Virginia."

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted December 17, 1990
Revised/Adopted September 20, 1994
Revised/Adopted June 19, 2000
Revised/Adopted June 19, 2006
Revised/Adopted June 18, 2007

8.25 Selling to Pupils

The sale to pupils of articles of any kind or tickets for any program except those given by the schools themselves shall be prohibited in and around schools except where, in the opinion of the superintendent, an educational purpose will be served.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

Section 8.26
Section 8.27
Section 8.28
P

8.26 Cadet Corps

The cadet corps are at all times under the direct control of the principals, subject to approval by the superintendent, and shall be instructed and guided by their commandants.

Any pupil who is not physically incapacitated may join the cadet corps. Pupils who play band instruments and who join the cadet corps may be organized into a separate company.

In full dress parades of the cadet corps, only members of the cadet corps may participate, and all cadets must wear the standard cadet uniform.

Cadet corps shall attend and participate in public parades, entertainments, exhibits, drills, balls, and other functions only with the knowledge and consent of the principals and with the approval of the superintendent.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.27 Sex Discrimination

It is the policy of the Richmond Public Schools not to discriminate on the basis of sex in educational programs or activities in violation of Title IX of the l972 Education Amendments.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.28 Exchanging Gifts

Exchange of gifts between individual pupils and teachers or other staff personnel is to be discouraged. Extreme discretion should be used by teachers, however, to avoid instances where a charitable spirit may be damaged or where a pupil's feelings may be hurt.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

Section 8.30
Section 8.31
P

8.29 Class Gifts

All gifts from a class to a school must be approved by the school board.

Legal Reference:

Code of Virginia, Section 22.1-126. Property given, devised or bequeathed to school board.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.30 Graduation Activities

Only senior high schools shall have graduation activities. None shall be permitted for middle schools or below.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.31 Public Performance

School bands, orchestras, glee clubs, and choruses shall make public appearances only in the following instances:

1. At functions that are part of the school program whether held in the school building or elsewhere.
2. At community functions organized in the interests of the schools.
3. On educational broadcasts designed to acquaint the public with the work of the schools.
4. At educational meetings or conferences.
5. On civic occasions when such participation does not encroach upon the opportunities of professional musicians for employment.
6. At benefit performances where professional musicians would likewise donate their services

Adopted April 20, 1978
Revised/Adopted October 17, 1984

PUPILS

Section 8.32
Section 8.33
Section 8.34

P

8.32 Contests, Awards, and Prizes

Contests or other activities involving participation by pupils or the granting of awards or prizes to pupils, which are sponsored by agencies outside of the schools, shall not be announced, promoted, or permitted within the schools unless approved by the superintendent. The superintendent shall approve only such contests or other activities as will be of educational value to the participating pupils, and he shall not approve any activity being promoted for purely commercial purposes. Cases involving doubt should be referred to the superintendent or the school board.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.33 Indigent Pupils

Every effort shall be made to offer the best school service to indigent children. To this end the principals and teachers should, upon recommendation of the school nurse or attendance worker, avail themselves of such resources as exist for the welfare of needy pupils. Among the organizations that they may contact are parent-teacher associations, council of parent-teacher associations, family service society, department of public welfare, various civic clubs, and local churches.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.34 Special Health Requirements: Vaccinations and Examinations

Physical Examinations

A. Prior to admission to any elementary school, a student or his parent or guardian must furnish (1) a report from a qualified licensed physician, or a licensed nurse practitioner or licensed physician assistant acting under the supervision of a licensed physician, of a comprehensive physical examination performed within the twelve months prior to the date of entrance, or (2) records including a physical examination from another school division in the Commonwealth of Virginia.

If a report of a medical examination or a record of such an examination from another school or school division cannot be furnished because the pupil is a child placed in foster care or a homeless child or youth, the person seeking to enroll the pupil shall furnish to the school division an affidavit so stating and also indicating that, to the best of his knowledge,

8.34 Special Health Requirements: Vaccinations and Examinations (continued)

Physical Examinations (continued)

the student is in good health and free from any communicable or contagious disease. The school division shall immediately refer the homeless child or youth to the school division's Homeless Education Liaison who shall, as soon as practicable, assist in obtaining the necessary physical examination by the City of Richmond Health Department or other clinic or physician's office and admit the student to school pending receipt of the report from such physical examination. The social services agency that has placed a child in foster care shall obtain and produce documentation of a medical examination or otherwise ensure compliance with these requirements within 30 days after enrollment.

B. A physical examination is not required for any child whose parents or guardian object on religious grounds provided the child shows no visual evidence of illness. The parent or guardian shall state in writing that the child is in good health and free of any communicable or contagious disease.

Immunization Requirements

A. Prior to admission to any grade level in any Richmond public school, a student or his parent or guardian must submit documentary proof of immunizations to the admitting official. If the student does not have the required documentation, the school shall notify the student and his parent or guardian that the student may not be admitted and how to obtain services to comply with the regulation.

B. No certificate of immunization shall be required for school admission if (1) the student, parent or guardian submits and notarized statement that the administration of immunizations conflict with religious beliefs, (2) certification is given by a physician or local health department that one or more of the required immunizations may be detrimental to the student's health, (3) the student is a child placed in foster care, or (4) the student is a homeless child or youth. If a homeless child or youth does not have documentary proof of immunizations or has incomplete immunizations, and is not otherwise exempted from immunizations pursuant to (1) or (2) above, the school division's Homeless Education Liaison shall assist in obtaining proof of or completing immunizations as required. If a child placed is foster care does not have documentary proof of immunizations or

has incomplete immunizations, and is not otherwise exempted from immunizations pursuant to (1) or (2) above, the local social services agency that has placed the child in foster care shall obtain and produce documentation of immunizations or otherwise ensure compliance with these requirements within 30 days after enrollment.

C. Any student whose immunizations are incomplete may be admitted conditionally if the student provides documentation of a least one dose of the required immunizations and a schedule for completion of the required doses within ninety days. Any student failing to comply with his schedule shall be excluded from school until his immunizations are resumed.

D. Immunization records shall be maintained in the student's health folder. Documentary proof of immunization shall be provided to the student or parent or guardian upon written request.

Legal Reference:

Code of Virginia. Section 22,1-3.4. Enrollment of certain children placed in foster care.
Code of Virginia. Section 22.1-270. Preschool physical examinations.
Code of Virginia. Section 22.1-271.1. Definitions.
Code of Virginia. Section 22.1-272.2. Immunization requirements.
Code of Virginia. Section 63.2-900. Accepting children for placement in homes, facilities, etc., by local boards.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted June 19, 2000
Revised/Adopted June 4, 2001
Revised/Adopted June 21, 2004
Revised/Adopted June 13, 2005

PUPILS

Section 8.35
Section 8.36
Section 8.37
P

8.35 Safety Patrols

The principals of all elementary schools shall organize, with the approval of the superintendent, a school safety patrol to instruct, direct and assist pupils in adjacent areas of each school. Members of a school safety patrol shall serve only with the consent and confirmation of their parents or guardians. Each patrol member shall be selected on the basis of their maturity and degree of responsibility, shall receive adequate instruction in the appropriate duties and procedures, and shall at all times be under the charge of a competent adult.

Adopted April 20, 1978
Revised/Adopted October l7, 1984
Revised/Adopted December 1, 2003

8.36 Insurance

Accident insurance may be offered for pupils to purchase if approved by the superintendent.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.37 Psychological Services

Psychological services as available shall be offered to pupils. These may include testing, counseling, and group testing.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

PUPILS

8.38 Protective Eye Devices

In accordance with Section 22.1-275 of the Code of Virginia, industrial quality eye protective devices shall be purchased by the school division and worn by all teachers, pupils, and visitors in those areas where required by law and such other areas as may be deemed dangerous by the superintendent.

Legal Reference:

Code of Virginia, Section 22.1-275. Protective eye devices.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.39 Search and Seizure

To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers, student desks, or automobiles driven to school by students and/or automobiles parked on school property and may seize any illegal, unauthorized, or contraband materials discovered in the search, consistent with applicable law.

Lockers and other storage facilities made available to students for temporary storage of their personal possessions remain under the joint control of the students and the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items which violate the law, school policies and regulations, or which may be harmful to the school, its students or other persons. Lockers and other storage facilities are subject to periodic searches for any reason at any time without notice, without student consent, and without a search warrant. Computer network storage areas, any diskettes used with school computers, and school Internet access records shall be treated like school lockers and therefore are subject to search in accordance with this policy.

The school administration may also search property belonging to students when there is a reasonable basis to believe that the student is in possession of an item which violates the law, school policies and regulations, or which may be harmful to the school, its students or other persons. Property belonging to a student includes, but is not limited to, items that can be connected to a student, carried by a student, or stored by a student in areas made available to the student by the school, and may include, but is not limited to, backpacks, book bags, handbags, notebooks and books.

8.39 Search and Seizure (continued)

The school administration also has the right to search any student's person when there is a reasonable basis to believe that the student is in possession of an item which violates the law, school policies and regulations, or which may be harmful to the school, its students or other

persons. Strip searches may be conducted only when necessary to avoid the imminent threat of death or great bodily injury to any person. A strip search, when warranted, may be conducted only by a sworn law enforcement officer of the same sex as the person to be searched and shall be conducted in the presence of a same-sex witness. The sworn law enforcement officer shall consult with the building principal and the Office of Safety and Security prior to conducting the search. No Richmond Public Schools' employee shall engage in the strip search of any person.

Richmond Public Schools' Department of Safety and Security is authorized to use metal detectors to aid in searches in accordance with applicable law and Richmond Public Schools' administrative regulations. Metal detectors may be used when school administrators have individualized suspicion that a student possesses property that threatens the safety of students and school personnel. They may also be used on a random basis to deter the possession of weapons and other illegal and/or dangerous objects.

Richmond Public Schools' Department of Safety and Security is also authorized to use, in conjunction with the City of Richmond Police Department, canine teams to aid in searches for illegal drugs. All canine searches shall be conducted in accordance with applicable law and Richmond Public Schools' administrative regulations. Canine searches may be conducted when school administrators have individualized suspicion that a student may possess illegal drugs. They may also be conducted on a random basis to deter the possession and/or distribution of illegal drugs.

Surveillance cameras are in use in school facilities and on school buses to promote safety and to encourage reasonable orderliness in school, on school property, at school functions, and on school buses. Any person entering a school facility, on school property, at a school function, or riding a school bus is subject to be videotaped.

A student's expectation of privacy and freedom from unreasonable search and seizure must be balanced against the school division's responsibility to protect the health, safety and welfare of all persons within the school community and maintain a safe learning environment for all students. If illegal materials are found during a search, law enforcement officials shall be notified. If unauthorized or contraband materials are discovered, the relevant Standard(s) of Student Conduct shall be enforced.

8.39 Search and Seizure (continued)

Legal Reference:

Code of Virginia, Section 22.1-277.01:2. Guidelines for student searches.

Adopted April 20, 1978

Revised/Adopted October 17, 1984
Revised/Adopted March 1, 1988
Revised/Adopted October 18, 1988
Revised/Adopted June 18, 2001

8.40 Interrogation and Arrest

When any law enforcement officer requests to interrogate a student while on school property, the principal or his designee shall be contacted immediately. The principal or his designee shall make a reasonable effort to contact the parent or guardian and have the parent or guardian present for the interrogation. Law enforcement officers shall not be allowed to interrogate a pupil on school property unless a school representative, the pupil's parent or guardian or the pupil's attorney is present. If the parent, guardian or attorney cannot be contacted or cannot be present, the principal or his designee shall be present.

Parental permission is not required when law enforcement officers seek to interview students who are witnesses to or victims of crimes, as long as the law enforcement officer ascertains that the student is capable of and does consent to being interviewed. Student consent is not required when law enforcement has a warrant for the arrest of a student.

Interviewing of students by Child Protective Services investigators relating to incidents of alleged abuse and neglect is governed by *Policy 8.02* – Child Abuse. Pursuant to that policy, Child Protective Services investigators shall have access to school facilities for the purpose of conducting confidential interviews in accordance with all laws governing the conduct of such interviews.

Adopted April 20, 1978
Revised/Adopted October 17, 1984
Revised/Adopted September 20, 2004

PUPILS

Section 8.41
Section 8.42
P

8.41 Release of Pupils' Names

The superintendent may authorize the release of lists of names and addresses of members of senior class to schools and colleges which, in his opinion, offer educational opportunities of sufficient merit to interest high school graduates.

Lists of names and addresses of pupils may be released by school officials to non-school personnel or outside agencies only after satisfactory investigation has proved that the list will not be used for any commercial gain or in any way cause embarrassment or annoyance to the public schools, pupils, or their parents.

Legal Reference:

Code of Virginia, Section 22.1-287.l. Directory information.

Adopted April 20, 1978
Revised/Adopted October 17, 1984

8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection
(Student Version)

A. The determination of the appropriate educational setting for the student shall be made by the superintendent on a case-by-case basis. To assist him/her in making the determination, the superintendent will establish a Review Committee composed of: the Director of the Richmond City Health Department (RCHD) or a public health physician designated by the Director; the student's physician; the Director of School Health Services; the student's principal, and, if necessary, other personnel from RPS or persons designated by the superintendent.

The Review Committee shall meet within fourteen (14) days of being established and shall make its recommendation to the superintendent as soon thereafter as practical. Such recommendation shall be based on a majority vote of the Review Committee. Prior to making its recommendation, the Review Committee shall consult with the student's family. The superintendent will notify the student's parent of his/her decision within five (5) school days after receiving the Review Committee's recommendation. The student's parents may appeal the superintendent's decision to the School Board. The request for such appeal must be submitted to the Superintendent in writing within fourteen (14) calendar days of the date of the superintendent's decision. Failure to request an appeal within the specified time will constitute a waiver of the right to an appeal to the School Board.

8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Student Version) Continued

B. Recommendations regarding the type of educational setting for the student who has had a positive medical diagnosis of having AIDS by a physician will be made on a case-by-case basis. The principal will consult with the teacher(s) who have interacted with the student on a daily basis to obtain information about the student condition. Such information will be made available to the Review Committee. If the student's attending physician cannot attend the meeting of the Review Committee, he/she will provide written documentation about the condition of the patient to the Director of School Health Services. Such information will be included in the recommendation, which will be forwarded to the superintendent.

C. The student may be excluded from school pending the superintendent's decision or any re-evaluation.

Generally, students who have AIDS will continue to attend school in their regular classroom settings.

Any decision to exclude an AIDS infected student from his/her normal and regular classroom setting or school shall be based upon a finding that such student poses a real and present threat to the health of the school population or that the student's health status interferes significantly with performance. If a decision is made to exclude the student from his/her normal and regular classroom setting or school, the Review Committee shall regularly re-evaluate the student based upon a plan for periodic review formulated by the Review Committee. If a decision has been made to continue the student's placement in his/her present school, the decision will be reviewed should there be an indication of a change in the student's medical condition or behavior. Any member of the Review Committee may initiate a request to re-evaluate the student, based upon such change. When such reviews are made, they will be done according to the established procedures listed in Section III A of this Policy.

E. Persons involved in the education of a student who has AIDS shall respect the student's right to privacy. The number of personnel who are made aware of the student's condition should be limited to employees who are members of the Review Committee, the principal, school nurse, and the student's teacher(s) in order to assure proper care of the student and to detect situations where the potential for transmission may occur. Other individuals will be informed of the situation on a "need to know" basis with the written consent of the parent/guardian. Information pertaining to the student's condition shall be conveyed by direct oral communication.

Section 8.42
Section 8.43
P

8.42 Acquired Immunodeficiency Syndrome-AIDS/HIV Infection (Student Version) Continued

E. When a principal is made aware of a major outbreak of communicable disease within the school, such as chickenpox or measles, and where there is a student who has AIDS in that building, the principal may notify the student's parents of such disease and may suggest the parents temporarily exclude the student from school.

F. All decisions with regard to placement of a student having AIDS shall be made in compliance with applicable Federal and State laws. The School Board shall re-examine the above policy as new recommended guidelines from leading authorities concerning school attendance for children infected with AIDS become known.

Legal Reference:

Code of Virginia, Section 22.1-271.3. Guidelines for school attendance for children infected with human immunodeficiency virus.

Adopted November 1, 1988
Revised/Adopted November 20, 1989

8.43 Parental Involvement in Education

When the parents of a student are estranged, separated or divorced, administrative staff shall recognize the parental rights of both parents to participate the child's education. Unless there is a court order to the contrary, both parents have the right to:

1. view the child's school records, in accordance with School Board policies;

2. receive school progress reports, the school calendar, and notices of major school events;.

3. visit the school in accordance with School Board policies;

4. participate in parent-teacher conferences in the case of the non-custodial parent, after a timely request is made;

5. receive all notifications in accordance with the Individuals with Disabilities Education Act; and

8.43 Parental Involvement in Education (continued)

6. receive notice of the student's extended absence, as defined in and pursuant to School Board policy, if both parents have joint physical custody.

Parental Responsibilities

The custodial parent has the responsibility to:

1. keep the school office informed as to the address of residence and how he or she may be contacted at all times;

2. on the Richmond Public Schools registration form, list the current address and phone number of the non-custodial parent, unless such address is unknown and the parent signs a statement to that effect, or unless a court order restricts the educational or visitation rights of the non-custodial parent;

3. provide a copy of any legal document which restricts the educational and/or visitation rights of the non-custodial parent; and

4. 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.

In addition, the principal may request a 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 non-custodial parent has the responsibility to keep the school office apprised of changes in his current phone number and address. Further, the non-custodial parent may make timely requests to participate in parent-teacher conferences.

8.43 Parental Involvement in Education (continued)

Parental Involvement Under the No Child Left Behind Act

Generally

The School Board recognizes that the education of each student is a responsibility shared by the school and the student's family. The School Board endorses the parental involvement goals of Title I (20 U.S.C. § 6318) and Title III (20 U.S.C. § 7012(e)) of the No Child Left Behind Act and encourages the regular participation by parents of all children including those eligible for Title I and Limited English Proficiency (LEP) programs in all aspects of those programs.

In keeping with these beliefs, it is the intention of the School Board to cultivate and support active parental involvement in student learning. The School Board shall:

1. Provide activities that will educate parents regarding the intellectual and developmental needs of their children. These activities will promote cooperation between the division and other agencies or school/community groups (such as parent-teacher groups, the Head Start program, the Reading First program, and various family literacy programs available within the school division to furnish learning opportunities and disseminate information regarding parenting skills and child/adolescent development;

2. Implement strategies to involve parents in the educational process, including:

   a. keeping families informed of opportunities for involvement and encouraging participation in various programs;

   b. providing access to educational resources for parents and families to use with their children;

   c. keeping families informed of the objectives of district educational programs as well as of their child's participation and progress with these programs;

3. Enable families to participate in the education of their children through a variety of roles. For example, family members may:

   a. provide input into School Board policies;

   b. volunteer time within the classroom and school programs.

8.43 Parental Involvement in Education (continued)

Generally (continued)

4. Provide professional development opportunities for teachers and staff to enhance their understanding of effective parent involvement strategies;

5. Perform regular evaluations of parent involvement at each school and in the school division;

6. Provide access, upon request, to any instructional material used as part of the educational curriculum; and

7. If practicable, provide information in a language understandable to parents.

In addition, for parents of students eligible for LEP programs, the School Board will inform such parents of how they can be active participants in assisting their children:

a. to learn English;

b. to achieve at high levels in core academic subjects; and

c. to meet the same challenging academic content and student academic achievement standards on the Virginia Standards of Learning Tests as all children are expected to meet.

Parental Involvement in Title I Plan

The School Board encourages parents of children eligible to participate in Title I, Part A, programs to take advantage of all the options available to them under the No Child Left Behind Act to improved their child's academic performance, such as school choice, supplemental services and the signing of parent compact agreements.

Parental Involvement in School Review and Improvement

The School Board encourages parents of children eligible to participate in Title I, Part A, and LEP programs to participate in the annual process of school review and, if applicable, the development of school improvement plans as implemented by the No Child Left Behind Act. Parents may participate by joining school planning and management committees, becoming informed and involved partners and signing parent compact agreements.

8.43 Parental Involvement in Education (continued)

Division Responsibilities

The School Board and each school that receives Title I, Part A, funds, shall:

1. provide assistance to parents of children served by the school or school division, as applicable, in understanding topics such as Virginia's academic content standards and student academic achievement standards, state and local academic assessments, and how to monitor a child's progress and work with educators to improve the achievement of their children;

2. provide materials and training to help parents work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;

3. educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contributions of parents and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;

4. to the extent feasible and appropriate, coordinate and integrate parental involvement programs and activities with Head Start, Reading First and public preschool and other programs, and conduct other activities, such as family literacy programs and parent resource centers, that encourage and support parents in more fully participating in the education of their children;

5. ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand; and

6. provide such other reasonable support for parental involvement activities as parents may request.

8.43 Parental Involvement in Education (continued)

Division Responsibilities

The School Board, and each school that receives Title I, Part A, funds, may:

1. involve parents in the development of training for teachers, principals, and other educators to improve the effectiveness of such training;

2. provide necessary literacy training from Title I funds if the school division has exhausted all other reasonable available sources of funding for such training;

3. pay reasonable and necessary expenses associated with local parental involvement activities, including transportation and child care costs, to enable parents to participate in school-related meetings and training sessions;

4. train parents to enhance the involvement of other parents;

5. arrange school meetings at a variety of times, or conduct in-home conferences between teachers or other educators who work directly with participating children and parents who are unable to attend such conferences at school in order to maximize parental involvement and participation;

6. adopt and implement model approaches to improving parental involvement;

7. establish a division-wide parent advisory council to provide advice on all matters related to parental involvement in programs supported under No Child Left Behind; and,

8.43 Parental Involvement in Education (continued)
Parental Involvement Under the No Child Left Behind Act (continued)

Division Responsibilities (continued)

8. develop appropriate roles for community-based organizations and businesses in parental involvement activities.

School Parental Involvement Policies

Each school served under Title I, Part A, shall jointly develop with and distribute to parents of participating children a written parental involvement policy, agreed on by such parents, that shall describe the means for carrying out the following:

1. convening an annual meeting, at a convenient time, to which all parents of participating children shall be invited and encouraged to attend, to inform parents of their school's participation in Title I, Part A, and to explain the requirements of Title I, Part A, and the rights of parents to be involved;

2. offering a flexible number of meetings, such as meetings in the morning or evening, and may provide, with funds provided under No Child Left Behind, transportation, child care, or home visits, as such services relate to parental involvement;

3. involving parents in an organized, ongoing, and timely way, in the planning, review, and improvement of Title I, Part A, programs including the planning, review, and improvement of the school parental involvement policy and the joint development of the school-wide program plan under the No Child Left Behind Act of 2001, 20 U.S.C. § 6312(b)(2), except that if a school has in place a process for involving parents in the joint planning and design of the school's programs, the school may use that process, if such process includes an adequate representation of parents of participating children;

4. providing parents of participating children:
   a. timely information about Title I, Part A, programs;
   b. a description and explanation of the curriculum in use at the school, the academic assessments used to measure student progress, and the proficiency levels students are expected to meet;
   c. if requested by parents, opportunities for regular meetings to formulate suggestions and to participate, as appropriate, in decisions relating to the education of their children, and respond to any such suggestions as soon as practicably possible; and

P

8.43 Parental Involvement in Education (continued)
Parental Involvement Under the No Child Left Behind Act (continued)

School Parental Involvement Policies (continued)

d. if the school-wide program plan under the No Child Left Behind Act of 2001, 20 U.S.C. § 6312(b)(2) is not satisfactory to the parents of participating children, submitting any parent comments on the plan when the school makes the plan available to the division.

Parental Involvement in Utilization of Funding

Parents of children receiving services under Title I, Part A, shall be involved in the decisions regarding how funds provided under Title I, Part A, are used for parental involvement activities.

Policy Review

The content and effectiveness of this policy will be evaluated annually with regard to improving the academic quality of the schools receiving Title I, Part A, or LEP funds. These annual evaluations will identify barriers to greater participation by parents (particularly by parents who are economically disadvantaged, have disabilities, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background). The School Board will use the findings of these annual evaluations to design strategies for more effective parental involvement, and to revise, if necessary, this policy.

Legal Reference:

United States Code, Title 20, Section 1232 et seq. Family Educational Rights and Privacy Act.
United States Code Title 20, Sections 6312; 6316; 6318. No Child Left Behind Act of 2001.
Code of Virginia, Section 20-124.6. Access to child's records.
Code of Virginia, Section, 22.1-4.3. Participation in certain school activities by noncustodial parent.

Adopted September 5, 1989
Revised/Adopted August 4, 2003

Section 8.44
P

8.44 Student Use of Motor Vehicles and Parking

Student use of private motor vehicles for transportation to and from school is discouraged by the school board. School bus transportation is provided for all students who live beyond a reasonable walking distance or who must walk over a dangerous route to school.

Parking facilities are provided at all high schools as a convenience to those students who must drive to school. Parking on school grounds is a privilege that may be granted by principals to students who meet the following conditions:

1. The student must file a written statement of his or her need to drive a private vehicle to school with the principal and must agree to notify the principal promptly of any change in the conditions that establish this need.

2. The student must register any vehicle driven to school in the school office and must purchase a school parking permit for each vehicle each year.

3. The parking permit must be displayed on the left front bumper of the vehicle for which it was issued.

4. Upon arriving at school, the student must drive directly to the designated area for student parking, park the car and proceed promptly to the school building. Students may not sit in parked cars or linger in the parking area before, during or after school.

5. Once on school grounds, the student will not be permitted to leave until school is dismissed, unless permission has been obtained from the school administration.

6. The student will obey traffic laws and school regulations and observe normal safety precautions at all times.

Principals are empowered to enforce this policy and may revoke the parking privileges of any student who does not comply with these regulations.

Adopted December 17, 1990

8.45 Nondiscrimination on the Basis of Disability

No otherwise qualified person with a disability shall, solely by reason of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity which receives or benefits from federal financial assistance. For purposes of this policy, a qualified person with a disability shall be one who satisfies the definition of "qualified disabled person" set forth in the Rehabilitation Act of 1973 and its implementing regulations.

The Director of Special Education is designated as Coordinator for the implementation of this policy.

The superintendent shall adopt regulations to effect this policy.

Legal References

29 U.S.C. §§ 706 (8), 794 (1978); 34 CFR Part 104 (1980).

Adopted December 17, 1990
Revised/Adopted September 20, 1994

8.46 Equal Access: Non-curriculum Related Student Groups

A. General

In compliance with the Equal Access Act, Title VIII of Public Law 98-377, the school board establishes the following policy for meetings of noncurriculum related groups of secondary school students. Such noncurriculum related student groups, as defined in this policy, shall have equal access to secondary school facilities and shall not be discriminated against on the basis of the content of the speech at such meetings.

8.46 Equal Access: Noncurriculum Related Student Groups (continued)

B. Groups and Activities

Noncurriculum related student groups are defined as those whose primary purpose is to foster student interest in political, religious, community service, or recreational activities. Such groups are not sponsored by the school or its agents or employees. Participation of students is voluntary and is neither encouraged nor discouraged by the school.

Any secondary school that permits meetings of noncurriculum related student groups shall establish times before and/or after school for these groups to meet. No group may be permitted to meet more often than once a week. All activities shall be student initiated and conducted. Nonschool personnel may not participate in these activities unless approved by the principal in advance.

Students shall abide by all policies, regulations, and rules for student conduct. Any group which interferes with the orderly operation of the school shall be denied the opportunity to meet on school premises.

Nothing in this policy is intended to permit any meeting or activity which is otherwise unlawful.

C. Supervision

Noncurriculum related student groups desiring to meet on school premises must have a monitor who is a volunteer and a certified employee and is approved by the principal. The monitor shall supervise the group and its activities to ensure that it operates in compliance with the Equal Access Act and this policy and all other policies and regulations of the school board. The monitors shall have the authority, under the supervision of the principal, to order any group or student who violates this policy to leave school premises.

Monitors of religious groups may not participate in the form, content, or activity of the group.

8.46 Equal Access: Noncurriculum Related Student Groups (continued)

D. Application for Use of School Facilities

Noncurriculum related student groups desiring to meet on school premises shall submit their request in writing to the principal of the school at least five (5) school days in advance of the desired meeting date. Such requests shall state the purpose of the meeting, the type of activities involved, the expected number of students who will attend, the time and length of the meeting, and the name of the voluntary certified school employee who will act as monitor. If any nonschool person is desired to be present, this request shall be made with the application for use of facilities.

The principal shall review each application and, if in accordance with this policy, shall assign the group a suitable meeting place. Applications not in accordance with this policy shall be denied.

E. Appeal

Groups which are denied permission to use school facilities under this policy by a principal may appeal the principal's decision to the superintendent.

F. Disclaimer

In establishing this policy the school board is not promoting, endorsing, or sponsoring noncurriculum related groups; it is merely making facilities available to such groups of secondary school students on a nondiscriminatory basis.

Adopted December 17, 1990

Section 8.47
P

8.47 Administering Medication

A. General

All medicines should be administered to students at home by their parents if at all possible. Administration of medication at school will be done only in accordance with this policy. Any student who fails to follow this policy or whose parents fail to follow this policy will be excluded from school until compliance is obtained. The principal shall determine whether or not there is compliance with the provisions of this policy.

B. Prescription and Nonprescription Medication

If a student must take prescription and nonprescription medication at school, the medication may be administered by the school nurse, the principal, or the principal's designee in accordance with the provisions of this policy:

1. The parent must provide the principal with the medication and written instructions from the physician to include:

    a) student's name
    b) name and purpose of medication
    c) dosage and time of administration
    d) possible side effects and measures to be taken if side effects occur
    e) termination date for administering the medication

2. With the exception of school administrative personnel and persons employed by school boards who have the specific duty to deliver health-related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation or dismissed on the basis of his or her refusal to perform nonemergency health-related services for students. However, instructional aides and clerical employees may not refuse to dispense oral medications. “Health-related services” means those activities which, when performed in a health care facility, must be delivered or under the supervision of a licensed or certified professional.

8.47 Administering Medication (continued)

C. Emergency Lifesaving Measures

1. The parent of any student who has a condition that would require emergency, lifesaving medication or other measures must inform the principal of the condition and provide instructions from the attending physician on measures to be taken, including administering any medication. These instructions should cover measures to be taken while the student may be on a school bus or other times when medication is not immediately available.

2. In school buildings with an instructional and administrative staff of ten or more, at least two employees shall have current training or have received training in the past two years in emergency first aid and cardiopulmonary resuscitation, and if one or more students attending such school has been diagnosed with diabetes, at least two employees shall have been trained in the administration of insulin and glucagon. In school buildings with an instructional and administrative staff of fewer than ten, at least one employee shall have current training or shall have received training the past two years in emergency first aid and cardiopulmonary resuscitation, and if one or more students attending such school has been diagnosed with diabetes, at least one employee has been trained in the administration of insulin and glucagon. "Employee" includes any person employed by a local health department who is assigned to the public school pursuant to an agreement between the local health department and the school board. When a registered nurse, nurse practitioner, physician or physician assistant is present, no employee who is not a registered nurse, nurse practitioner, physician or physician assistant shall assist with the administration of insulin or administer glucagon. Prescriber authorization and parental consent shall be obtained by any employee who is not a registered nurse, nurse practitioner, physician or physician assistant to assist with the administration of insulin and administer glucagon.

D. Safekeeping of Medication

Except as provided in Section E below, all medication must be kept by the school nurse or the principal in a secure, locked place known by and accessible to any person who may have to administer lifesaving medication.

8.47 Administering Medication (continued)

E. Possession and Self-Administration of Inhaled Asthma and Anaphylaxis Medications

1. Students diagnosed with asthma, anaphylaxis or both may possess and self-administer inhaled asthma medications and/or auto-injectable epinephrine during the school day, at school-sponsored activities or while on the school bus or other school property, provided that:

   a. The parent, legal guardian or custodian, or other person having control or charge of the student gives written consent for self-medication; and

   b. the student's primary care provider or medical specialist, or a licensed physician or licensed nurse practitioner must provide written notice that identifies the student, states that the student has been diagnosed with asthma and/or anaphylaxis, gives approval for the student to self-administer inhaled asthma medications and/or auto-injectable epinephrine that have been prescribed for the student, indicates the name and dosage of the medication and the frequency in which it is to be administered (including any circumstances which warrant its use, such as before exercising or engaging in physical activity), and attests to the student's demonstrated ability to self-administer inhaled asthma medications and/or auto-injectable epinephrine.

2. The school division shall develop an individualized health care plan, including emergency procedures for any life-threatening conditions, for each student who self-administers inhaled asthma and/or anaphylaxis medications.

3. The school division shall consult with the student's parent, legal guardian or custodian, or other person having control or charge of the student before imposing any restrictions upon the student's self-administration of inhaled asthma and/or anaphylaxis medications, and before permission to possess and self-administer such medications is revoked.

4. Permission to possess and self-administer inhaled asthma and/or anaphylaxis medications shall be effective for one year (365 calendar days) and shall be renewed annually.

8.47 Administering Medication (continued)

E. Possession and Self-Administration of Inhaled Asthma and Anaphylaxis Medications (continued)

5. Self-administration of inhaled asthma and/or anaphylaxis medications shall be consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manuals.

6. A school principal or other employee of the School Board who, in good faith, without compensation, and in the absence of gross negligence or willful misconduct, supervises the self-administration of inhaled asthma medications or auto-injectable epinephrine by a student pursuant to this policy, shall not be liable for any civil damages for acts or omissions resulting from the supervision of self-administration of inhaled asthma medications or auto-injectable epinephrine by such student. Further, no principal or school board employee shall be liable for any civil damages for injuries or deaths resulting from the misuse of auto-injectable epinephrine.

   For the purposes of this section, "employee" shall include any person employed by a local health department who is assigned to a public school pursuant to an agreement between a local health department and the School Board.

F. First Aid

School personnel may administer first aid, but only in accordance with the standing orders of School Health Services.

G. Medication Recommendations by School Personnel

School personnel shall not recommend the use of psychotropic medications for any student. “Psychotropic medications” are those medications the prescribed intention of which is to alter mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication. Nothing in this policy shall prohibit school health staff, classroom teachers or other school professionals from recommending that a student be evaluated by an appropriate medical practitioner, or prohibit school personnel from consulting with such practitioner, with the written consent of the student’s parent.

8.47 Administering Medication (continued)

Legal Reference:
Code of Virginia, Section 22.1-274. School health services.
Code of Virginia, Section 22.1-274.2. Possession and self-administration of inhaled asthma medications by asthmatic students.
Code of Virginia, Section 22.1-274.3. Policies regarding medication recommendations by school personnel.

Adopted December 17, 1990
Revised/Adopted April 1, 1996
Revised/Adopted June 21, 1999
Revised/Adopted June 19, 2000
Revised/Adopted June 17, 2002
Revised/Adopted June 13, 2005

8.48 Student Publications

A. School-Sponsored Publications

School-sponsored student publications are an integral part of the learning experience and the instructional program. The principal shall be ultimately responsible for such publications.

B. Nonschool-Sponsored Publications

The unauthorized sale or distribution of nonschool-sponsored publications will not be permitted on school property at any time.

Adopted December 17, 1990

8.49 Enrollment in Model Schools

Model schools shall enroll all applicants who are residents of the neighborhood attendance zone, students currently enrolled in that model school, or siblings of students currently enrolled in that model school. The remaining vacancies, if any, shall be filled by applicants who are selected by procedures approved by the Superintendent.

Adopted April 21, 1992

8.50 Readmission of Expelled Students

The School Board shall establish, by regulation, a schedule pursuant to which pupils may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the School Board or a committee thereof, or the division superintendent or his/her designee and, if granted, would enable the pupil to resume school attendance 1 calendar year from the date of the expulsion. If the division superintendent or his/her designee or a committee of the School Board denies such petition, the pupil may petition the School Board for review of such denial.

The School Board will consider a request for readmission of an expelled pupil in accordance with the established schedule. The School Board, however, may consider a request for readmission earlier if such request is initiated by a court of competent jurisdiction.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-277.06.

Adopted March 5, 1991
Revised/Adopted April 19, 2010

8.51 Transfer of Students

A pupil shall, upon written request of the pupil's parent or guardian (or the pupil himself if an emancipated minor) be transferred to another comparable school in the school division, if available, if the pupil has been the victim of any crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia, which was committed by: (1) another pupil attending classes in the school; (2) by any employee of the School Board; or (3) by any volunteer, contract worker or other person who regularly performs services in the school; or if the crime was committed upon school property or on any school bus owned or operated by the school division. Transportation for the transferred pupil shall be provided in accordance with the School Board policies.

"Victim" means any pupil who has been the victim of a crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia and who has suffered physical, psychological, or economic harm as a direct result of the commission of such crime.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-3.3.
.

Adopted June 24, 1997
Revised/Adopted April 19, 2010

PUPILS

Section 8.52
P

8.52 Removal of Students from Class

A teacher shall have the initial authority to remove a pupil from class for disruptive behavior. Disruptive behavior is defined as a violation of school board regulations governing pupil conduct that interrupts or obstructs the learning environment.

The School Board shall establish, within the regulations governing pupil conduct the following:

1. Criteria for the removal of a pupil from class;
2. Requirements for incident reports of disruptive behavior to school administrators and any other documentation to support such removal from class;
3. Procedures for the written notification to a pupil and his/her parent or guardian of any incident report and its contents and for the opportunity to meet with the teacher and school administrators to discuss the pupil's behavior and the possible consequences if such behavior does not cease;
4. Guidelines for the alternative assignment and instruction of such pupil and for the duration of such removal; and
5. Procedures for the return of the pupil to class, for teacher participation in any decision by the principal to return a pupil to the class from which he/she has been removed, and for the resolution of any disagreements between such principal and teacher regarding such return.

The principal shall ensure that a pupil removed from class under this policy continues to receive an education in accordance with school board policies.

Application of this policy to a pupil with a disability shall be consistent with federal and state laws and regulations as well as school board policy regarding pupils with disabilities.

Teachers are expected to use a variety of classroom management strategies that encourage and reward appropriate behavior and to develop individual behavior intervention plans to address chronic behavior problems. The school division may provide ongoing support and professional development opportunities in these areas. Any teacher whose evaluation indicates deficiencies in the management of pupil conduct may be required by the division superintendent or his/her designee to attend professional development activities designed to improve classroom management and disciplinary skills.

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

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-276.2.

Adopted June 23, 1998
Revised/Adopted April 19, 2010

8.53 Suicide Prevention

Any licensed administrative or instructional personnel employed by the school board who, in the scope of his or her employment, has reason to believe, as a result of direct communication from a student, that such student is imminent risk of suicide, shall, as soon as practicable, contact at least one of the student's parents to determine whether the parent is aware of the student's mental state and whether the parent wishes to obtain or has already obtained counseling for the student. If, however, the student indicates that the reason for being at imminent risk of suicide relates to parental abuse or neglect, contact shall instead by made with the local department of social services or the State Department of Social Services child abuse and neglect hotline, stressing the need to take immediate action to protect the student from harm.

Adopted June 21, 1999

8.54 Sexual Harassment of Students

A. General Statement

It is the policy of Richmond Public Schools to maintain a learning environment that is free from sexual harassment. Richmond Public Schools prohibits any form of sexual harassment. It shall be a violation of this policy for any pupil, teacher, administrator, or other school personnel of Richmond Public Schools to harass a pupil through conduct or communication of a sexual nature while on school property, going to and from school, waiting for the school bus at designated bus stops, on the school bus, or participating in or attending school-sponsored or school-related activities, such as field trips, conferences or athletic events. For purposes of this policy, "school personnel" includes School Board members, school employees, agents, volunteers, contractors or persons subject to the supervision and control of Richmond Public Schools.

Richmond Public Schools will act to investigate all complaints of sexual harassment, whether formal or informal, verbal or written, and to discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who is found to have violated this policy.

B. Definition

For purposes of this policy, sexual harassment of a pupil consists of, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other inappropriate verbal, written, electronic, telephonic, or physical conduct or communication of a sexual nature through any means when:

8.53 Sexual Harassment of Students (continued)

Definition (continued)

1. A pupil, teacher, administrator, or other school personnel of the school division causes a pupil to believe that he/she must submit to unwelcome sexual conduct or communication in order to participate in a school program or activity or to otherwise receive an education, or when a teacher, administrator, or other school personnel of the school division causes a pupil to believe that the employee will make an educational decision based on whether or not the pupil submits to unwelcome sexual conduct; or
2. The unwelcome sexual conduct is so severe, persistent or pervasive that it has the purpose or effect of substantially and unreasonably interfering with a pupil's ability to participate in or benefit from an educational program or activity or to otherwise receive an education, or creates an intimidating, hostile, threatening or abusive educational environment.

Examples of conduct that may constitute sexual harassment include, but are not limited to:

- Unwelcome sexual advances;
- Unwelcome pressure for sexual activity;
- Unwelcome touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
- Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
- Unwelcome verbal harassment or abuse;
- Graffiti of a sexual nature;
- Sexual gestures;
- Sexual or dirty jokes;
- Touching one's self sexually or talking about one's sexual activity in front of others;
- Spreading rumors about or rating other pupils as to sexual activity or performance;
- Unwelcome sexually motivated or inappropriate patting, pinching or physical contact. This prohibition does not preclude legitimate, non-sexual physical conduct such as the use of necessary restraints to avoid physical harm to persons or property, or conduct such as a teacher's consoling hug of a young pupil, or one pupil's demonstration of a sports move requiring contact with another pupil;

8.54 Sexual Harassment of Students (continued)

Definition (continued)

- Other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by either: (1) implied or overt threats concerning an individual's educational status; or (2) implied or overt promises of preferential treatment with respect to one's educational status;
- Unwelcome behavior or words directed at an individual because of gender;
- Sending and receiving sexually explicit messages or photos electronically, primarily through use of cellular phones, including consensual and nonconsensual exchange, distribution, or possession of graphic images or messages; and
- Unwelcome verbal harassment or abuse, threats of physical harm, or assaults directed at an individual because of sexual orientation.

C. Reporting Procedures

Any pupil who believes he/she has been the victim of sexual harassment by a pupil, teacher, administrator or other school personnel, or by any other person who is participating in, observing, or otherwise engaged in activities, including sporting events and other extracurricular activities, under the auspices of the school division, is required to immediately report the alleged act(s) to an appropriate school division official designated by this policy.

Any teacher, administrator, or other school official who has or receives notice that a pupil has or may have been the victim of sexual harassment by a pupil, teacher, administrator or other school personnel, or by any other person who is participating in, observing or otherwise engaged in activities, under the auspices of the school division, is required to immediately report the alleged act(s) to an appropriate school division official designated by this policy.

Any other person with knowledge or belief that a pupil has or may have been the victim of sexual harassment by a pupil, teacher, administrator, or other school personnel, or by any other person who is participating in, observing or otherwise engaged in activities, under the auspices of the school division, is encouraged to immediately report the alleged act(s) to an appropriate school division official designated by this policy.

The school division encourages the reporting party or complainant to use the report form available from the principal of each building or available from the school division's administrative offices, but use of formal reporting forms is not mandated and oral reports shall be considered complaints as well. Nothing in this policy shall prevent any person from reporting harassment directly to the division superintendent or his/her designee.

8.55 Sexual Harassment of Students (continued)

Reporting Procedures (continued)

In each school building, the principal is the person responsible for receiving oral or written reports of sexual harassment at the building level. Any adult school division personnel who receives a report of sexual harassment shall inform the building principal immediately. Upon receipt of a report, the principal must notify the division superintendent or his/her designee immediately, without screening or investigating the report. The principal may request but may not insist upon a written complaint. A written statement of the facts alleged will be forwarded as soon as practicable by the principal to the division superintendent or his/her designee. If the report was given verbally, the principal shall personally reduce it to written form within 24 hours and forward it to the division superintendent or his/her designee. Failure to forward any harassment report or complaint as provided in this policy will result in disciplinary action against the principal. If the complaint involves the building principal, the complaint shall be made or filed directly with the division superintendent or his/her designee by the reporting party or the complainant. If any complaint involves the designee of the division superintendent, the complaint shall be made or filed directly with the division superintendent. If the complaint involves the division superintendent, the complaint shall be made or filed directly with the School Board.

The school division has designated Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services as the school division official(s) with responsibility to identify, prevent, and remedy sexual harassment. The Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services shall:

- Receive reports or complaints of sexual harassment;
- Oversee the investigative process;
- Be responsible for assessing the training needs of the school division's staff and pupils in connection with the dissemination, comprehension, and compliance with this policy;
- Arrange for necessary training required for compliance with this policy; and
- Insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal education opportunity, including sexual harassment, and who is able to apply procedural and substantive standards which are necessary and applicable to identify unlawful sexual harassment, recommend appropriate discipline and remedies when sexual harassment is found, and take other appropriate action to rectify the damaging effects of any prohibited discrimination, including interim protection of the victim during the course of the investigation.

8.56 Sexual Harassment of Students (continued)

Reporting Procedures (continued)

The school division will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with the school division's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

D. Investigation

Upon receipt of a report or complaint alleging sexual harassment, the Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services shall immediately undertake or authorize the investigation. That investigation may be conducted by school division officials or by a third party designated by the school division.

The investigation may consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of the evaluation of any other information or documents that may be relevant to the particular allegations.

In determining whether the alleged conduct constitutes a violation of this policy, the school division shall consider:

- The nature of the behavior;
- How often the conduct occurred;
- Whether there were past incidents or past continuing patterns of behavior;
- The relationship between the parties involved;
- The sex and age of the victim and harasser;
- The identity of the perpetrator, including whether the perpetrator was in a position of power over the pupil allegedly subjected to harassment;
- The number of alleged harassers;
- Where the harassment occurred;
- Whether there have been other incidents in the school involving the same or other pupils;
- Whether the conduct has adversely, or continues to adversely affect the pupil's education or educational environment; and
- The context in which the alleged incidents occurred.

Investigation (continued)

Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.

In addition, Richmond Public Schools may take steps, at its discretion, to protect the complainant, pupils, teachers, administrators or other school personnel pending completion of an investigation.

The investigation shall be completed no later than 15 work days from receipt of the report. The investigator shall make a written report to the Chief Academic Officer and/or the Assistant Superintendent for Administrative and Support Services upon completion of the investigation. The report shall include a determination of whether the allegations have been substantiated as factual and whether there appears to be a violation of this policy. The investigator's duty to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

E. School Division Action

Upon receipt of a report of sexual harassment, the school division will take prompt, appropriate formal or informal action to address, and where appropriate, remediate the violation. Appropriate actions may include, but are not limited to, counseling, awareness training, parent-teacher conferences, warning, suspension, expulsion, transfer, remediation, termination or discharge. Any action taken for violation of this policy shall be consistent with the requirements of state and federal law, School Board *Bylaws and Policies,* the *Administrative Procedures Manual* and the *Standards of Student Conduct.*

In determining what is an appropriate response to a finding that sexual harassment in violation of this policy has occurred, the school division shall consider:

- What response is most likely to end any ongoing harassment;
- Whether a particular response is likely to deter similar future conduct by the harasser or others;
- The amount and kind of harm suffered by the victim of the harassment;
- The identity of the party or parties who engaged in the harassing conduct; and
- Whether the harassment was engaged in by school personnel, and if so, the school division will also consider how it can best remediate the effects of the harassment.

In the event that evidence suggests that the harassment is also a crime under state or federal law, school officials shall report the results of the investigation to the appropriate law enforcement agency.

8.58 Sexual Harassment of Students (continued)

School Division Action (continued)

The results of the school division's investigation of each complaint filed under these procedures will be reported in writing to the complainant and other parties by the school division in accordance with state and federal laws regarding data and records privacy, and consistent with the privacy rights of the complainant and the alleged harasser.

If the results of the school division's evaluation of a complaint or harassment results in a conclusion that an individual has engaged in sexual harassment in violation of this policy, or that any individual has failed to report harassment as required by this policy, that individual may appeal this determination by use of established School Board procedures for appealing other adverse personnel and/or education related actions. If the results of the school division's investigation of a complaint of harassment results in a conclusion that no harassment has occurred, an individual who was allegedly subjected to harassment and believes this conclusion to be erroneous may appeal this determination by use of established School Board procedures for appealing other adverse personnel and/or education related actions.

Copies of all complaints of harassment and the investigations conducted pursuant to them shall be maintained for a period of 2 years at the School Board administrative offices.

Acts of Reprisal

Submission of a good faith complaint or report of sexual harassment will not affect the complainant's future employment, grades, learning or working environment or work assignments.

The School Board shall discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who knowingly files a false complaint of sexual harassment.

The School Board shall discipline or take appropriate action against any pupil, teacher, administrator or other school personnel who retaliates against any person who reports an incident of alleged sexual harassment, or any person who testifies, assists or participates in a proceeding, investigation or hearing relating to such harassment or violence. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

F. Dissemination of Policy and Training

The school division shall conspicuously post this policy against sexual harassment in each school, in a place accessible to pupils, faculty, administrators, employees, parent or guardians, and members of the public. The notice shall include the name, mailing address and telephone number of the Chief Academic Office and/or Assistant Superintendent for Administrative and Support Services, the Virginia Council on Human Rights, and the mailing address and telephone number of the United States Department of Education, Office of Civil Rights.

A summary of this policy shall appear in the *Standards of Student Conduct*. A complete copy of the policy shall be made available upon the request of parents or guardians, pupils, and other interested parties.

The School Board shall develop a method a discussing this policy with pupils and employees. Training on the requirements of this policy and the appropriate responses to issues regarding sexual harassment will be provided to all school personnel on an annual basis, and at such other times as the School Board in consultation with the division superintendent or his/her designee determines necessary or appropriate.

This policy shall be reviewed at least annually for compliance with state and federal law.

LEGAL REFERENCE: None

Adopted October 18, 1999
Revised/Adopted January 3, 2000
Revised/Adopted September 2, 2003
Revised/Adopted April 19, 2010

PUPILS

Section 8.54
P

SEXUAL HARASSMENT COMPLAINT FORM

Name of Complainant: _____

_____

Home Address: _____

_____

Work Address: _____

_____

Home Phone: _____

Work Phone: _____

Date(s) of Alleged Incident(s): _____

_____

Where did the incident(s) occur? _____

Name(s) of Person(s) you believe harassed you or another person:_____

_____

If someone other than you was harassed, identify the other person(s):

_____

Describe the incident as clearly as possible, including such things as what force, if any was used, any verbal statements (i.e. threats, requests, demands, etc.), what if any physical contact was involved. Attach additional pages if necessary.

_____

_____

List any witnesses who were present: _____

_____

_____

This complaint is based on my honest belief that _____has harassed me or another person.

I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

Received by:

_____
Signature of Complainant

_____ Date: _____
Signature

Title: _____

Date: _____

PUPILS

Section 8.54
P

RICHMOND PUBLIC SCHOOLS
STUDENT SEXUAL HARASSMENT POLICY

Every Richmond Public Schools student has the right to feel respected and safe. Consequently, we want you to know about our policy to prevent and address incidents of sexual harassment of students.

Richmond Public Schools prohibits any form of sexual harassment. It shall be a violation of this policy for any student, teacher, administrator, or other school personnel of Richmond Public Schools to harass a student through conduct or communication of a sexual nature while on school property, going to and from school, waiting for the school bus at designated bus stops, on the school bus, or participating in or attending school-sponsored or school-related activities, such as field trips, conferences or athletic events.

Sexual harassment may include:

- unwelcome sexual advances or pressure for sexual activity
- touching, patting, grabbing or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex
- coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts, sexual intercourse or a sexual act on another
- unwelcome behavior or words directed at an individual because of gender
- unwelcome verbal harassment or abuse
- sexual graffiti, notes or cartoons
- sexual gestures
- sexual or dirty jokes
- spreading rumors about or rating other students as to sexual activity or performance
- other unwelcome sexual behavior or words, including demands for sexual favors, when accompanied by implied or overt threats or implied or overt promises of preferential treatment
- Violent sexual acts
- unwelcome verbal harassment or abuse, threats of physical harm, or assaults directed at an individual because of sexual orientation.

If any words or actions make you feel uncomfortable or fearful, you need to tell a teacher, counselor, the principal or the Superintendent. You should also make a written report and give it to a teacher, counselor, the principal or the Superintendent. Your privacy will be respected as much as possible.

We take seriously all reports of sexual harassment and will take all appropriate action to investigate such claims, to eliminate the harassment, and to discipline any persons found to have engaged in such conduct.

Richmond Public Schools will also take action if anyone tries to intimidate you or take action to harm you because you made a report.

This is a summary of Richmond Public Schools' policy against sexual harassment of students. A complete copy of the policy is available from your principal or from Richmond Public Schools' Administrative Offices, 301 North 9th Street, Richmond, Virginia 23219, upon request.

RICHMOND PUBLIC SCHOOLS
STUDENT SEXUAL HARASSMENT POLICY (continued)

SEXUAL HARASSMENT IS AGAINST THE LAW.

Contact: Associate Superintendent for Instruction and Accountability, Richmond Public Schools, 301 North 9th Street, Richmond, Virginia Telephone: (804) 780-7704

Virginia Council on Human Rights, 900 E. Main Street, Pocahontas Building, 4th Floor, P.O. Box 717, Richmond, Virginia 23206 Telephone: (804) 225-2292

United States Department of Education, Office of Civil Rights, Customer Service Team, Mary E. Switzer Building, 330 C Street, S. W, Washington, D.C. 20202 Telephone: (800) 421-3481

Section 8.55
Section 8.56
P

8.55 Moment of Silence

Each classroom within Richmond Public Schools shall observe daily one minute of silence. During the one-minute period of silence, the teacher responsible for the classroom shall ensure that all students remain seated and silent and make no distracting display so that each student may, in the exercise of individual choice, meditate, pray or engage in any other silent activity which does not interfere with, distract or impede other students in their exercise of individual choice.

Adopted June 19, 2000

8.56 Public Charter Schools

A. Purpose

In order to (i) encourage the development of innovative programs within public education; (ii) provide opportunities for innovative instruction and student assessment; (iii) provide parents and students more options within their school divisions; (iv) provide teachers with a vehicle for establishing schools with innovative instruction and school scheduling, management and structure; (v) encourage the use of performance-based educational programs; (vi) establish and maintain high standards for both teachers and administrators; and (vii) develop models for replication in other public schools, the Richmond School Board shall receive and consider applications for the establishment of public charter schools.

B. Definitions

(1) A "public charter school" is a public, non-sectarian alternative school located within the Richmond school division. A public charter school may be created as a new school or by converting all or part of an existing public school. No public charter school shall be established through the conversion of a private school or a nonpublic home-based educational program. A public charter school for at-risk students may be established as a residential school.

(2) A "regional public charter school" is a public charter school operated by two (2) or more school boards and is chartered directly by the relevant school boards.

8.56 Public Charter Schools (continued)

(3) An "at-risk student" is a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Virginia Department of Education criteria, which research indicates may negatively influence educational success.

C. Establishment of Public Charter Schools; Requirements

(1) Public Charter Schools for At-Risk Students

In establishing public charter schools, the School Board shall give priority to public charter school applications designed to increase the educational opportunities of at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation.

(2) Compliance with State and Federal Law

All public charter schools shall be subject to federal and state laws, regulations and constitutional provisions prohibiting discrimination in admissions, employment or operation on the basis of disability, race, creed, color, gender, national origin, religion, ancestry or the need for special education services. Public charter schools shall also be subject to any court-ordered desegregation plan in effect in the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.

(3) Enrollment

Enrollment shall be open to any child who is deemed to reside (as defined in Section 22.1-3 of the Code of Virginia) within the school division or, in the case of a regional public charter school, within any of the relevant school divisions, through a lottery process on a space-available basis. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

(4) Tuition

A public charter school shall not charge tuition.

D. Application and Review Process

(1) Content of Public Charter School Application

Any person, group or organization, including any institution of higher education, may submit an application for the formation of a public charter school. The applicant must complete the entire application in the format provided in Exhibit A of this policy. The content of the public charter school application shall be in accordance with state law.

D. (2) Review Team

The School Board shall establish a "review team" consisting of appropriate school personnel, a local business representative and a resident public charter school proponent to evaluate public charter school applications. The School Board shall designate the chairman of the review team as the contact person for answering questions about the application process and receiving applications. The review team shall work cooperatively with applicants for public charter schools. When an application is incomplete, the review team shall request the necessary information. If, however, the applicant does not provide the necessary information within a reasonable timeframe (as established by the review team) then the application may be denied.

The review team shall (1) recommend to the School Board appropriate criteria for reviewing public charter school applications; (2) evaluate all public charter school applications based on the review criteria adopted by the School Board; (3) recommend one of the following options to the School Board for each application: approve, reject, place on a waiting list or return with suggestions for improvement; (4) monitor public charter school progress; and (5) make recommendations for revocation, renewal or non-renewal of charter contracts.

(3) Regulations

The School Board shall require, and the Administration shall promulgate, regulations governing the process for receiving, reviewing and ruling on applications for the establishment of public charter schools. Such regulations must include a timeline for the application and review process and the means for reviewing and evaluating each application, including the criteria on which the decision to grant or deny a charter will be based. A copy of the regulations, including the review criteria, shall be available to any interested party upon request.

(4) Review of Application by the Board of Education

The public charter school applicant may submit its proposed charter application to the Board of Education for review and comment. The Board's review shall examine such applications for feasibility, curriculum, financial soundness, and other objective criteria as the Board may establish, consistent with existing state law. The Board's review and comment shall be for the purpose of ensuring that the application conforms with such criteria, but shall not include consideration as to whether the application shall be approved by the local school board.

E. School Board Decision

Written notice of the School Board's decision shall be sent to the applicant and if the application is denied, the written notice shall include the reasons for the denial. Priority shall be granted to applications designed to increase the educational opportunities of at-risk students. The School Board's decision to grant or deny an application or to revoke or fail to renew a charter agreement shall be final and not subject to appeal.

8.56 Public Charter Schools (continued)

F. Charter Contract

Upon approval of a charter application, the School Board and the management committee of the public charter school shall enter into a contract which contains all agreements between the School Board and the public charter school. The approved application shall serve as the basis for the contract. Such contract between the public charter school and the School Board or relevant school boards shall reflect all requests for release of the public charter school from school division policies and state regulations. The charter contract shall also include other provisions negotiated by the School Board or its designee. A charter may be granted for up to three years. Any material revision of the charter contract shall be made in writing and must be approved by the School Board or in the case of a regional public charter school, between the regional public charter school and the relevant school boards and the management committee of the public charter school.

G. Waivers of School Board Policy and State Regulation

A public charter school may operate free from specified School Board policies and state regulations, except the Standards of Quality, the Standards of Learning and the Standards of Accreditation, as agreed in the charter contract. The School Board shall designate in its regulations governing public charter schools which School Board policies may not be waived. The School Board, or relevant school boards, shall request from the Board of Education, on behalf of its public charter schools, waivers from state regulations contained in each approved charter application. If the public charter school is designed to increase the opportunities of at-risk students, then the School Board, or relevant school boards, as the case may be, shall request that the Board of Education approve an Individual School Accreditation Plan.

8.56 Public Charter Schools (continued)

H. Management and Operation

A public charter school shall be administered and operated by a management committee in the manner agreed to in the charter contract. The management committee shall be composed of parents of students enrolled in the school, teachers and administrators working in the school and representatives of any community sponsors, or any combination thereof. A public charter school shall be responsible for its own operations. However, a public charter school may negotiate and contract with the School Board, or any other third party, for the provision of necessary services. Services provided by the School Board must be provided at cost.

I. Personnel

Public charter school personnel shall be employees of the School Board or local school boards granting the charter and shall be selected as agreed in the charter contract. Professional, licensed employees currently employed by the School Board may volunteer for assignment to a public charter school and may be assigned by the School Board to a public charter school for one contract year and reassigned annually upon the request of the employee and the recommendation of the management committee. Professional, licensed employees assigned to a public charter school shall receive the same employment benefits as such personnel assigned to noncharter schools. Professional, licensed personnel who request assignment to a noncharter school or who are not recommended for reassignment in the public charter school, other than for reasons cited in § 22.1-307 of the Code of Virginia, shall be transferred to a noncharter school according to School Board policy.

The School Board, or in the case of a regional public charter school, relevant school boards may employ such health, mental health, social services, and other related personnel to serve in residential charter schools for at-risk students as determined in the charter agreement; however, the School Board is not required to fund the residential or other services provided by a residential charter school.

The School Board has the final authority to assign professional, licensed personnel to charter or noncharter schools within the division.

8.56 Public Charter Schools (continued)

J. Funding

Public charter schools shall be funded as provided by law and as negotiated in the charter contract.

K. Revocation and Renewal of the Charter Contract

The School Board may revoke a charter contract if:

(1) the public charter school violates the conditions, standards or procedures established in the application;

(2) the public charter school fails to meet or make reasonable progress toward achievement of the content standards or student performance standards identified in the charter application;

(3) the public charter school violates a material term of the charter contract (for example, failing to provide required reports to the School Board);

K. Revocation and Renewal of the Charter Contract (continued)

(4) the public charter school fails to meet generally accepted standards of fiscal management;

(5) the public charter school violates any provision of law from which it has not been exempted; or

(6) the School Board determines that it is not in the public interest or for the welfare of the students within the division to continue the operation of the public charter school (for example, the public charter school is no longer financially sound or fails to achieve state testing standards or decrease absentee rates).

A charter contract may be approved and renewed for a period not to exceed five (5) years. The management committee must apply to renew the charter no later than six (6) months prior to the expiration of the charter contract. The application for renewal shall contain:

8.56 Public Charter Schools (continued)

(1) a report on the progress of the public charter school in achieving the goals, objectives, program and performance standards for students and other conditions and terms the School Board or relevant school boards required in the charter;

(2) a financial statement, on forms prescribed by the Board of Education, disclosing the costs of administration, instruction and other spending categories which is written in a way to allow the School Board or relevant school boards and the public to compare such costs to the costs of other schools and comparable organizations; and

(3) other information the School Board may require.

If a charter contract is revoked or not renewed, or a public charter school is dissolved, the management committee shall be responsible for all financial obligations of the public charter school.

L. Reports

The School Board shall report to the Board of Education the following:

(1) the grant or denial of public charter school applications;

(2) the number of charters granted or denied and the reasons for such denials;

(3) whether any of the charters granted are designed to increase the educational opportunities of at-risk students or students served by schools that have not achieved full accreditation;

(4) an annual evaluation of each public charter school;

(5) an annual comparison of the performance of public charter school students and students enrolled in regular schools; and

(6) the number of students enrolled in each public charter school at the end of the school year.

P

8.56 Public Charter Schools (continued)

Legal Reference:

Code of Virginia, Section 22.1-3. Persons to whom public schools shall be free.
Code of Virginia, Section 22.1-26. Joint and regional schools; regional public charter schools.
Code of Virginia, Section 22.1-212.5 *et seq*. Establishment of Charter Schools.
Code of Virginia, Section 22.1-307. Dismissal, etc., of teacher; grounds.

Adopted February 20, 2001
Revised/Adopted June 4, 2001
Revised/Adopted June 17, 2002
Revised/Adopted June 21, 2004

EXHIBIT A
CHARTER SCHOOL APPLICATION

Any person, group or organization, including any institution of higher education, may submit an application for the formation of a charter school. Applicants must follow state law and School Board policy regarding charter schools. Applications must be received by the Clerk of the School Board between October and January 31 of the school year prior to the anticipated opening of the Charter School, An original plus fifteen (15) copies of the application must be submitted. [An application fee of $75.00 shall be submitted with the application.] Applicants must follow the application format provided below.

I. Mission Statement

Describe the mission of the proposed charter school, including any specific area of concentration (i.e. math and science, technology or the arts). This statement should include the core philosophy or purpose of the school as well as the target student population, including whether the school intends to increase the opportunities of educationally at-risk students. **As required by law, the mission must be consistent with the Standards of Quality, the Standards of Accreditation and Standards of Learning.**

II. Goals and Educational Objectives

Describe the goals and educational objectives of the proposed charter school. This section should include broad student achievement goals. The objectives should be expressed as a concrete, measurable statement of what students should know and be able to do at various levels of education and identify practices that will improve teaching and enhance learning. **As required by law, the objectives and goals must meet or exceed the Standards of Learning.**

III. Evidence of Support

Provide tangible evidence of support for the formation of the charter school from an adequate number of parents, teachers, pupils, residents of the school division, or any combination thereof. Such tangible evidence may include a petition, signed letters of support, surveys or minutes of a charter school organizational meeting.

IV. Statement of Need

Describe the need for the charter school and how that need was determined.

V. Description of the Education, Pupil Performance Standards and Curriculum

Describe the curriculum and the methods of instruction, including teaching materials and any innovative techniques to be used. List the pupil performance standards and how they were established. This section should also provide the school calendar. **As required by law, the elements in this section must meet or exceed applicable Standards of Quality, the Standards of Accreditation and Standards of Learning.**

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

VI. Pupil Evaluation: Assessments, Timeline and Corrective Action

Describe the plan for evaluating student performance, including any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by Section 22.1-253.13:3 of the Code of Virginia. Include a timeline for the achievement of the stated standards and goals and a procedure for corrective action if student performance falls below the stated standards and goals. For secondary charter schools, describe the method for determining that a student has satisfied the requirements for graduation and how the transfer of credits between schools will be accomplished. This section should demonstrate how the charter school will be accountable to the School Board, parents, the community and the state.

VII. Admissions Process

Describe the student admission policy, including the lottery (random) process to be used if there are more applicants than spaces available. If applicable, the admission policy may be tailored to meet the specific mission and goals of the charter school. **Any admission process must be consistent with federal and state laws, regulations and constitutions regarding discrimination and any court-ordered desegregation plan in effect in the school division.** This section should include a timeframe for registering and admitting students, and how the school will seek a cross section of the community's children, including at-risk students.

Describe how transfers of students between charter schools and noncharter schools will be accomplished and how students enrolled after the start of the school year will be accommodated.

VIII. Financial Plan: Evidence of Economical Soundness, Proposed Budget and Annual Audit

Provide a budget and any other information that illustrates the proposed charter school is economically sound for both the charter school and the school division. Include detailed sources of revenue and expenditures for the proposed term of the charter (at most three years), a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school division, will be conducted and the manner in which the school division can ensure fiscal and administrative compliance with the charter. Anticipated gifts, grants or donations and a student fee schedule should be included.

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

IX. Displacement Plan: Pupils and Employees

Describe the displacement plan for students and employees who will not attend or be employed in the charter school in instances of the conversion of an existing public school to a public charter school, and for the placement of students and employees upon termination or revocation of the charter. This section should also include a plan for the placement of students and employees if the charter school facility is destroyed (e.g. by flood or fire), unable to be occupied or dissolved for any reason.

X. Management and Operation

Describe the management and operation of the charter school, including the nature and extent of parental, professional educator and community involvement. List the names and addresses of the proposed management committee. This section should include (1) a detailed description of the relationship between the management committee and the local school board, including the charter school spokesperson (i.e. who is accountable to the school board); (2) how the charter school will be accountable to the public, including a plan for compliance with the Virginia Freedom of Information Act and reporting requirements; (3) how the management committee is selected and its relationship to the teachers and administrators; (4) a description of the rules and procedures followed to arrive at policy and operational decisions; and (5) summaries of the job descriptions of key personnel, including the school leader/principal.

XI. Employee Relations

Explain the relationship that will exist between the charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees (e.g. a signed employee handbook or personnel policy).

XII. Legal Liability and Insurance Coverage

Describe the arrangement between the charter school and the School Board regarding their respective legal liability and applicable insurance coverage. Insurance coverage should include health, property and casualty (automobile liability, general liability, property, officer and employee liability) and workers' compensation.

XIII. Transportation

Describe the plan for transporting students to and from school, including arrangements made with the School Board, private providers or parents.

XIV. Assurances

Assure that he charter school is non-sectarian and will not charge tuition by including a statement to that effect.

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

XV. Residential School for At-Risk Students

If the charter school will serve as a residential school for at-risk students, describe: (1) the residential program, facilities and staffing; (2) any parental education and after-care initiatives; (3) the funding sources for the residential and other services provided and (4) any counseling or other social services to be provided and their coordination with any current state and local initiatives.

XVI. Waivers

Describe and justify any waiver from School Board policies and state regulations that the charter school requests. The Standards of Quality, the Standards of Accreditation and Standards of Learning may not be waived. **Please note that state law only allows waivers of policy and regulation; no waiver of state or federal statutes or regulations is permitted.**

XVII. Discrimination

Assure that the charter school will follow state and federal law prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services and shall be subject to any court-ordered desegregation plan in effect in the school division.

XVIII. Applicant Information

List the name, address, phone number and qualifications of the applicant(s) and designate an applicant contact person.

XIX. Facility

Describe the facility(ies) to be used for the charter school or the plan for the acquisition of a facility. If the facility is not property of the school division, then the following must be provided: (1) a certificate of occupancy; (2) a health inspection certificate; (3) an annual fire certificate of inspection; (4) proof of compliance with federal, state and local health and safety laws and regulations; and (5) a copy of the lease or contract under which the charter school will use the facility. If the facility is the property of the school division, then describe plans, if any, for alteration or renovation.

XX. Health and Safety

Describe the procedures the charter school will implement to ensure health and safety of the students and employees, including how and if the management committee will conduct a state criminal record check on all employees; how the charter school will conduct fingerprinting and federal criminal record checks, if applicable; how the charter school will comply with the requirement to report child abuse; and how the charter school will comply with Occupational Safety & Health Act requirements.

EXHIBIT A (continued)
CHARTER SCHOOL APPLICATION

XXI. Indemnity

Assure that the School Board will be defended, held harmless and indemnified against any claim, action, loss, damage, injury, liability, cost or expense of any kind as a result of the operation of the charter school or actions by its agents, employees, invitees or contractors.

XXII. Services

List the services and their estimated costs that the applicant wishes the School Board to provide; for example, food service, payroll or conducting criminal background checks. Also, list services that will be provided by others and their estimated costs.

XXIII. Timeline

Provide a detailed timeline, identifying each step required to establish the charter school, including, but not limited to, staff hiring, location and purchase of materials, implementing the evaluation plan, obtaining necessary services, opening an appropriate facility and consulting with experts, if necessary. **Please note that it will take approximately 8-12 months to implement the proposal.**

XXIV. Renewal

Assure that if the charter school desires to renew its contract, it shall apply at least six (6) months prior to the expiration of the contract.

XXV. Disclosure of Ownership or Financial Interest

Disclose any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school. The successful applicant and governing body, administrators and other personnel of the public charter school have a continuing duty to disclose such interests during the term of the charter.

XXVI. Board of Education Review

Provide the results of any Board of Education Review of your charter school application.

Adopted June 17, 2002
Revised/Adopted June 21, 2004

Section 8.57
Section 8.58
P

8.57 Bullying and Other Threatening Behavior

Bullying is defined as direct behaviors, such as teasing, taunting, threatening, hitting and stealing, that are initiated by 1 or more pupils against a victim or victims. In addition to direct attacks, bullying may also be indirect, such as spreading rumors that cause victims to be socially isolated through intentional exclusion.

All pupils have the right to be educated in an atmosphere that is free from fear, intimidation and harassment. Bullying, teasing, hazing, or other acts of intimidation can have long-term negative effects on the emotional and educational well being of pupils and are therefore prohibited. Such prohibited conduct includes (in addition to those bullying behaviors described above), but is not limited to, any verbal, written, electronic, physical or mental teasing, or threat of bodily injury or use of force directed toward another person for any reason.

The consequences for incidents of bullying shall be consistent with those for assault and battery, as described in the *Standards of Student Conduct*.

LEGAL REFERENCE: None

Adopted June 4, 2001
Revised/Adopted April 19, 2010

8.58 Pledge of Allegiance

In recognition of the civic heritage of the United States of America, all students shall learn the Pledge of Allegiance and demonstrate such knowledge. The flag of the United States shall be in place in each classroom.

The Pledge of Allegiance shall be recited daily in each classroom of the school division at a time during the school day determined appropriate by the School Board. During the Pledge, the students shall stand and recite the Pledge while facing the flag with their right hands over their hearts or in an appropriate salute if in uniform.

No student shall be compelled to recite the Pledge if he, his parent or legal guardian objects on religious, philosophical or other grounds to his participating in the recitation of the Pledge. Students who are exempt from reciting the Pledge shall remain quietly standing or sitting at their desks and shall make no display that disrupts or distracts others who are reciting the Pledge.

8.58 Pledge of Allegiance (continued)

The School Board shall provide appropriate accommodations for students who are unable to comply with this policy due to disability.

The School Board's *Standards of Student Conduct* shall apply to disruptive behavior during the recitation of the Pledge in the same manner as in other circumstances of other behavior.

Legal Reference:

Code of Virginia, Section 22.1-202. Instruction in history and principles of flags of United States and Virginia; pledge of allegiance to American flag; guidelines developed by the Board.

Adopted June 4, 2001

8.59 Reassignment of Certain Students

Any pupil who commits an assault and/or battery on a teacher or other school employee shall be recommended for expulsion from Richmond Public Schools. A pupil found to have committed assault and/or battery on a teacher or other school employee (if and when such pupil is permitted to return to school following his/her suspension or expulsion) shall be assigned to a school other than the one to which his/her victim is assigned.

LEGAL REFERENCE: None

Adopted June 4, 2001
Revised/Adopted April 19, 2010

Section 8.61
P

8.60 Student Representatives to School Board

The School Board shall, upon the recommendation of the Administration, adopt procedures for the appointment of student representatives to the School Board. The student representatives shall be selected from among the students enrolled in Richmond Public Schools. The student representatives shall serve in a nonvoting advisory capacity, on a rotating basis, for a term of one month.

The student representatives to the School Board shall not be construed as members of the School Board for any purpose, including, but not limited to, establishing a quorum or making any official decision. The School Board shall exclude the student representatives from closed or executive sessions of the School Board held pursuant to the Freedom of Information Act.

Legal Reference:

Code of Virginia, Section 22.1-86.1. Appointment of student representatives to local school boards.

Adopted June 4, 2001

8.61 Completion of Academic Assignments by Suspended Students

Any student who is suspended from school, whether short-term or long-term, shall receive and complete all academic assignments (class work and homework) during the period of the suspension and submit the completed work to his or her classroom teacher(s) upon his or her return to school. In addition, the suspended student, upon his or her return, shall be administered all quizzes and/or tests given in his or her absence. A student's failure to complete academic assignments or to take quizzes or tests as required shall be addressed in accordance with the classroom policy regarding incomplete assignments.

LEGAL REFERENCE: None

Adopted March 18, 2002
Revised/Adopted April 19, 2010

8.62 Posting of the United States Bill of Rights and the National Motto

Each school within the school division shall post prominently and in a conspicuous place (i) the Bill of Rights of the Constitution of the United States; and (ii) the statement, "In God We Trust," the National Motto, enacted by Congress in 1956, for all students to read. The School Board, in its discretion, may accept contributions in cash or in-kind from any person, to defray the costs of implementing this policy. "Person," for purposes of this policy, shall mean any individual, corporation, partnership, association, company, business, trust, joint venture or other legal entity.

Legal Reference:

Virginia Acts of Assembly of 2003, Chapter 902, §§ 1-2.
Code of Virginia. Section 1-13.19. Person.

Adopted June 17, 2002
Revised/Adopted June 16, 2003

8.63 Administration of Questionnaires and Surveys to Students

A. Inspection of Instructional Materials by Parents or Guardians

Federal law requires that all instructional materials, including teacher's manuals, films, tapes, or other supplementary material, which will be used in connection with any survey, analysis, or evaluation as part of any applicable federal program be made available for inspection by the parents or guardians of students. The School Board shall make any and all such instructional materials available for inspection by parents or guardians as is described in this Policy.

B. Definitions

As used in this Policy, the following terms have the meanings provided below.

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

Section 8.63
P
8.63 Administration of Questionnaires and Surveys to Students

B. Definitions (continued)

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

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

"*Personal information*" means individually identifiable information, including a student's or parent's first and last name; (2) a home or other physical address (including street name and the name of the city or town); (3) a telephone number; or (4) a Social Security identification number.

"*Survey*" includes an evaluation.

C. Procedure for Requesting Opportunity to Inspect Instructional Materials

Parents who want to inspect any such instructional materials should submit to the principal or his designee of the school that their student attends, a written request to inspect. The written request should describe in as much detail as is possible the instructional materials that the parents wish to inspect. Parents may make their request to inspect instructional materials verbally; however, the School Board recommends that requests to inspect instructional materials be submitted in writing, where possible, to avoid any misunderstanding regarding the requests. Upon receiving requests to review instructional materials, the principal or his designee shall consult with the requesting parents and schedule a mutually agreeable time for the parents to review the requested materials at the school. Such review shall be scheduled within a reasonable amount of time following the receipt by the principal or his designee of the request, but affording the school administration sufficient time to gather the requested materials.

8.63 Administration of Questionnaires and Surveys to Students (continued)

D. Participation in Surveys and Evaluations

No student shall be required, as part of any federally funded program, to submit to a survey, analysis, or evaluation that reveals information concerning any of the following topics without the prior written consent of the student's parent or the student (if the student is an adult or emancipated minor):

(1) political affiliations or beliefs of the student or the student's parent;

(2) mental or psychological problems of the student or the student's family;

(3) sex behavior or attitudes;

(4) illegal, anti-social, self-incriminating, or demeaning behavior;

(5) critical appraisals of other individuals with whom respondents/students have close family relationships;

(6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

(7) religious practices, affiliations, or beliefs of the student or student's parent; or

(8) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program)

8.63 Administration of Questionnaires and Surveys to Students (continued)

E. Additional Rights and Protections

In addition to those rights listed above, students and their parents enjoy the following rights and protections:

(1) Right to Inspect Surveys: Parents of students have the right to inspect, after making a request to do so to the appropriate school officials, any survey created by a third party before the survey is administered or distributed by any school to their students. Parents requesting the opportunity to inspect any such survey shall be granted access to the survey instrument within a reasonable period of time following the parents' request. Parents should follow the procedures described above to request an inspection of surveys.

(2) Arrangements to Protect Student Privacy: In the event that any school administers or distributes to students a survey containing one or more of the topics listed above, the school shall take the following precautions to protect the privacy of any student completing any survey:

(a) Where appropriate, such surveys shall administered/distributed anonymously, so that students completing the surveys cannot be identified by their responses.

(b) School officials administering surveys subject to this Policy shall inform students before administering the survey that the students are not required to complete the survey. School officials shall also inform students that if they choose to complete the survey, their responses shall be reviewed only by persons who are employed by Richmond Public Schools and/or by the developer/provider of the survey instrument.

8.63 Administration of Questionnaires and Surveys to Students (continued)

E. Additional Rights and Protections (continued)

(c) During the completion of surveys by students, teachers, guidance counselors and/or other school administrators who are administering the surveys shall not review surveys as they are being completed by students. Preferably, the school officials will pass out the surveys and collect them from the front of the room in which they are being completed, so that no school official can identify any students' responses.

(d) School officials, including teachers, guidance counselors, and/or school administrators, shall collect completed surveys separately from any and all other materials collected from students. The completed surveys shall be maintained in separate files related solely to the administration/distribution the subject survey, and shall not be maintained in students' individual student records.

(3) Inspection of Instructional Materials: In addition to the right to inspect instructional materials described above in this Policy, parents, after making a request to the appropriate school officials, may inspect any instructional material used as part of the educational curriculum for students. Parents requesting the opportunity to inspect any such instructional materials shall be granted access to the materials within a reasonable period of time following the parents' request. Parents should follow the procedure described above to request an inspection of instructional materials.

(4) Physical Examinations and Screenings: Richmond Public Schools administers physical examinations and screenings required by applicable Virginia law and the Individuals with Disabilities Education Act. In addition, Richmond Public Schools from time-to-time administers physical examinations or screenings not required by law but to assist families (e.g., heights and weights for students at ages not otherwise required by law). In such instances, parents are notified and provided the opportunity to opt out of such examinations or screenings. The School Board shall involve parents in any revision to this or other policies requiring the administration of physical examinations or screenings of students other than those required by applicable Virginia law or the Individuals with Disabilities Education Act.

8.63 Administration of Questionnaires and Surveys to Students (continued)

E. Additional Rights and Protections (continued)

Commercial Use of Information: Questionnaires and surveys shall not be administered to students during the regular school day or at school sponsored events without written, informed parental consent when participation in such questionnaires or surveys may result in the sale for commercial purposes of personal information regarding the individual student. When such questionnaires or surveys are administered, parents of students have the same right to inspect the instruments as they do surveys related to the topics listed above in this Policy. In addition, Richmond Public Schools, to the extent consistent with the purpose of distributing the personal information, shall take all reasonable steps necessary to protect student privacy.

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

(5) Commercial Use of Information (continued)

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

8.63 Administration of Questionnaires and Surveys to Students (continued)

F. Opt-Out Provisions

Parents on behalf of their children (or emancipated students for themselves) may opt out of participating in any of the following:

(1) activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), as discussed above;

(2) the administration of any survey containing one or more of the items listed above;

(3) any nonemergency, invasive physical examination or screening as described above, that is:

(a) required as a condition for attendance at any Richmond Public School;

(b) administered by any Richmond Public School and scheduled by the school in advance; and not necessary to protect the immediate health and safety of the student or of other students.

G. Parental Notification

(1) Notification of Policies:

The School Board shall provide notice of this Policy directly to parents of students annually at the beginning of each school year and within a reasonable period of time after any substantive change in this Policy.

P

8.63 Administration of Questionnaires and Surveys to Students (continued)

(2) Notification of Specific Events:

The School Board shall notify directly the parents of students, at least annually at the beginning of each academic year, regarding the specific or approximate dates during the school year when the following activities are scheduled, or expected to be scheduled:

(a) activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose), as is discussed above;

(b) the administration of any survey containing one or more of the items listed above;

(c) any nonemergency, invasive physical examination or screening as is described above, that is (i) required as a condition for attendance at any Richmond Public School, (ii) administered by any Richmond Public School and scheduled by the School in advance, and (iii) not necessary to protect the immediate health and safety of the student or other students.

(3) Notification of Surveys Requesting Sexual Information

In any case in which a questionnaire or survey requesting sexual information of students is to be administered, the school board shall notify the parent concerning the administration of such questionnaire or survey in writing not less than 30 days prior to its administration. The notice shall inform the parent regarding the:

(a) nature and types of questions included in the questionnaire or survey;

(b) purposes and age-appropriateness of the survey; and

8.63 Administration of Questionnaires and Surveys to Students (continued)

(3) Notification of Surveys Requesting Sexual Information (continued)

(c) whether and how any findings or results will be disclosed.

Parents shall have the right to review the questionnaire or survey and to exempt their child from participating in the survey. However, no questionnaire or survey requesting sexual information of a student shall be administered to any student in kindergarten through grade six and, unless required by federal or state law or regulation, school personnel administering any such questionnaire or survey shall not disclose personally identifiable information.

H. Policy Adoption and Revision

The School Board adopted this Policy following consultation with parents of Richmond Public Schools students. Any amendment or revision to this Policy shall be made by the School Board only after consultation with parents of Richmond Public Schools students.

Legal Reference:

United States Code, Title 20, Section 1232h; 34 C.F.R. Part 98. Protection of pupil rights.

Code of Virginia, Section § 22.1-79.3. Policies regarding certain activities.

Adopted June 17, 2002
Revised/Adopted August 4, 2003
Revised/Adopted June 19, 2006

PUPILS

Section 8.64
Section 8.65
P

8.64 School Registration of Homeless Students

Richmond Public Schools is committed to educating homeless children and youth and will serve each homeless student according to the student's best interest.

Richmond Public Schools shall comply with the requirements of the McKinney-Vento Homeless Assistance Act, Subtitle VII-B, with respect to the enrollment of homeless children and youth. The Administration shall promulgate regulations and/or procedures consistent with the requirements of the Act and the provisions of this policy.

Legal Reference:

McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11431 *et seq*.

Adopted February 17, 2004

8.65 School Asthma Management Plan

Asthma is a common chronic childhood illness and a major cause of student absences from school. Students with poorly controlled asthma may have greater difficulty with school work and a higher incidence of grade failure. Asthma attacks (acute episodes of symptoms) can be serious and life-threatening for students who experience them. Public school officials can help students control their asthma by helping them follow individualized asthma action plans, by minimizing students' exposure to allergens and other irritants, and by responding appropriately to students' asthma episodes. These efforts will support the academic performance and improve the health status of asthmatic students.

Each school shall prepare, adopt, and implement a comprehensive plan for the management and education of students and staff that suffer from asthmatic attacks. This plan shall be based on current research and best practices. The plan shall be developed in partnership with families, health care providers and community agencies and implemented within the context of a coordinated school health program and shall include the following provisions:

1. Asthma awareness education for students shall be integrated into health education, science, and physical education curricula at appropriate levels.

2. Employees at each school shall participate in professional development sessions that include basic information about asthma, asthma management practices, and emergency response procedures.

3. Procedures shall be established to identify students with significant asthma morbidity[1], that is, students whose health, education, or quality of life are negatively impacted by their asthma.

8.65 School Asthma Management Plan (continued)

4. Procedures shall be established to systematically identify and minimize other asthma triggers (respiratory allergens and irritants) in school buildings and on school grounds.

5. Procedures shall be established to proactively seek out those students who may suffer from asthma that is connected to indoor air quality.

6. Procedures shall be established to develop an integrated pest management (IPM) program to reduce sources of food, water, and shelter for pests in and around school buildings with procedural guidelines for pesticide application and for notification of parents/guardians and building occupants prior to the application.

7. Procedures shall be established to submit annual progress reports and recommendations for program improvements to the Superintendent and the School Board.

[1]"Morbidity" is defined as "the rate of incidence of a disease."

Adopted February 6, 2006

8.66 Wellness Policy

RICHMOND PUBLIC SCHOOLS
LOCAL WELLNESS POLICY
ISSUED BY THE
RICHMOND CITY SCHOOL BOARD
CHAIRMAN: DAVID BALLARD

SUPERINTENDENT: DR. DEBORAH JEWELL-SHERMAN
2006 – 2007 SCHOOL YEAR

The development and adoption of this policy is mandated by the Child Nutrition and Women, Infants and Children (WIC)

8.66 Wellness Policy (continued)

Reauthorization Act of 2004[1] . As required, this policy is established in accordance with United States Department of Agriculture (USDA) regulations[2] and guidance, and existing Virginia regulations[3] and guidance, as they apply to school nutrition programs. The guidelines are equally as restrictive as the state and federal school nutrition laws and will be modified in the event that new legislation is enacted.

Richmond Public Schools recognizes that childhood overweight and obesity rates have nearly tripled in the past thirty years and continue to rise. Poor eating habits and increased sedentary activities have contributed to this trend. There are numerous emotional and health consequences of being overweight. Since the greatest portion of a child's day is spent in the school environment, schools are in a strong position to impact children's nutritional and physical activity habits and reduce the proliferation of childhood obesity. Nutrition and physical activities are essential for students to achieve their full academic and physical potential.

The goals and purposes of this policy are to:

1. Provide a framework for schools to make positive changes that will increase and develop a framework for wellness.

2. Offer recommendations and provide guidelines, at the district level, that will strengthen school nutrition and physical activity programs in Richmond Public Schools.

3. Address the issues that underlie the soaring rates of overweight children and adolescents in our district.

4. Provide our students with healthier food and beverage options and increase opportunities for physical activities.

---

1. *Public Law 108-265.*
2. *National School Lunch Program Regulations*, 7 C.F.R. Part 210; See also, *School Breakfast Program Regulations*, 7 C.F.R. Part 220.
3. See, *Virginia Regulations for the School Breakfast Program,* 8 VAC 20-580-10 et. seq.

Committee Members

Kevin G. Adams	Teacher/AD
Helen W. Ragazzi, M.D.	Parent/Pediatrician
Joseph Boatwright, III M.D.	Pediatrician
Lee Reaves,	Exec. Dir. Team Up-Rich.
Dominique Bourqeios	Teacher/PE
Charlene Rodgers	Nurse Coordinator
Christina Gaines	Teacher/PE
Sharonda Samuels	Student
William James	Instructional Specialist
Cathy M. Stith	Nurse Manager
Trent Jones	Risk Management
Sterling Stokes	Principal
Reggie Malone	School Board
Vista Suarez, Ph.D.	School Nutrition
Natalie May, Ph.D.	Parent
Patrick Tully	Teacher/PE
Mary Pierce	Principal
Dionne Ward	Principal
Ethan Pitts, Jr.	Teacher/PE
Alan Worrell	Teacher/PE

Mission Statement:

Richmond Public Schools believes healthy eating and physical activities, in a holistic school environment, are essential for students to achieve full academic, social, physical, psychological and emotional well being.

Nutrition Statement:

Academic performance and quality of life are enhanced by the choice and availability of healthy foods and nutrition education in our school district.

8.66 Wellness Policy (continued)

Nutrition Guidelines

School Meals

Meals served through the National School Lunch and Breakfast Programs will:

- be appealing and attractive to children;
- be served in clean and pleasant settings;
- meet, at a minimum, nutrition requirements established by local, state, and federal statutes and regulations;
- offer a variety of fruits and vegetables,[4]
- serve only low-fat (1%) and fat-free milk[5] and nutritionally-equivalent nondairy alternatives -- as defined by the United States Department of Agriculture (USDA);
- ensure that at least half of the served grains are whole grain,[6] and
- ensure that a vegetarian option is offered daily

Schools should engage students and parents, through taste-tests of new entrees and surveys, in selecting foods sold through the school meal programs in order to identify new, healthful, and appealing food choices. In addition, schools should share information about the nutritional content of meals with parents and students. Such information could be made available on menus, a website, on cafeteria menu boards, placards, or other point-of-purchase materials.

Breakfast

To ensure that all children have breakfast, either at home or at school, in order to meet their nutritional needs and enhance their ability to learn:

- Schools will, to the greatest extent possible, operate the School Breakfast Program.
- Schools will, to the greatest extent possible, utilize methods to serve nutritious school breakfasts that encourage participation.
- Schools will notify parents and students of the availability of the School Breakfast Program.
- Schools will encourage parents to provide a healthy breakfast for their children through newsletter articles, take-home materials, or other means.

8.66 Wellness Policy (continued)

Free and Reduced-priced Meals

Schools will make every effort to eliminate any social stigma attached to, and prevent the overt identification of, students who are eligible for free and reduced-price school meals[7]. Toward this

end, schools may utilize electronic identification and payment systems, promote the availability of school meals to all students.

4. To the extent possible, schools will offer at least two non-fried vegetable and two fruit options each day and will offer five different fruits and five different vegetables over the course of a week. Schools are encouraged to source fresh fruits and vegetables from local farmers when practicable.

5. As recommended by the Dietary Guidelines for Americans 2005.

6. According to the USDA, a whole grain is one labeled as a "whole" grain product or with a whole grain listed as the primary grain ingredient in the ingredient statement. Examples include "whole" wheat flour, cracked wheat, brown rice, and oatmeal.

7. It is against the law to make others in the cafeteria aware of the eligibility status of children for free, reduced-price, or "paid" meals.
(See, Free and Reduced Price Eligibility Regulations, 7 CFR 245.8)

Summer Food Service Program

Participation in the Summer Food Service Program will be encouraged for schools in which more than 50% of students are eligible for free or reduced-price school meals. Participation will be encouraged for at least six weeks between the last day of the academic school year and the first day of the following school year, and preferably throughout the entire summer vacation.

Qualifications of School Food Service Staff

Qualified nutrition professionals will administer the school meal programs. As part of the school district's responsibility to operate a food service program, we will provide continuing professional development for all nutrition professionals in schools. Staff development programs should include appropriate certification and/or training programs for child nutrition directors, school nutrition managers, and cafeteria workers, according to their levels of responsibility.[8]

Sharing of Foods and Beverages

Schools should discourage students from sharing their foods or beverages with one another during meal or snack times, given concerns about allergies and other restrictions on some children's diets. A notice of this policy will be shared with parents at the beginning of each semester.

****

Foods and Beverages Sold Individually (*i.e.*, foods sold outside of reimbursable school meals, such as through vending machines, cafeteria a la carte [snack] lines, fundraisers, school stores, etc.)

Elementary Schools: The school food service program will approve and provide all food and beverage sales to students in elementary schools.

Middle and High Schools: In middle and high schools, all foods and beverages sold individually outside the reimbursable school meal programs (including those sold through a la carte [snack] lines, vending machines, or fundraising activities) during the school day, or through programs for students after the school day, will meet the following nutrition and portion size standards:

Beverages:

- Allowed: water without added caloric sweeteners; fruit and vegetable juices and fruit-based drinks that contain at least 100% fruit juice and that do not contain additional caloric sweeteners; unflavored or flavored low-fat or fat-free fluid milk and nutritionally-equivalent nondairy beverages (as defined by USDA);

- Not allowed: soft drinks containing caloric sweeteners; sports drinks; iced teas; fruit-based drinks that contain less than 100% real fruit juice or that contain additional caloric sweeteners; beverages containing caffeine excluding low-fat or fat-free chocolate milk (which contain trivial amounts of caffeine).

8. *School nutrition staff development programs are available through the USDA, School Nutrition Association, and National Food Service Management Institute.*

Foods:

A food item sold individually:

- will have no more than 35% of its calories from fat (excluding nuts, seeds, peanut butter, and other nut butters) and 10% of its calories from saturated and trans fat combined;
- will have no more than 35% of its weight from added sugars;[9]
- will contain no more than 230 mg of sodium per serving for chips, cereals, crackers, french fries, baked goods, and other snack items; will contain no more than 480 mg of sodium per serving for pastas, meats, and soups; and will contain no more than 600 mg of sodium for pizza, sandwiches, and main dishes.
- A choice of at least two fruits and/or non-fried vegetables will be offered for sale at any location on the school site where foods are sold. Such items could include, but are not limited to, fresh fruits and vegetables; 100% fruit or vegetable juice; fruit-based drinks that are at least 50% fruit juice and that do not contain additional caloric sweeteners; cooked, dried, or canned fruits (canned in fruit juice or light syrup); and cooked, dried, or canned vegetables (that meet the above fat and sodium guidelines).[10]

Portion Sizes:

Limit portion sizes of foods and beverages sold individually to those listed below:

- One and one-quarter ounces for chips, crackers, popcorn, cereal, trail mix, nuts, seeds, dried fruit, or jerky;
- One ounce for cookies;
- Two ounces for cereal bars, granola bars, pastries, muffins, doughnuts, bagels, and other bakery items;
- Four fluid ounces for frozen desserts, including, but not limited to, low-fat or fat-free ice cream;
- Eight ounces for non-frozen yogurt;
- Twelve fluid ounces for beverages, excluding water; and
- The portion size of a la carte entrees and side dishes, including potatoes, will not be greater than the size of comparable portions offered as part of school meals. Fruits and non-fried vegetables are exempt from portion-size limits.

8.66 Wellness Policy (continued)

Fundraising Activities:

To support children's health and school nutrition-education efforts, school fundraising activities will not involve food, or will use only foods that meet the above nutrition and portion size standards for foods and beverages sold individually. Schools will encourage fundraising activities that promote physical activity. The school district will make available a list of ideas for acceptable fundraising activities.

9. *If a food manufacturer fails to provide the added sugars content of a food item, use the percentage of weight from total sugars (in place of the percentage of weight from added sugars), and exempt fruits, vegetables, and dairy foods from this total sugars limit.*

10. *Schools that have vending machines are encouraged to include refrigerated snack vending machines, which can accommodate fruits, vegetables, yogurts, and other perishable items.*

Snacks:

Snacks served during the school day or in after-school care or enrichment programs will make a positive contribution to children's dietary health, with an emphasis on serving fruits and vegetables as the primary snacks and water as the primary beverage. Schools will assess if and when to offer snacks based on timing of school meals, children's nutritional needs, children's ages, and other considerations. The district will disseminate a list of healthful snack items to teachers, after-school program personnel, and parents.

- If eligible, schools that provide snacks through after-school programs will pursue receiving reimbursements through the National School Lunch Program.

Rewards:

Schools will not use foods or beverages, (especially those that do not meet the nutrition standards for foods and beverages sold individually (above), as rewards for academic performance or good behavior, and will not withhold food or beverages (including food served through school meals) as a punishment.

8.66 Wellness Policy (continued)

Celebrations:

Schools should limit celebrations that involve food during the school day to no more than one party per class per month. Each party should include no more than one food or beverage that does not meet nutrition standards for foods and beverages sold individually (above). The district will disseminate a list of healthy party ideas to parents and teachers.

School-sponsored Events: (such as, but not limited to, athletic events, dances, or performances).

Foods and beverages offered or sold at school-sponsored events outside the school day will meet the nutrition standards for meals or for foods and beverages sold individually (above).

Nutrition Education Goals

Richmond Public Schools will:

- Provide helpful hints related to diet and health activities to students, parents and staff.
- Enhance the SOL health curriculum with cross-curriculum integration of nutrition education.
- Display information in the school building and cafeteria that relates to nutrition.
- Provide nutritional information about foods served in the cafeteria to students, parents and staff.
- Provide parent organizations and teachers with a list of ideas and vendors for fund-raisers that include the sale of nonfood items and healthy food alternatives such as fruits and vegetables.
- Establish a school-wide wellness education committee to support the RPS wellness policy.

- Coordinate with the community partners to assist with creating a healthy school environment.
- Provide an ongoing staff development related to wellness education.

Physical Activity and Educational Goals

Richmond Public Schools will:

- Provide a standard based Physical Education Curricula, which focuses on knowledge, skills and attitudes toward physical activity needed to maintain an active lifestyle.

- Provide safe facilities, space and equipment for physical activities during and after school hours.

- Enforce measures to prevent injuries and illness related to specific physical activities, environmental conditions and individual health related limitations.

- Provide time within the school day for minimum daily physical activity as follows:

  Elementary Schools

  1. Forty-five minutes per week with Physical Education (PE) instructor
  2. Twenty-five minutes of structured recess with classroom teacher

  Middle School

  1. Provide semester long physical education exploratory courses for sixth and seventh graders.

  2. Provide one full school year of physical education for eighth grade students as directed by the master schedule (minimum of 180 minutes per week according to the block schedule).

  High School

  1. Provide two years of physical education (typically provided in ninth and tenth grades) for a minimum of 180 minutes per week according to the block schedule. (two graduation credits as directed by Standards of Accreditation)

- Provide adaptive/adapted physical education and/or curriculum modifications and accommodations for students with disabilities as stated in the student's Individualized Education Program (IEP) or 504 plan.

- Discourage the denial of physical activity and/or recess as a form of discipline or for classroom make-up time.

- Measure and monitor student's physical activity knowledge, motor skills and behavior related to physical activity.

- Provide physical activity promotions for all employees.

Other School-Based Activities

- School dining areas have sufficient space for students to sit and consume meals.
- School dining areas are clean, safe and pleasant environments.
- Enough serving areas are provided to ensure student access to school meals with a minimum of wait time.
- Meal times are scheduled near the middle of the day.
- Students are given adequate time to enjoy eating healthy meals.
- Only foods and beverages meeting established nutrient standards are sold in vending machines throughout the school campus.
- Fundraising efforts will be supportive of healthy eating.
- On-going professional training and development is provided for all school personnel.
- Support for the health of all students is demonstrated by supporting school health clinics, health screenings, and assisting enrollment of eligible children in Medicaid and other state children's health insurance programs.
- For the safety and security of the food and facility, access to the food service operations are limited to the food service staff and authorized personnel.

8.68 Wellness Policy (continued)

Implementation Plan

The Wellness Committee realizes that the implementation of the Wellness Policy will be an incremental process. Staff, students, and parents must be notified of the upcoming plans. The Public Information Department will be instrumental in publicizing and promoting RPS' local policy. Tools such as videos and pamphlets will be developed to inform our constituents of the forthcoming guidelines, goals and objectives.

In June 2006, a video explaining the policy will be made available for all school based staff. Pamphlets will be sent home with all students prior to the last day of the 2006 school year. The information, including the expectations and desired outcomes of this policy, will be reiterated to principals at the Leadership Retreat in August 2006. Parents will receive additional information at Open House events and through public television outlets.

G. *Monitoring Plan*

By early September, each school building will have established a Wellness Committee comprised of teachers, administrators and other school staff. The purpose of this Committee is to monitor its school's progress in meeting the established wellness goals. The attached evaluation tool will be used for this monitoring process (Richmond Public Schools Wellness Policy – Meeting the Challenge). The tool uses a scale from 0 (not happening; no change has been initiated) to 3 (already happening) to specify the progression of the desired outcomes.

Baseline data will be gathered in September of each school year. The information will be reassessed in January and again in May of each school year. Reports on each school's progress will be reported to the District's Wellness Policy Designee by January 30th and May 1st. Schools which have made little or no progress toward reaching the goals of this policy will be asked to submit a corrective action plan to the Wellness Designee addressing any areas where desired outcomes have not yet been achieved. The corrective action plans should be developed by the school's Wellness Committee and must be submitted no later than May 31st.

PUPILS

Section 8.66
P

8.69 Wellness Policy (continued)

Richmond Public Schools Wellness Policy – Meeting the Challenge

For each item, please use the following numbers to indicate what is happening at your school

0 = not happening, and change has not been initiated
1 = not happening, but change has been initiated (i.e., discussions, meetings, planning committee established)
2 = action plan for change is in progress
3 = this is already happening at our school

Leadership to address healthy eating and physical activity in school

_____ A Wellness Committee exists to set, review, and update policies related to healthy eating and physical activity.
_____ A team of students, teachers, administrators, school food service, community partners, and parents exist to support wellness policies and guidelines.
_____ Our school coordinates with community partners to create a healthy school environment.
_____ Parent organizations (e.g., P.T.A.) support the wellness policy and guidelines.
_____ Teachers and staff receive ongoing staff development related to wellness education.
_____ Teachers, school food service, and administrators participate in wellness programs.
_____ Adults eat & interact with students.

Meeting the Healthy Eating Challenge

School Meals Served in the Cafeteria:
_____ Meals are appealing and attractive to the children.
_____ Meals are served in clean and pleasant surroundings.
_____ Children may choose from a variety of fruits and vegetables.
_____ Milk options Include only low-fat (1%) and fat-free milk.
_____ At least half of the grains served are whole grains.
_____ Meals include a daily vegetarian option.
_____ New, healthful, and appealing food choices are often available.
_____ Nutrition information is available to students & their parents.

Food Service Staff:
_____ Our food service staff are appropriately certified.
_____ Our food service staff receive annual professional development training.
_____ Our food service staff are friendly and courteous to children.

8.70 Wellness Policy (continued)

School Breakfasts:
_____ Our school participates in the School Breakfast Program.
_____ Parents are notified that the School Breakfast Program is available.
_____ Families are encouraged to provide a healthy breakfast for their children (e.g., newsletters, flyers).

Free- and Reduced-Price Meals:
_____ Our school makes every effort to prevent the overt identification of students in this program.

_____ Our school makes every effort to eliminate any social stigma attached to participation in this program.

A La Carte Food Items (vending machines, snack lines, fundraisers, school stores, etc.):
_____ A la carte food items generally meet the nutritional guidelines established by the RPS wellness policy.
_____ Beverages sold only include 100% fruit juice, water, no-calorie & caffeine-free soft drinks, and low-fat milk.
_____ Food items sold generally are low-fat, low sugar, and low-sodium.
_____ Wherever foods are sold a la carte, at least 2 fruits & non-fried vegetables are offered for sale.
_____ Portion sizes are generally reasonable.

School Fundraising:
_____ School fundraising activities generally meet the nutritional guidelines established by the wellness policy.
_____ Our school encourages fundraising activities that promote physical activity (e.g., family walks, dance-athons).
_____ A list of ideas for acceptable fundraising activities has been provided to all organizations.

Snacks:
_____ Snacks served during the day make a positive contribution to children's dietary health.
_____ Snacks served during after-school care or enrichment programs make a positive contribution to children's dietary health.
_____ Fruits and vegetables are the primary snacks served to students.
_____ Water is the primary beverage served to students.
_____ Teachers, after-school program personnel, and parents have received a list of healthful snack items.

Rewards:
_____ Teachers generally do not use foods or beverages as rewards for academic performance or good behavior; on those occasions when they do, it is with foods or beverages that meet the nutritional guidelines in the policy.
_____ Teachers have received a list of suggested ways to reward children using something other than food.
_____ Food or beverages are not withheld as a punishment.

Celebrations:
_____ Class parties are limited to no more than one a month.

_____ Each party includes no more than one food or beverage that does not meet the nutritional guidelines.
_____ Teachers & parents have been given a list of healthy party ideas.

School-sponsored Events:
_____ Foods and beverages offered or sold at school-sponsored events *outside the school day* generally meet the nutritional standards for foods and beverages as outlined in the wellness policy.

Meeting the Nutrition Education Challenge

_____ Our school enhances the SOL health curriculum with cross-curriculum integration of nutrition education.
_____ Classroom lessons are coordinated with others (e.g., PE, school food service, art, etc.)
_____ Families receive wellness tips through homework, parent-teacher conferences, newsletters, flyers, etc.
_____ Messages emphasize "choices" and healthy body image rather than body weight.
_____ Messages support the new Food Guide Pyramid.

Meeting the Physical Activity Challenge

_____ Our physical education curriculum focuses on knowledge, skills, and attitudes toward physical activity that promote a healthy lifestyle.
_____ Our school provides safe facilities, space, and equipment for physical activities *during* school hours.
_____ Our school provides safe facilities, space, and equipment for physical activities *after* school hours.
_____ Rules and guidelines designed to prevent injury are enforced.
_____ Rules and guidelines designed to prevent illness are enforced.
_____ At the elementary level, adequate time (as outlined by District policy) is provided each day for physical activity.

8.72 Wellness Policy (continued)

_____ Teachers do not deny children physical activity and/or recess as a form of discipline.
_____ Teachers do not use recess time for classroom make-up time.
_____ Students' physical activity knowledge, motor skills, and behavior related to physical activity are monitored.
_____ Our school provides age-appropriate modified activities for physically and/or mentally challenges students as needed.
_____ Intramural programs and physical activity clubs are available, and ALL students are encouraged to participate.
_____ Physical activity promotions are available for all employees.

Internet Resources

- MyPyramid.gov – USDA's website for the new Pyramid.
- Nutrition.gov – USDA's new resource for accurate nutrition information.
- www.nal.usda.gov- USDA's Food and Nutrition Information Center – Information on every aspect of agriculture, including nutrition and food
- www.nal.usda.gov/fnic/educators - USDA Food and Nutrition Information Center Resources for Teachers - Subject-specific bibliographies of books, audiovisuals, articles, and web resources.
- www.5aday.com - Five A Day – Information on increasing fruits and vegetables in the diet.
- www.nationaldairycouncil.org/nationaldairycouncil/tools - National Dairy Council – Nutrition information for teachers, parents and school foodservice.
- www.actionforhealthykids.org - Action for Healthy Kids – Information on state activities promoting healthy school environments.
- www.pecentral.org - PE Central – Classroom activities, lessons, field trips and other physical activity tools for K-12 educators.
- Fitness.gov – the President's Council on Physical Fitness and Sport - a gateway to physical activity, fitness and health resources available on government websites.
- www.actionforhealthykids.org - Action for Healthy Kids – Great suggestions for creating a healthy school environment for kids for Action for Healthy Kids.

PUPILS

Section 8.66
Section 8.67
P

8.73 Wellness Policy (continued)

- www.chccs.k12.nc.us/studentservices/healthservices/constructiveclassroom.pdf - Constructive Classroom Rewards – Info on the food reward issue with suggestions for healthy rewards.
- www.fns.usda.gov/tn - USDA's Team Nutrition - Training and technical assistance for foodservice, nutrition education for children, and school and community support for healthy eating and physical activity.

Adopted: June 19, 2006

Section 8.67
P

8.67 Open Enrollment

The School Board of the City of Richmond supports and encourages families to be active and engaged participants in their neighborhood zoned schools. A student may, however, seek to enroll in an out-of-zone school with limited space availability through a process prescribed by procedures developed in accordance with this open enrollment policy by the administration of Richmond Public Schools.

Full-time employees of Richmond Public Schools who are (1) residents of the City of Richmond; and (2) the parents or guardians of dependent children seeking enrollment in an out-of-zone school with limited space availability, will be entered into the open enrollment process or in the case of specialty or alternative programs, enter the prescribed admissions process for that special program. Any children of an employee attending a Richmond Public Schools school through a placement made prior to the enactment of this policy may continue in that placement through the terminal grade offered at that school.

Legal Reference: Code of Virginia §22.1-79. Powers and Duties.

Adopted January 4, 2010

PUPILS

Section 8.68
P

8.68 EXCLUSION

A pupil may be excluded from attendance after (i) written notice to the pupil and his/her parent or guardian that the pupil may be subject to exclusion, including the reasons, and notice of the opportunity for the pupil and his/her parent or guardian to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his/her designee, and the decision to exclude the pupil from attendance. The decision of the division superintendent or his/her designee to exclude shall be final unless altered by the School Board, upon timely written petition, as established in regulation, by the pupil so excluded or of his/her parent or guardian, for the review of the record by the School Board.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board, or division superintendent or his/her designee, as the case may be at the relevant hearing, the pupil may re-petition the School Board for admission. If the petition for admission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such pupil may re-petition the School Board for admission.

The School Board may permit pupils excluded pursuant to this policy to attend an alternative education program provided by the School Board for the term of such exclusion.

Admission of Pupils Suspended or Expelled from another School Division or Private School

A pupil who has been expelled or suspended for more than 30 days from attendance at school by a school board or a private school in the Commonwealth of Virginia or in another state, or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance by the School Board, regardless of whether such pupil has been admitted to another school division or private school in this Commonwealth or in another state subsequent to such expulsion, suspension, or withdrawal of admission. Such a pupil may be excluded after (i) written notice to the pupil and his/her parent or guardian that the pupil may be subject to exclusion, including the reasons therefore, and notice of the opportunity for the pupil and his/her parent or guardian to participate in a hearing to be conducted by the division superintendent or his/her designee regarding such exclusion; and (ii) a hearing of the case has been conducted by the division superintendent or his/her designee and the decision has been made to exclude the pupil from attendance.

8.68 EXCLUSION (continued)

- The decision of the division superintendent or his/her designee to exclude shall be final unless altered by the School Board, upon written petition to the School Board, within 10 school days following the decision, for a review of the record.
- In the case of a suspension of more than 30 days, the term of the exclusion may not exceed the duration of such suspension.
- In excluding any such expelled pupil from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon such pupil by the expelling school board pursuant to

Virginia Code §22.1-277.06. The School Board shall not impose additional conditions for readmission to school.

- The School Board may permit or require excluded pupils to attend the alternative education program for the term of such exclusion.

LEGAL REFERENCE: Code of Virginia, 1950, as amended, § 22.1-277.2.

Adopted April 19, 2010

8.69 IN-SCHOOL DISCIPLINARY ALTERNATIVES

As provided in the *Standards of Student Conduct*, building administrators may utilize in-school suspension or other in-school disciplinary alternatives as a consequence for a pupil's disciplinary infraction.

LEGAL REFERENCE: None

Adopted April 19, 2010

APPENDIX A

STANDARDS OF QUALITY 12
Item 4

GUIDELINES FOR SELECTION AND PROCEDURES FOR REVIEW OF INSTRUCTIONAL MATERIALS

GUIDELINES FOR SELECTION AND PROCEDURES FOR REVIEW OF INSTRUCTIONAL MATERIALS

A. Objectives of Selection

It is the policy of the Richmond division to provide a wide range of instructional materials on all levels of difficulty, with diversity of appeal, and the presentation of different points of view and to allow the review of allegedly inappropriate instructional materials through established procedures.

Since there are varying points of view represented in a collection, the inclusion of an item does not necessarily mean that the school or library media center advocates or endorses the contents of that item.

To this end, the School Board of Richmond City concurs that it is the responsibility of the school system:

1. To provide materials that will enrich and support the curriculum and personal needs of the users, taking into consideration their varied interests, abilities, and learning styles;

2. To provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards;

3. To provide a background of information which will enable pupils to make intelligent judgments in their daily lives;

4. To provide materials on opposing sides of controversial issues so that users may develop under guidance the practice of critical analysis;

5. To provide materials which realistically represent our pluralistic society and reflect the contributions made by these groups and individuals to our American heritage;

6. To place principle above personal opinion and reason above prejudice in the selection of materials of the highest quality in order to assure a comprehensive media collection appropriate for the users.

B. Responsibility for Selection

Although the Richmond City School Board is legally responsible for the operation of the schools, the responsibility for the selection of instructional materials is delegated to the professional instructional personnel employed by the Board.

Selection of materials is a continuous process which involves many people, including administrators, supervisors,library/media specialists, teachers, students, and community persons. The responsibility for coordinating the selection process and for making the final selection rests with the professional school personnel, in accordance with the selection policies formally adopted and stated herein.

C. Criteria for Selection

The process of evaluating materials is continuous and systematic. The following criteria have been established to insure quality acquisitions:

1. It is preferable to examine materials prior to purchase whenever possible. If this is not possible, selection is based upon bibliographic reference sources, selected lists, and reviews in reputable professional journals and publications. Sufficient time is allotted for teachers to review textbooks prior to adoption.

2. First consideration is given to the needs of the individual school based on knowledge of the curriculum, of the existing collection, and of the needs of children and youth. Requests from users of the collection (administrators, faculty, parents, students) are given high priority. Materials are selected which should appeal to a wide range of ability levels.

3. Materials for purchase are considered on the basis of overall purpose, timeliness, importance of the subject matter, quality of writing or production, readability and popular appeal, authoritativeness, reputation of the author, artist, publisher, producer, format, and cost.

4. Materials considered for purchase should also be relevant to today's world; represent artistic, historic and literary qualities; reflect problems, aspirations, attitudes and ideals of a society; represent differing viewpoints in controversial subjects; provide a stimulus to creativity.

D. Gifts

Gifts of materials, or of funds with which to purchase materials, are accepted with the understanding that their use or disposition will be determined by those persons having the responsibility for acquisitions, according to the same selection criteria and procedures as purchased materials.

E. Procedures for Selection

In selecting materials for purchase, instructional supervisors and library media specialists, in consultation with others, will evaluate the existing collection; assess curricula needs; examine materials and consult reputable, professionally prepared selection aids.

It should be understood that selection is an ongoing process which should include the removal of materials no longer appropriate and the replacement of lost and worn materials still of educational value.

F. Reconsideration of Challenged Materials

Occasional objections to instructional materials will be made, despite the quality of the selection process. In the event that materials are questioned, the principles of freedom of information, the right of access to materials and the professional responsibility of the staff are defended rather than the materials.

If a complaint is made, the following procedures should be followed:

1. School personnel are courteous to complainant, make no commitment, advise the complainant to arrange a conference with the principal, and notify the principal

of the complaint. It is the complainant's responsibility to arrange a conference with the principal.

2. At this conference, the principal invites the complainant to file his or her objections in writing on the form Request for Reconsideration of School Instructional Materials (Form L) A complainant who does not complete and return the form receives no further consideration.

3. Upon receipt of the completed form, the principal requests review of the challenged material by the Instructional Materials Review Committee within 15 days and notifies the appropriate administrator of this request. The review committee is appointed by the principal and includes appropriate supervisors, library media professionals, classroom teachers, one or more parents, and one or more students.

4. The review committee takes the following steps after receiving the challenged materials:

   a. Reads, views, or listens to the material in its entirety.

   b. Checks general acceptance of the material by reading reviews and consulting recommended lists.

   c. Determines the extent to which the material supports the curriculum.

   d. Completes the appropriate "Checklist for School Advisory Committee's Reconsideration of Instructional Material," judging the material for its strength and value as a whole and not in part.

5. Upon completion of the checklist, a copy is filed in the school and appropriate administrative office.

6. In the event that the committee's opinion differs from that of the complainant, the complainant will be invited to exchange views with the committee. If the complainant is still not satisfied, three administrative officers will be invited to meet and exchange views with the committee and the complainant.

RICHMOND PUBLIC SCHOOLS
Request for Reconsideration of Instructional Materials

School_____

Please check type of material:

( )Book	( )Film	( )Record
( )Periodical	( )Filmstrip	( )Kit
( )Pamphlet	( )Cassette	( )Other

Title_____

Author_____

Publisher or Producer_____

Request Initiated By_____

Telephone_____ Address_____

City_____State_____Zip_____

Please answer the following questions. If sufficient space is not provided, attach additional sheets. (Please sign your name to each additional attachment.)

1. To what in the material do you object? (Please be specific, cite pages, frames in a filmstrip, film sequence, etc.)

_____

_____

_____

2. Did you view/listen/read this entire work?_____

3. What do you believe is the theme or purpose of this material?_____

_____

_____

_____

4. What do you feel might be the result of a student using this material?_____

_____

_____

_____

5. For what age group would you recommend this material?

_____

6. Is there anything good in this material?_____

_____

7. Would you care to recommend other school library material of the same subject and format?

_____

_____ _____

Signature of Complainant Date

Please return completed form to the school principal.

RICHMOND PUBLIC SCHOOLS
Checklist for Instructional Materials Review Committee

TITLE_____

AUTHOR_____

FORMAT_____

A. Purpose

1. What is the overall purpose of the material?_____

_____

2. Is the purpose accomplished? _____Yes _____No

B. Authenticity

1. Is the author competent and qualified in the field?

_____Yes _____No

2. What is the reputation and significance of the author and publisher/producer in the field?

_____

_____

3. Is the material up-to-date? _____Yes _____No

4. Are information sources well documented?

_____Yes _____No

5. Are translations and retellings faithful to the original? _____Yes _____No

C. Appropriateness

1. Does the material promote the educational goals and objectives of the curriculum of Richmond Public Schools? _____Yes _____No

2. Is it appropriate to the level of instruction intended?

_____Yes _____No

3. Are concepts presented appropriate to the ability and maturity of the potential readers/viewers?

_____Yes _____No

4. Are the illustrations appropriate to the subject and age levels? _____Yes _____No

D. Content

1. Is the content of this material well presented by providing adequate scope, range, depth, and continuity?

_____Yes _____No

2. Does this material present information not otherwise available? _____Yes _____No

3. Does this material give a new dimension or direction to its subject? _____Yes _____No

E. Reviews

1. Source of review_____
Favorably reviewed_____Unfavorably reviewed_____

2. Does this title appear in one or more reputable selection aids? _____Yes _____No

If the answer is yes, please list title of selection aids.

_____

_____

_____

Additional Comments

_____

_____

_____

Recommendation by Instructional Review Committee for Treatment of Challenged Materials

_____

_____

Date_____

Signatures of Instructional Review Committee:

_____ _____

_____ _____

_____ _____

APPENDIX B

Standards of Quality 12
Item 1

GRIEVANCES; DISMISSALS, ETC.,

OF TEACHERS

ARTICLE 3.

Grievances; Dismissal, etc., of Teachers.

§ 22.1-306. Definitions. — As used in this article:

"Grievance" means a complaint or dispute by a teacher relating to his or her employment including, but not necessarily limited to: (i) disciplinary action including dismissal or placing on probation; (ii) the application or interpretation of: (a) personnel policies, (b) procedures, (c) rules and regulations, (d) ordinances and (e) statutes; (iii) acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and (iv) complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin or sex. Each school board shall have the exclusive right to manage the affairs and operations of the school division. Accordingly, the term "grievance" shall not include a complaint or dispute by a teacher relating to (i) establishment and revision of wages or salaries, position classifications or general benefits, (ii) suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status, (iii) the establishment or contents of ordinances, statutes or personnel policies, procedures, rules and regulations, (iv) failure to promote, (v) discharge, layoff or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding, (vi) hiring, transfer, assignment and retention of teachers within the school division, (vii) suspension from duties in emergencies, or (viii) the methods, means and personnel by which the school division's operations are to be carried on.

While these management rights are reserved to the school board, failure to apply, where applicable, the rules, regulations, policies, or procedures as written or established by the school board is grievable.

"Dismissal" means the dismissal of any teacher during the term of such teacher's contract and the nonrenewal of the contract of a teacher on continuing contract. (Code 1950, § 22-217.5:1; 1979, c. 298; 1980, c. 559; 1981, c. 646; 1992, c. 679.)

Cross references. — As to terms of employment of personnel for the Virginia Schools for the Deaf and the Blind, see § 22.1-349.

Law Review. — For comment, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," see 16 U. Rich. L. Rev. 449 (1982). For survey of Virginia law on employment law for the year 1991, see 25 U. Rich. L. Rev. 759 (1991).

Procedure requiring submission of grievances to binding arbitration held invalid. — A State Board procedure for adjusting grievances compelling nonsupervisory employees of local school boards to submit certain grievances to binding arbitration was invalid as requiring unlawful delegation of supervision conferred on local boards by Va. Const., Art. VIII, § 7. School Bd. v. Parham, 218 Va. 950, 243 S.E.2d 468 (1978) (decided under prior law).

Type of complaints outside the grievance process. — Complaints about school authorities determination regarding the needs of the school system are clearly outside the power of a teacher to raise in the context of a grievance. County Sch. Bd. v. Epperson, 246 Va. 214, 435 S.E.2d 647 (1993).

Where two public school teachers objected to their involuntary transfers from one school to another, and where the teachers alleged that the school board failed to apply applicable rules, regulations, policies, and procedures as established by the school board, the trial court erred in ruling that the teachers' assertions were "grievable" within the meaning of this

section. County Sch. Bd. v. Epperson, 246 Va. 214, 435 S.E.2d 647 (1993).

§ 22.1-307. Dismissal, etc., of teacher; grounds. — A. Teachers may be dismissed or placed on probation for incompetency, immorality, noncompliance with school laws and regulations, disability as shown by competent medical evidence when in compliance with federal law, conviction of a felony or a crime of moral turpitude or other good and just cause. No teacher shall be dismissed or placed on probation solely on the basis of the teacher's refusal to submit to a polygraph examination requested by the school board

B. For the purposes of this article, *"incompetency"* may be construed to include, but shall not be limited to, consistent failure to meet the endorsement requirements for the position or performance that is documented through evaluation to be consistently less than satisfactory. (Code 1950, § 22-217.5; 1968, c. 691; 1975, c. 308; 1980, c. 559; 1993, c. 498; 1996, c. 961.)

The 1996 amendment added the subsection A designation at the beginning of the first paragraph, inserted "when in compliance with federal law" following "as shown by competent medical evidence" in subsection A, and added subsection B.

Law Review. — For note on remedies following unconstitutional dismissal of a teacher, see 17 Wm. & Mary L. Rev. 781 (1976). For comment, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," see 16 U. Rich. L. Rev. 449 (1982).

Editor's note. — Some of the cases below were decided under prior law.

Discretion of school boards. — School boards, as well as other administrative agencies, should have wide discretion in deciding whether or not to continue employment of their personnel. Discretion, however, means exercise of judgment, not bias or capriciousness. Thus, such a decision must be based upon fact and supported by reasoned analysis. Gwathmey v. Atkinson, 447 F. Supp. 1113 (E.D. Va. 1976).

Law in existence when plaintiff entered into contract of employment became a part of her teaching contract, and, therefore, the statutory provision that the board could dismiss plaintiff at any time for certain causes was a part of her contract. County School Bd. v. McConnell, 215 Va. 603, 212 S.E.2d 264 (1975).

Teacher employed under continuing contract has a property interest in not having employment suspended. The interest can be grounded in either this section or § 22.1-315. The property interest in continued employment provided by this section includes a right not to have such employment interrupted by a suspension. Thus, the continuing contract statute provides an alternative source of plaintiff's property interest in not being suspended, which interest is more explicitly established in § 22.1-315. Wilkinson v. School Bd., 566 F. Supp. 766 (E.D. Va. 1983).

Same counsel may both present case for dismissal and advise school board. — A school board may rely on its counsel who both presents the superintendent's case for dismissal of a school teacher and acts as advisor to the school board itself, which must make an independent assessment of the dismissal decision. As a matter of law, a school board's reliance on its attorney who also presents the case for the superintendent does not violate a teacher's right to constitutional due process. Breitling v. Solenberger, 585 F. Supp. 289 (W.D. Va.), aff'd, 749 F.2d 30 (4th Cir. 1984).

Dismissal upheld. — In dismissing plaintiff on the grounds that he "intermixed his private business affairs and his public responsibilities to the serious detriment of the school system, and ... improperly hired and placed at least one teacher in his position as chairman of the special task force for minority hiring which greatly endangered the success of that program," the school board acted well within the limits of its discretion and had ample evidentiary support for its action. Lee v. Albemarle County Sch. Bd., 648 F. Supp. 744 (W.D. Va. 1986), aff'd, 829 F.2d 1120 (4th Cir. 1987), cert. denied, 487 U.S. 1236, 108 S. Ct. 2905, 101 L. Ed. 2d 937 (1988).

§ 22.1-308. Grievance procedure. — A. The Board of Education shall prescribe a grievance procedure which shall include the following:

1. Except in the case of dismissal or placing on probation, a first step which shall provide for an informal, initial processing of a grievance by the most immediate appropriate supervisor through a discussion;

2. A requirement that all stages of the grievance beyond the first step be in writing on forms prescribed by the Board of Education and supplied by the school board;

3. A requirement that in reducing the grievance to writing, the teacher shall specify the specific relief sought through the use of the procedure;

4. The right of the grievant and the respondent to present appropriate witnesses and be represented by legal counsel and another representative;

5. Reasonable time limitations, prescribed by the Board, for the grievant to submit an initial complaint and to appeal each decision through the steps of the grievance procedure which shall correspond generally or be equivalent to the time prescribed for response at each step;

6. Termination of the right of the grievant to further appeal upon failure of the grievant to comply with all substantial procedural requirements of the grievance procedure without just cause;

7. The right of the grievant, at his option, upon failure of the respondent to comply with all substantial procedural requirements without just cause, to advancement to the next step or, in the final step, to a decision in his favor;

8. A final step which shall provide for a final decision on the grievance by the school board;

9. The provisions of §§ 22.1-309 through 22.1-313.

B. Representatives referred to in subsection A 4 of this section may examine, cross-examine, question and present evidence on behalf of a grievant or respondent in the grievance procedure without being in violation of the provisions of § 54.1-3904.

C. Nothing in the procedure shall be construed to restrict any teacher's right to seek or a school division administration's right to provide customary review of complaints that are not included within the definition of a grievance. (Code 1950, § 22-217.5:2; 1979, c. 298; 1980, c. 559; 1992, c. 679.)

Law Review. — For comment, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," see 16 U. Rich. L. Rev. 449 (1982).

§ 22.1-309. Notice to teacher of recommendation of dismissal or placing on probation; school board not to consider merits during notice; superintendent required to provide reasons for recommendation upon request. — In the event a division superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher notifying him of the proposed dismissal or placing on probation and informing him that within fifteen days after receiving the notice the teacher may request a hearing before the school board as provided in § 22.1-311 or before a fact-finding panel as provided in § 22.1-312. During such fifteen-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed or acted upon by the school board except as provided for herein. At the request of the teacher, the division superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to § 22.1-311 or § 22.1-312, the division superintendent shall provide, within ten days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within ten days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The division superintendent

and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

For the purposes of this section, "*personnel file*" shall mean any and all memoranda, entries or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves. (Code 1950, § 22-217.6; 1968, c. 691; 1975, c. 308; 1979, c. 298; 1980, c. 559; 1985, c. 441; 1992, c. 679.)

Law Review. — For survey of Virginia constitutional law for the year 1977-1978, see 64 Va. L. Rev. 1397 (1978).

A continuing contract teacher who is placed on probation is nonetheless entitled to invoke the procedural guarantees applicable to a continuing contract teacher under §§ 22.1-309, 22.1-311, and 22.1-312. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

Hearing required for teacher accused of child abuse. — Where defendant argued that plaintiff's child abuse relieved it of any obligation to abide by contractual terms, this argument (based on state common law) could not prevail, given that the Virginia Code expressly contemplates that continuing contract teachers who are accused of bad behavior must be granted a hearing upon demand. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

Substantial compliance with section found. — Where school board provided plaintiff a hearing to which she was entitled the first time the superintendent recommended her dismissal (before the findings of abuse made by the Department of Social Services (DDS) were affirmed), and then provided plaintiff with yet another hearing, after the DDS affirmed the findings of abuse below, the spirit of this section was complied with. An additional hearing under this section would not have changed the outcome — termination — in this case. Hence, plaintiff suffered no injury because she was "deprived" of an additional opportunity to appear before the school board. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

Before the school board suspended plaintiff without pay, it conducted a hearing on the matter (after already having conducted an extraordinarily long hearing previously). Therefore, the school board's failure to grant plaintiff a hearing when it concluded that plaintiff would be dismissed, although technically contrary to the Virginia Code, had no effect on plaintiff's suspension without pay, since a hearing preceded this decision. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

§ 22.1-310. Election of hearing before fact-finding panel prior to decision of school board. — A. In the event a grievance, other than a grievance to which the provisions of § 22.1-309 are applicable, is not settled at a lower step, the teacher or the school board may elect to have a hearing by a fact-finding panel as provided in § 22.1-312 prior to a decision by the school board.

B. In the case of a grievance to which the provisions of § 22.1-309 are applicable, the teacher or the school board may elect, within fifteen days after the teacher receives the notice referred to in § 22.1-309, to have a hearing by a fact-finding panel as provided in § 22.1-312 prior to a decision by the school board.

C. In no grievance after a hearing by a fact-finding panel shall the teacher have a right to a further hearing by the school board as provided in subsection D of § 22.1-313, except in the case of a grievance to which the provisions of § 22.1-309 are applicable where the school board elected to have a hearing by a fact-finding panel. A school board shall have the right to require a further hearing as provided in subsection D of § 22.1-313 in any grievance. (Code 1950, § 22-217.6:1; 1979, c. 298; 1980, c. 559.)

Law Review. — For comment, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," see 16 U. Rich. L. Rev. 449 (1982).

Notice of meeting. — Where school board considered only the transcript, findings, and

recommendations of the fact-finding panel at its meeting, this meeting to consider and act upon the recommendations of the fact-finding panel was not in itself a further hearing under the statute. Therefore, plaintiff was not entitled to notice of this meeting, and the lack of notice did not violate his due process rights. Lee v. Albemarle County Sch. Bd., 648 F. Supp. 744 (W.D. Va. 1986), aff'd, 829 F.2d 1120 (4th Cir. 1987), cert. denied, 487 U.S. 1236, 108 S. Ct. 2905, 101 L. Ed. 2d 937 (1988).

The notice requirement of § 22.1-313 D would be triggered only if the school board were to hear evidence beyond the transcript, findings and recommendations of the fact-finding panel. A contrary interpretation would grant the grievant an automatic second hearing, which subsection C of this section specifically forbids. Lee v. Albemarle County Sch. Bd., 648 F. Supp. 744 (W.D. Va. 1986), aff'd, 829 F.2d 1120 (4th Cir. 1987), cert. denied, 487 U.S. 1236, 108 S. Ct. 2905, 101 L. Ed. 2d 937 (1988).

Panel fact-findings not entitled to same weight given jury verdicts. — Panel fact-findings were not entitled to the same weight given jury verdicts and were thus not binding on a local school board since the fact-finding panel provided for in this section and § 22.1-312 bears no proper relationship to juries and a school board's power to discharge employees is rooted in the Va. Const., Art. VIII, § 7, § 22.1-313 plainly contemplates that a local school board can and will, on occasion, disagree with the recommendations of a fact-finding panel. Russell County School Bd. v. Anderson, 238 Va. 372, 384 S.E.2d 598 (1989).

Liability of school board and fact-finding panel. — The members of a school board and a fact-finding panel enjoy limited good-faith immunity. In performing discretionary functions, these defendants are generally shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. For the plaintiff to recover damages, therefore, there must be both a finding of a constitutional violation and a finding that the official's decision was objectively unreasonable. Lee v. Albemarle County Sch. Bd., 648 F. Supp. 744 (W.D. Va. 1986), aff'd, 829 F.2d 1120 (4th Cir. 1987), cert. denied, 487 U.S. 1236, 108 S. Ct. 2905, 101 L. Ed. 2d 937 (1988).

§ 22.1-311. Hearing before school board. — The hearing before the school board, which shall be private unless the teacher requests a public one, must be set within thirty days of the request, and the teacher must be given at least fifteen days' written notice of the time and place. At the hearing the teacher may appear with or without a representative and be heard, presenting testimony of witnesses and other evidence. (Code 1950, § 22-217.7; 1968, c. 691; 1976, c. 282; 1980, c. 559.)

Law Review. — For comment, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," see 16 U. Rich. L. Rev. 449 (1982).

A continuing contract teacher who is placed on probation is nonetheless entitled to invoke the procedural guarantees applicable to a continuing contract teacher under §§ 22.1-309, 22.1-311, and 22.1-312. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

Substantial compliance with section found. — Where school board provided plaintiff a hearing to which she was entitled the first time the superintendent recommended her dismissal (before the findings of abuse made by the Department of Social Services (DDS) were affirmed), and then provided plaintiff with yet another hearing, after the DDS affirmed the findings of abuse below, the spirit of § 22.1-309 was complied with. An additional hearing under § 22.1-309 would not have changed the outcome — termination — in this case. Hence, plaintiff suffered no injury because she was "deprived" of an additional opportunity to appear before the school board. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

Hearing required for teacher accused of child abuse. — Where defendant argued that plaintiff's child abuse relieved it of any obligation to abide by contractual terms, this argument (based on state common law) could not prevail, given that the Virginia Code expressly contemplates that continuing contract teachers who are accused of bad behavior must be granted a hearing upon demand. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

§ 22.1-312. Hearing before fact-finding panel. — A. In the event that a hearing before a fact-finding panel is requested, a three-member panel shall be selected by the following method. The teacher shall select one panel member

from among other employees of the school division. The division superintendent shall select one panel member from among employees of the school division. The teacher and the division superintendent shall select their respective panel members within five days of any request for a hearing before a fact-finding panel. The two panel members so selected shall select the third impartial panel member. If within five days after both panel members have been selected they are unable to agree upon a third panel member, the chief judge of the circuit court shall be requested by the two members of the panel to furnish a list of five qualified and impartial fact finders, one of whom shall then be selected by the two members of the panel as the third member. The persons comprising the list may reside within or without the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia and, in all cases, shall possess some knowledge and expertise in public education and education law and shall be deemed by the judge capable of presiding over an administrative hearing. Selection shall be made by the panel members alternately deleting any name from the list until only one remains. The panel member selected by the teacher shall make the first deletion. This selection process shall be completed within five days after receipt of the list of fact finders from the chief judge. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member.

With the agreement of the teacher's and division superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

The Attorney General shall represent personally or through one of his assistants any third impartial panel member who shall be made a defendant in any civil action arising out of any matter connected with his duties as a panel member. If, in the opinion of the Attorney General, it is impracticable or uneconomical for such legal representation to be rendered by him or one of his assistants, he may employ special counsel for this purpose, whose compensation shall be fixed by the Attorney General and be paid out of the funds appropriated for the administration of the Department of Education.

B. The panel shall set the time for a hearing, which shall be held within thirty days, and shall so notify the division superintendent and the teacher. The teacher and the division superintendent each may have present at the hearing and be represented at all stages by a representative or legal counsel.

C. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.

D. The panel may ask, at the beginning of the hearing, for statements from the division superintendent and the teacher clarifying the issues involved.

The parties shall then present their claims and evidence. Witnesses may be questioned by the panel members, the teacher and the division superintendent. The panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination.

The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.

E. Exhibits offered by the teacher or the division superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

F. The facts found and recommendations made by the panel shall be arrived at by a majority vote of the panel members.

G. The hearing may be reopened by the panel on its own motion or upon application of the teacher or the division superintendent for good cause shown to hear after-discovered evidence at any time before the panel's report is made.

H. The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the school board, the division superintendent and the teacher, not later than thirty days after the completion of the hearing.

I. A stenographic record or tape recording of the proceedings shall be taken. However, in proceedings concerning grievances not related to dismissal or probation, the recording may be dispensed with entirely by mutual consent of the parties. In such proceedings, if the recording is not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation.

In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

J. The teacher shall bear his or her own expenses. The school board shall bear the expenses of the division superintendent. The expenses of the panel shall be borne one-half by the school board and one-half by the teacher.

K. The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his normal work hours if he receives his normal salary for the period of such service.

L. The recommendations and findings of fact of the panel submitted to the school board shall be based exclusively upon the evidence presented to the panel at the hearing.

M. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible. (Code 1950, § 22-217.7:1; 1979, c. 298; 1980, c. 559; 1983, cc. 327, 354; 1984, c. 742; 1988, c. 242.)

Liability of school board and fact-finding panel. — The members of a school board and a fact-finding panel enjoy limited good-faith immunity. In performing discretionary functions, these defendants are generally shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known. For the plaintiff to recover damages, therefore, there must be both a finding of a constitutional violation and a finding that the official's decision was objectively unreasonable. Lee v. Albemarle County Sch. Bd., 648 F. Supp. 744 (W.D. Va. 1986), aff'd, 829 F.2d 1120 (4th Cir. 1987), cert. denied, 487 U.S. 1236, 108 S. Ct. 2905, 101 L. Ed. 2d 937 (1988).

Panel fact-findings not entitled to same weight given jury verdicts. — Panel fact-findings were not entitled to the same weight given jury verdicts and were thus not binding on a local school board since the fact-finding panel provided for in § 22.1-310 and this section bears no proper relationship to juries and a school board's power to discharge employees is rooted in the Va. Const., Art. VIII, § 7 and § 22.1-313 plainly contemplates that a local school board can and will, on occasion, disagree with the recommendations of a fact-finding panel. Russell County School Bd. v. Anderson, 238 Va. 372, 384 S.E.2d 598 (1989).

A continuing contract teacher who is placed on probation is nonetheless entitled to invoke the procedural guarantees applicable to a continuing contract teacher under §§ 22.1-309, 22.1-311, and 22.1-312. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

§ 22.1-313. Decision of school board; generally. — A. The school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals, suspensions and placing on probation.

B. In the case of a hearing before the school board, the school board shall give the teacher its written decision within thirty days after the hearing. A record of the proceedings shall be taken and made available as provided in subsection I of § 22.1-312. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible. In the case of a hearing before a fact-finding panel, the school board shall give the teacher its written decision within thirty days after the school board receives both the transcript of such hearing, if any, and the panel's findings of fact and recommendations; however, should there be a further hearing before the school board, as hereafter provided, such decision shall be furnished the teacher within thirty days after such further hearing. The decision of the school board shall be reached after considering the transcript, if any, and the findings of fact and recommendations of the panel and such further evidence as the school board may receive at any further hearing.

C. A teacher may be dismissed, suspended or placed on probation by a majority of a quorum of the school board. In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to subsection D of this section, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.

D. In any case in which a further hearing by a school board is held after a hearing before a fact-finding panel, the school board shall consider at such further hearing the transcript, if any, the findings and recommendations of the fact-finding panel and such further evidence, including that of witnesses having testified before the panel, as the school board deems appropriate or as may be offered on behalf of the grievant or the respondent. A school board may initiate any such hearing upon written notice to the teacher and the division superintendent within ten days after the board receives the findings of fact and recommendations of the panel and any transcript of any panel hearing. Such notice shall specify each matter to be inquired into by the school board. In any case in which a teacher may initiate any such hearing, the teacher shall request such hearing in writing within ten days after receiving the findings of fact and recommendations of the panel and any transcript of the panel hearing. Any decision by the school board shall be based solely on the transcript, if any, the findings of fact and recommendations of the panel, and any evidence relevant to the issues of the original grievance adduced at the hearing in the presence of each party. Such hearing shall be conducted as a hearing by the school board as provided in § 22.1-311.

E. The school board's attorney, assistants or representative, if he or they represented a participant in the prior proceedings, the grievant, the grievant's attorney or representative and, notwithstanding the provisions of § 22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision. (Code 1950, § 22-217.8; 1968, c. 691; 1974, c. 18; 1979, c. 298; 1980, c. 559; 1983, c. 327; 1992, c. 679.)

Law Review. — For comment, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," see 16 U. Rich. L. Rev. 449 (1982).

Editor's note. — Many of the cases below were decided under prior law.

Role of superintendent. — Section 22.1-295 appears to contemplate for the superintendent a role in the screening of all applicants to ensure that everyone considered by the school board possesses suitable qualifications and moral character. The superintendent has no power to hire or fire. As this section makes clear, the school board shall retain its exclusive final authority over matters concerning employment and supervision of its personnel, including dismissals, suspensions and placing on probation. Dennis v. County School Bd., 582 F. Supp. 536 (W.D. Va. 1984).

The federal district court must limit its review of the evidence before the school board with regard to a teacher's competence to a determination whether or not a reasoned analysis of the evidence supports the board's adverse finding. Gwathmey v. Atkinson, 447 F. Supp. 1113 (E.D. Va. 1976).

The fact that the evidence tendered to the board is in the nature of opinion based upon fact rather than primary facts themselves does not detract from its validity. Gwathmey v. Atkinson, 447 F. Supp. 1113 (E.D. Va. 1976).

When notice is required under subsection D. — The notice requirement of subsection D of this section would be triggered only if the school board were to hear evidence beyond the transcript, findings, and recommendations of the fact-finding panel. A contrary interpretation would grant the grievant an automatic second hearing, which § 22.1-310 C specifically forbids. Lee v. Albemarle County Sch. Bd., 648 F. Supp. 744 (W.D. Va. 1986), aff'd, 829 F.2d 1120 (4th Cir. 1987), cert. denied, 487 U.S. 1236, 108 S. Ct. 2905, 101 L. Ed. 2d 937 (1988).

Notice not required. — Where the school board considered only the transcript, findings, and recommendations of the fact-finding panel at its meeting, this meeting of the school board to consider and act upon the recommendations of the fact-finding panel was not in itself a further hearing under the statute. Therefore, plaintiff was not entitled to notice of this meeting and the lack of notice did not violate his due process rights. Lee v. Albemarle County Sch. Bd., 648 F. Supp. 744 (W.D. Va. 1986), aff'd, 829 F.2d 1120 (4th Cir. 1987), cert. denied, 487 U.S. 1236, 108 S. Ct. 2905, 101 L. Ed. 2d 937 (1988).

§ 22.1-314. Decision of school board; issue of grievability; appeal. — Decisions regarding whether or not a matter is grievable shall be made by the school board at the request of the school division administration or grievant and such decision shall be made within ten days of such request. The school board shall reach its decision only after allowing the school division administration and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the school board. Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

Proceedings for review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within ten days after the date of the decision and giving a copy thereof to all other parties. Within ten days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken a copy of its decision, a copy of the notice of appeal, and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the school board to transmit the record on or before a certain date. Within ten days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered no later than the fifteenth day from the date of the conclusion of the hearing. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any panel or school board hearing or the right to such determination shall be deemed to have been waived. (Code 1950, § 22-217.8:01; 1979, c. 298; 1980, c. 559; 1987, c. 97.)

Law Review. — For comment, "'Working to the Contract' in Virginia: Legal Consequences of Teachers' Attempts to Limit Their Contractual Duties," see 16 U. Rich. L. Rev. 449 (1982).

Applied in School Bd. v. Burk 249 Va. 163, 455 S.E.2d 228 (1995).

ARTICLE 4.

Suspension.

§ 22.1-315. Grounds and procedure for suspension. — A. A teacher or other public school employee, whether full-time or part-time, permanent, or temporary, may be suspended for good and just cause when the safety or welfare of the school division or the students therein is threatened or when the teacher or school employee has been charged by summons, warrant, indictment or information with the commission of a felony; a misdemeanor involving (i) sexual assault as established in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, (ii) obscenity and related offenses as established in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, (iii) drugs as established in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (iv) moral turpitude, or (v) the physical or sexual abuse or neglect of a child; or an equivalent offense in another state. Except when a teacher or school employee is suspended because of being charged by summons, warrant, indictment or information with the commission of one of the above-listed criminal offenses, a division superintendent or appropriate central office designee shall not suspend a teacher or school employee for longer than sixty days and shall not suspend a teacher or school employee for a period in excess of five days unless such teacher or school employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with §§ 22.1-311 and 22.1-313, if applicable. Any teacher or other school employee so suspended shall continue to receive his or her then applicable salary unless and until the school board, after a hearing, determines otherwise. No teacher or school employee shall be suspended solely on the basis of his or her refusal to submit to a polygraph examination requested by the school board.

B. Any school employee suspended because of being charged by summons, warrant, information or indictment with one of the offenses listed in subsection A may be suspended with or without pay. In the event any school employee is suspended without pay, an amount equal to his or her salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the offenses listed in subsection A or upon the dismissal or nolle prosequi of the charge, such school employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the school employee during the period of suspension, but in no event shall such payment exceed one year's salary.

C. In the event any school employee is found guilty by an appropriate court of one of the offenses listed in subsection A and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the school board.

D. No school employee shall have his or her insurance benefits suspended or terminated because of such suspension in accordance with this section.

E. Nothing in this section shall be construed to limit the authority of a school board to dismiss or place on probation a teacher or school employee pursuant to Article 3 (§ 22.1-306 et seq.) of this chapter. (Code 1950, §§ 22-72, 22-97, 22-217.8:1; 1954, cc. 289, 291; 1956, Ex. Sess., c. 60; 1959, Ex. Sess., c. 79, § 1; 1966, c. 691; 1968, c. 501; 1970, c. 71; 1971, Ex. Sess., c. 161; 1972, c. 511; 1975, cc. 308, 328; 1978, c. 430; 1979, c. 298; 1980, c. 559; 1987, c. 328; 1993, c. 498; 1996, c. 960; 1997, c. 721.)

Cross references. — As to terms of employment of personnel for the Virginia Schools for the Deaf and the Blind, see § 22.1-349.

The 1996 amendment, in subsection A, inserted "or school employee" following "teacher" in six places, in the first sentence, inserted "or other public school employee, whether full-time or part-time, permanent, or temporary" following "teacher," inserted "if applicable" following "22.1-313" and substituted "his or her" for "the teacher's" following "solely on the basis of," in subsection B, substituted "school employee" for "teacher" in three places, in the second sentence, substituted "any school employee" for "a teacher" and substituted "his or her salary" for "the teacher's salary," substituted "any school employee" for "a teacher" in subsection C, substituted "school employee" for "teacher" in subsection D and inserted "or school employee" following "or place on probation a teacher" in subsection E.

The 1997 amendment, in the first sentence of subsection A, deleted "a crime of moral turpitude, or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child" following "commission of a felony" and substituted the language beginning "a misdemeanor involving" and ending "offense in another state," in the second sentence, substituted "one of the above-listed criminal offenses" for "a felony or a crime of moral turpitude," and in subsections B and C, substituted "one of the offenses listed in subsection A" for "a felony, a crime of moral turpitude or any offense involving the sexual molestation, physical or sexual abuse, or rape of a child."

Section does not apply to supplemental salary employees. — This section governs the suspension of teachers and does not apply to supplemental salary employees who have undertaken extra duties pursuant to supplemental assignments separate and apart from their teaching contracts. Schneeweis v. Jacobs, 771 F. Supp. 733 (E.D. Va. 1991), aff'd, 966 F.2d 1444 (4th Cir. 1992).

Substantial compliance found. — Before the school board suspended plaintiff without pay, it conducted a hearing on the matter (after already having conducted an extraordinarily long hearing previously). Therefore, the school board's failure to grant plaintiff a hearing when it concluded that plaintuff would be dismissed, although technically contrary to the Virginia Code, had no effect on plaintiff's suspension without pay, since a hearing preceded this decision. Williams v. Charlottesville School Bd., 940 F. Supp. 143 (W.D. Va. 1996).

Applicability of hearing requirement to suspensions of five days or less. — The General Assembly intended that the requirement of providing a hearing before suspending a teacher without pay applies equally to teachers suspended five days or less (except when a teacher is suspended upon being charged with a serious crime). Wilkinson v. School Bd., 566 F. Supp. 766 (E.D. Va. 1983).

Teacher employed under continuing contract has a property interest in not having employment suspended. The interest can be grounded in either § 22.1-307 or this section. The property interest in continued employment provided by § 22.1-307 includes a right not to have such employment interrupted by a suspension. Thus, the continuing contract statute provides an alternative source of plaintiff's property interest in not being suspended, which interest is more explicitly established in this section. Wilkinson v. School Bd., 566 F. Supp. 766 (E.D. Va. 1983).

PROCEDURE FOR ADJUSTING GRIEVANCES

Reprinted and distributed by:

Division for Compliance
Virginia Department of Education
P. O. Box 2120
Richmond, VA 23218-2120

June 1997

PROCEDURES FOR ADJUSTING GRIEVANCES

Preamble

The Virginia Board of Education adopts the following Procedure for Adjusting Grievances to provide, in accordance with the Standards of Quality for school divisions and the statutory mandate of Chapters 13.2 and 15, Article 3, Title 22.1, of the Code of Virginia, an orderly procedure for resolving disputes concerning application of local school board policies, rules, and regulations as they affect the work of employees, and disciplinary actions which include dismissal or probation

PART I

Definitions

The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday, or legal holiday, the period of time for taking action under this procedure shall be extended to the next day if it is not a Saturday, Sunday, or legal holiday.

"Dismissal" means the dismissal of any teacher within the term of such teacher's contract and the nonrenewal of a contract of a teacher on a continuing contract.

"Grievance" means, for the purpose of Part II, a complaint or a dispute by a teacher relating to his or her employment, including but not necessarily limited to disciplinary actions other than dismissal or placing on probation; the application or interpretation of personnel policies, procedures, rules, and regulations, ordinances, and statutes; acts of reprisal against a teacher for filing or processing a grievance, participating as a witness in any step, meeting or hearing relating to a grievance, or serving as a member of a fact-finding panel; and complaints of discrimination on the basis of race, color, creed, political affiliation, handicap, age, national origin, or sex. "Grievance" means, for the purpose of Part III, a complaint or a dispute by a teacher relating to his or her employment involving dismissal or placing on probation. The term 'grievance' shall not include a complaint or dispute by a teacher relating to the establishment and revision of wages or salaries, position classifications, or general benefits; suspension of a teacher or nonrenewal of the contract of a teacher who has not achieved continuing contract status; the establishment or contents of ordinances, statutes, or personnel policies, procedures, rules, and regulations; failure to promote; discharge, layoff, or suspension from duties because of decrease in enrollment, decrease in enrollment or abolition of a particular subject or insufficient funding; hiring, transfer, assignment, and retention of teachers within the school division; suspension from duties in emergencies; or the methods, means, and personnel by which the school division's operations are to be carried on. While these management rights are reserved to the school board, failure to apply, where applicable, these rules, regulations, policies, or procedures as written or established by the school board is grievable.

"Personnel file" means, for the purpose of Part III, any and all memoranda, entries, or other documents included in the teacher's file as maintained in the central school administration office or in any file on the teacher maintained within a school in which the teacher serves.

"Probation" means a period not to exceed one year during which time it shall be the duty of the teacher to remedy those deficiencies which gave rise to the probationary status.

"Teacher" or "teachers" means, for the purpose of Part II, all employees of the school division involved in classroom instruction and all other full-time employees of the school division except those employees classified as supervising employees. "Teacher" means, for the purpose of Part III, all regularly certified/licensed professional public school personnel employed under a written contract as provided by §22.1-302 of the Code of Virginia by any school division as a teacher or supervisor of classroom teachers but excluding all superintendents.

"Shall file," "shall respond in writing," or "shall serve written notice" means the document is either delivered personally to the grievant or office of the proper school board representative or is mailed by registered or certified mail, return receipt requested, and postmarked within the time limits prescribed by this procedure.

"Supervisory employee" means any person having authority in the interest of the board (i) to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward, or discipline other employees; and (ii) to direct other employees; or (iii) to adjust the grievance of other employees; or (iv) to recommend any action set forth in (i), (ii), or (iii) above; provided that the authority to act as set forth in (i), (ii), (iii), or (iv) requires the exercise of independent judgment and is not merely routine and clerical in nature.

"Written grievance appeal" means a written or typed statement describing the event or action complained of or the date of the event or action, and a concise description of those policies, procedures, regulations, ordinances or statutes upon which the teacher bases his or her claim. The grievant shall specify what he or she seeks through the use of the grievance procedure. A statement shall be written upon forms prescribed by the Board of Education and supplied by the local school board.

Notwithstanding the foregoing definitions, the term "grievance" shall include a complaint or dispute by any employee of the school division which arises under or is applicable to Title IV of the Education Amendments of 1972, 20 U.S.C. Section 1681, et seq. and/or Section 504 of the Rehabilitation Act of 1973.

PART II

Grievance Procedure

§2.1 Purpose of Part II of this Grievance Procedure

The purpose of Part II of the Procedure for Adjusting Grievances is to provide an orderly procedure for resolving disputes concerning the application, interpretation, or

violation of any of the provisions of local school board policies, procedures, rules, and regulations as they affect the work of teachers, other than dismissal or probation. An equitable solution of grievances should be secured at the most immediate administrative level. The procedure should not be construed as limiting the right of any teacher to discuss any matter of concern with any member of the school administration. Nor should the procedure be construed to restrict any teacher's right to seek, or the school division administration's right to provide, review of complaints that are not included within the definition of a grievance. Nothing in this procedure shall be interpreted to limit a school board's exclusive final authority over the management and operation of the school division.

§2.2 Grievance Procedure

Recognizing that grievances should be begun and settled promptly, a grievance must be initiated within 15 working days following either the event giving rise to the grievance, or within 15 working days following the time when the employee knew or reasonably should have known of its occurrence. Grievances shall be processed as follows:

A. Step 1 - Informal. The first step shall be an informal conference between the teacher and his or her immediate supervisor (which may be the principal). The teacher shall state the nature of the grievance, and the immediate supervisor shall attempt to adjust the grievance. It is mandatory that the teacher present the grievance informally prior to proceeding to Step 2.

B. Step 2 - Principal. If for any reason the grievance is not resolved informally to the satisfaction of the teacher in Step 1, the teacher must perfect his or her grievance by filing said grievance in writing within 15 working days following the event giving rise to the grievance, or within 15 working days following the time when the employee knew or reasonably should have known of its occurrence, specifying on the form the specific relief sought. Regardless of the outcome of Step 1, if a written grievance is not, without just cause, filed within the specified time, the grievance will be barred.

A meeting shall be held between the principal (and/or his or her designee) and the teacher (and/or his or her designee) within five working days of the receipt by the principal of the written grievance. At such meeting the teacher and/or other party involved shall be entitled to present appropriate witnesses and to be represented by legal counsel and another representative. The principal (and/or his or her designee) shall respond in writing within five working days following such meeting.

The principal may forward to the teacher within five days from the receipt of the written grievance a written request for more specific information regarding the grievance. The teacher shall file an answer thereto within 10 working days, and the meeting must then be held within five days thereafter.

C. Step 3 - Superintendent. If the grievance is not settled to the teacher's satisfaction in Step 2, the teacher can proceed to Step 3 by filing a written notice of appeal with the superintendent, accompanied by the original grievance appeal form within five working days after receipt of the Step 2 answer (or the due date of such answer). A meeting shall then be held between the superintendent (and/or his or her designee) and the teacher (and/or his or her designee) at a mutually agreeable time within five working days. At such meeting both the superintendent and the teacher shall be entitled to present witnesses and to be represented by legal counsel and another representative. A representative may examine, cross-examine, question, and present evidence on behalf of a grievant or the superintendent without violating the provisions of §54.1-3904 of the Code of Virginia. If no settlement can be reached in said meeting, the superintendent (or his or her designee) shall respond in writing within five working days following such meeting. The superintendent or designee may make a written request for more specific information from the teacher, but only if such was not requested in Step 2. Such request shall be answered within 10 working days, and the meeting shall be held within five working

days of the date on which the answer was received. If the grievance is not resolved to the satisfaction of the teacher in Step 3, the teacher may elect to have a hearing by a fact-finding panel, as provided in Step 4, or after giving proper notice may request a decision by the school board pursuant to Step 5.

D. Step 4 - Fact-Finding Panel. In the event the grievance is not settled upon completion of Step 3, either the teacher or the school board may elect to have a hearing by a fact-finding panel prior to a decision by the school board, as provided in Step 4. If the teacher elects to proceed to Step 4, he or she must notify the superintendent in writing of the intention to request a fact-finding panel and enclose a copy of the original grievance form within five working days after receipt of a Step 3 answer (or the due date of such answer). If the school board elects to proceed to a fact-finding panel, the superintendent must serve written notice of the board's intention to the grievant within 15 working days after the answer provided by Step 3.

1. Panel. Within five working days after the receipt by the division superintendent of the request for a fact-finding panel, the teacher and the division superintendent shall each select one panel member from among the employees of the school division other than an individual involved in any previous phase of the grievance procedure as a supervisor, witness or representative. The two panel members so selected shall within five working days of their selection select a third impartial panel member.

2. Selection of Impartial Third Member. In the event that both panel members are unable to agree upon a third panel member within five working days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five qualified and impartial individuals from which one individual shall be selected by the two members of the panel to serve as the third member. The individuals named by the chief

judge may reside either within or outside the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and possess some knowledge and expertise in public education and education law and shall be deemed by the judge to be capable of presiding over an administrative hearing. Within five days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by alternately deleting names from the list until only one remains. The panel member selected by the teacher shall make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. With the agreement of the teacher's and division superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

3. Holding of Hearing. The hearing shall be held by the panel within 30 calendar days from the date of selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the division superintendent and the teacher. The teacher and the division superintendent each may have present at the hearing and be represented at all stages by a representative and legal counsel.

4. Procedure for Fact-Finding Panel.

   a. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.

b. The panel may ask for statements from the division superintendent and the teacher clarifying the issues involved at the beginning of the hearing and at the discretion of the panel may allow closing statements.

c. The parties shall then present their claims in evidence. Witnesses may be questioned by the panel members, or by the teacher and the division superintendent or their representative. The panel, in its discretion, may vary this procedure, but shall afford full and equitable opportunity for all parties to present any material or relevant evidence and shall afford the parties the right of cross-examination.

d. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel may be the judge of the relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.

e. Exhibits offered by the teacher or the division superintendent may be received in evidence by the panel and, when so received, shall be marked and made a part of the record.

f. The finding of facts and recommendations by the panel shall be based exclusively upon the evidence presented at the hearing and the panel's recommendations shall be arrived at by a majority vote of the panel members.

g. On its own motion or upon application of the teacher or division superintendent, the hearing may be reopened by the panel, for good cause shown, at any time to hear after-discovered evidence before its final report is delivered.

h. The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the

members of the school board, the division superintendent, and the teacher, not later than 30 days after the completion of the hearing.

i. A stenographic record or tape recording shall be taken of the proceedings. The recording may be dispensed with entirely by mutual consent of the parties. If the recording is not dispensed with, the two parties shall share equally the cost of the recording. If either party requests a transcript, that party shall bear the expense involved in preparing it.

5. Expenses.

a. The teacher shall bear his or her own expenses. The school board shall bear the expenses of the division superintendent. The expenses of the panel shall be borne one-half by the school board and one-half by the teacher.

b. The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his or her normal working hours if he or she receives the normal salary for the period of such service.

c. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

6. Right to Further Hearings.

Following a hearing by a fact-finding panel, the teacher shall not have the right to a further hearing by the school board as provided in subsection E(3) of this section. The school board shall have the right to require a further hearing in any grievance proceeding as provided in subsection E(3) of this section.

E. Step 5 - Decision by the School Board.

1. If a teacher elects to proceed directly to a determination before the school board as provided for in Step 5, he or she must notify the superintendent in writing of the intention to appeal directly to the board, of the grievance alleged and the relief sought, within five working days after receipt of the answer as required in Step 3 or the due date thereof. Upon receipt of such notice, the school board may elect to have a hearing before a fact-finding panel, as indicated in Step 4, by filing a written notice of such intention with the teacher within 10 working days of the deadline for the teacher's request for a determination by the school board.

2. In the case of a hearing before a fact-finding panel, the school board shall give the grievant its written decision within 30 days after the school board receives both the transcript of such hearing, if any, and the panel's finding of fact and recommendations unless the school board proceeds to a hearing under §2.2 Subsection E.3. The decision of the school board shall be reached after considering the transcript, if any; the findings of fact and recommendations of the panel; and such further evidence as the school board may receive at any further hearing which the school board elects to conduct.

3. In any case in which a hearing before a fact-finding panel is held in accordance with Step 4, the local school board may conduct a further hearing before such school board.

   a. The local school board shall initiate such hearing by sending written notice of its intention to the teacher and the division superintendent within 10 days after receipt by the board of the findings of fact and recommendations of the fact-finding panel and any transcript of the panel hearing. Such notice shall be provided upon forms to be prescribed by the Board

of Education and shall specify each matter to be inquired into by the school board.

b. In any case where such further hearing is held by a school board after a hearing before the fact-finding panel, the school board shall consider at such further hearing the transcript, if any; the findings and recommendations of the fact-finding panel; and such further evidence including, but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the school board deems may be appropriate or as may be offered on behalf of the grievant or the administration.

c. The further hearing before the school board shall be set within 30 days of the initiation of such hearing, and the teacher must be given at least 15 days written notice of the date, place, and time of the hearing. The teacher and the division superintendent may be represented by legal counsel and another representative. The hearing before the school board shall be private, unless the teacher requests a public hearing. The school board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties or their representatives to cross-examine the witnesses. Witnesses may be questioned by the school board.

The school board's attorney, assistants, or representative, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and, notwithstanding the provisions of

§22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

A stenographic record or tape recording of the proceedings shall be taken. However, the recording may be dispensed with entirely by mutual consent of the parties. If not dispensed with, the two parties shall share the cost of the recording equally; if either party requests a transcript, that party shall bear the expense of its preparation.

d. The decision of the school board shall be based solely on the transcript, if any; the findings of fact and recommendations of the fact-finding panel; and any evidence relevant to the issues of the original grievance produced at the school board hearing in the presence of each party. The school board shall give the grievant its written decision within 30 days after the completion of the hearing before the school board. In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board's written decision shall include the rationale for the decision.

4. In any case where a hearing before a fact-finding panel is not held, the board may hold a separate hearing or may make its determination on the basis of the written evidence presented by the teacher and the recommendation of the superintendent.

5. The school board shall retain its exclusive final authority over matters concerning employment and the supervision of its personnel.

§2.3 Grievability

A. Initial Determination of Grievability. Decisions regarding whether a matter is grievable shall be made by the school board at the request of the division superintendent or grievant. The school board shall reach its decision only after allowing the division superintendent and the grievant opportunity to present written or oral arguments regarding grievability. The decision as to whether the arguments shall be written or oral shall be in the discretion of the school board. Decisions shall be made within 10 days of such request. Such determination of grievability shall be made subsequent to the reduction of the grievance to writing but prior to any panel or board hearing or the right to such determination shall be deemed to have been waived. Failure of the school board to make such a determination within such a prescribed 10-day period shall entitle the grievant to advance to the next step as if the matter were grievable.

B. Appeal of Determination on Grievability

1. Decisions of the school board may be appealed to the circuit court having jurisdiction in the school division for a hearing on the issue of grievability.

   a. Proceedings for a review of the decision of the school board shall be instituted by filing a notice of appeal with the school board within 10 days after the date of the decision and giving a copy thereof to all other parties.

   b. Within 10 days thereafter, the school board shall transmit to the clerk of the court to which the appeal is taken a copy of its decision, a copy of the notice of appeal and the exhibits. The failure of the school board to transmit the record within the time allowed shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the school board to transmit the record on or before a certain date.

fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

§2.5 Separability

If any portion of this Part II of the Procedure for Adjusting Grievances, or the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

PART III

Procedure for Dismissals or Placing on Probation

This Part III of the Procedure for Adjusting Grievances adopted by the Board of Education in accordance with the statutory mandate of Article II, Chapter 11, Title 22.1 of the Code of Virginia and the Standards of Quality for school divisions, Chapter 667 of the Acts of Assembly, 1980, is to provide an orderly procedure for the expeditious resolution of disputes involving the dismissal or placing on probation of any teacher.

§3.1 Procedure for Dismissals or Placing on Probation

A. Notice to teacher of recommendation for dismissal or placing on probation.

1. In the event a division superintendent determines to recommend dismissal of any teacher or the placing on probation of a teacher on continuing contract, written notice shall be sent to the teacher on forms to be prescribed by the Board of Education notifying him or her of the proposed dismissal or placing on probation and informing the teacher that within 15 days after receiving the notice, the teacher may request a hearing before the school board or before a fact-finding panel as hereinafter set forth.

2. During such 15-day period and thereafter until a hearing is held in accordance with the provisions herein, if one is requested by the

c. Within 10 days of receipt by the clerk of such record, the court, sitting without a jury, shall hear the appeal on the record transmitted by the school board and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.

d. The court may affirm the decision of the school board or may reverse or modify the decision. The decision of the court shall be rendered not later than the fifteenth day from the date of the conclusion of the court's hearing.

§2.4 Time Limitations

The right of any party to proceed at any step of this Part II grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this procedure.

A. The failure of the teacher to comply with all substantial procedural requirements, including initiation of the grievance and notice of appeal to the next step in the procedure, shall eliminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.

B. The failure of the school board or any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure or, at the final step, to a decision in his or her favor.

C. The determination as to whether the substantial procedural requirements of this Part II of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievant to proceed to its next step. The

teacher, the merits of the recommendation of the division superintendent shall not be considered, discussed, or acted upon by the school board except as provided for herein.

3. At the request of the teacher, the superintendent shall provide the reasons for the recommendation in writing or, if the teacher prefers, in a personal interview. In the event a teacher requests a hearing pursuant to §22.1-311 or §22.1-312, the division superintendent shall provide, within 10 days of the request, the teacher or his representative with the opportunity to inspect and copy his personnel file and all other documents relied upon in reaching the decision to recommend dismissal or probation. Within 10 days of the request of the division superintendent, the teacher or his representative shall provide the division superintendent with the opportunity to inspect and copy the documents to be offered in rebuttal to the decision to recommend dismissal or probation. The division superintendent and the teacher or his representative shall be under a continuing duty to disclose and produce any additional documents identified later which may be used in the respective parties' cases-in-chief. The cost of copying such documents shall be paid by the requesting party.

B. Fact-Finding Panel. Within 15 days after the teacher receives the notice referred to in §3.1 Subsection A.1., either the teacher or the school board, by written notice to the other party upon a form to be prescribed by the Board of Education, may elect to have a hearing before a fact-finding panel prior to any decision by the school board.

1. Panel. Within five working days after the receipt by the division superintendent of the request for a fact-finding panel, the teacher and the division superintendent shall each select one panel member from among the employees of the school division other than an individual involved in the recommendation of dismissal or placing on probation as a supervisor, witness, or representative. The two panel

members so selected shall within five working days of their selection select a third impartial panel member.

2. Selection of Impartial Third Member. In the event that both panel members are unable to agree upon a third panel member within five working days, both members of the panel shall request the chief judge of the circuit court having jurisdiction of the school division to furnish a list of five qualified and impartial individuals from which list one individual shall be selected by the two members of the panel as the third member. The individuals named by the chief judge may reside either within or without the jurisdiction of the circuit court, be residents of the Commonwealth of Virginia, and in all cases shall possess some knowledge and expertise in public education and education law and shall be deemed by the judge capable of presiding over an administrative hearing. Within five days after receipt by the two panel members of the list of fact finders nominated by the chief judge, the panel members shall meet to select the third panel member. Selection shall be made by the panel members, alternately deleting names from the list until only one remains with the panel member selected by the teacher to make the first deletion. The third impartial panel member shall chair the panel. No elected official shall serve as a panel member. With the agreement of the teacher's and division superintendent's panel members, the impartial panel member shall have the authority to conduct the hearing and make recommendations as set forth herein while acting as a hearing officer.

3. Holding of Hearing. The hearing shall be held by the panel within 30 calendar days from the date of the selection of the final panel member. The panel shall set the date, place, and time for the hearing and shall so notify the division superintendent and the teacher. The teacher and the division superintendent each may have

present at the hearing and be represented at all stages by legal counsel and another representative.

4. Procedure for Fact-Finding Panel.

   a. The panel shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, provided that, at the request of the teacher, the hearing shall be private.

   b. The panel may ask for statements from the division superintendent and the teacher (or their representative) clarifying the issues involved at the beginning of the hearing and at the discretion of the panel may allow closing statements.

   c. The parties shall then present their claims in evidence. Witnesses may be questioned by the panel members and by the teacher and the division superintendent or their representative. However, the panel may, at its discretion, vary this procedure but shall afford full and equal opportunity to all parties for presentation of any material or relevant evidence and shall afford the parties the right of cross examination.

   d. The parties shall produce such additional evidence as the panel may deem necessary to an understanding and determination of the dispute. The panel shall be the judge of relevancy and materiality of the evidence offered. All evidence shall be taken in the presence of the panel and of the parties.

   e. Exhibits offered by the teacher or the division superintendent may be received by the panel and, when so received, shall be marked and made a part of the record.

   f. The facts found and recommendations made by the panel shall be based exclusively upon the evidence presented to the panel at the hearing and such facts found and

recommendations made shall be arrived at by a majority vote of the panel members.

g. The hearing may be reopened by the panel at any time before the panel's report is made upon its own motion or upon application of the teacher or the division superintendent for good cause shown to hear after-discovered evidence.

h. The panel shall make a written report which shall include its findings of fact and recommendations and shall file it with the members of the school board, the division superintendent, and the teacher, not later than 30 days after the completion of the hearing.

i. A stenographic record or tape recording of the proceedings shall be taken. In cases of dismissal or probation, a record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The school board shall bear the expense of the recording and the transcription.

5. Expenses.

a. The teacher shall bear his or her own expenses. The school board shall bear the expenses of the division superintendent. The expenses of the panel shall be borne one-half by the school board and one-half by the teacher.

b. The parties shall set the per diem rate of the panel. If the parties are unable to agree on the per diem, it shall be fixed by the chief judge of the circuit court. No employee of the school division shall receive such per diem for service on a panel during his or her normal working hours if he or she

receives his or her normal salary for the period of such service.

6. Right to Further Hearing. If the school board elects to have a hearing by a fact-finding panel on the dismissal or placing on probation of a teacher, the teacher shall have the right to a further hearing by the school board as provided in subsection C of this section. The school board shall have the right to require a further hearing as provided in subsection C also.

7. Witnesses. Witnesses who are employees of the school board shall be granted release time if the hearing is held during the school day. The hearing shall be held at the school in which most witnesses work, if feasible.

C. Hearing by School Board

1. After receipt of the notice of pending dismissal or placing on probation described in §3.1 Subsection A. 1., the teacher may request a hearing before the school board by delivering written notice to the division superintendent within 15 days from the receipt of notice from the superintendent. Subsequent to the hearing by a fact-finding panel under §3.1 Subsection B., the teacher, as permitted by §3.1 Subsection B. 6., or the school board may request a school board hearing by written notice to the opposing party and the division superintendent within 10 days after the receipt by the party initiating such hearing of the findings of fact and recommendations made by the fact-finding panel and the transcript of the panel hearing. Such notice shall be provided upon a form to be prescribed by the Board of Education and shall specify each matter to be inquired into by the school board.

2. In any case in which a further hearing is held by a school board after a hearing before the fact-finding panel, the school board shall consider at such further hearing the record, or transcript, if any, the

finding of fact and recommendations made by the fact-finding panel and such further evidence, including but not limited to, the testimony of those witnesses who have previously testified before the fact-finding panel as the school board deems appropriate or as may be offered on behalf of the teacher or the superintendent.

3. The school board hearing shall be set and conducted within 30 days of the receipt of the teacher's notice or the giving by the school board of its notice. The teacher shall be given at least 15 days' written notice of the date, place, and time of the hearing and such notice shall also be provided to the division superintendent.

4. The teacher and the division superintendent may be represented by legal counsel and another representative. The hearing before the school board shall be private, unless the teacher requests a public hearing. The school board shall establish the rules for the conduct of any hearing before it. Such rules shall include the opportunity for the teacher and the division superintendent to make an opening statement and to present all material or relevant evidence, including the testimony of witnesses and the right of all parties to cross-examine the witnesses. Witnesses may be questioned by the school board.

5. A record or recording of the proceedings shall be made and preserved for a period of six months. If either the teacher or the school board requests that a transcript of the record or recording be made at any time prior to expiration of the six-month period, it shall be made and copies shall be furnished to both parties. The board shall bear the expense of the recording and the transcription.

6. The school board shall give the teacher its written decision within 30 days after the completion of the hearing before the school board.

7. The decision by the school board shall be based on the transcript, the findings of fact, and recommendations made by the fact-finding

panel and any evidence relevant to the issues of the original grievance produced at the school board hearing in the presence of each party.

The school board's attorney, assistants, or representative, if he, she, or they represented a participant in the prior proceedings, the grievant, the grievant's attorney, or representative and notwithstanding the provisions of §22.1-69, the superintendent shall be excluded from any executive session of the school board which has as its purpose reaching a decision on a grievance. However, immediately after a decision has been made and publicly announced, as in favor of or not in favor of the grievant, the school board's attorney or representative and the superintendent may join the school board in executive session to assist in the writing of the decision.

D. School Board Determination

1. In any case in which a hearing is held before a fact-finding panel but no further hearing before the school board is requested by either party, the school board shall give the teacher its written decision within 30 days after the school board receives both the transcript of such hearing and the panel's findings of fact and recommendations. The decision of the school board shall be reached after considering the transcript, the findings of fact, and the recommendations made by the panel.

2. The school board may dismiss, suspend, or place on probation a teacher upon a majority vote of a quorum of the school board. In the event the school board's decision is at variance with the recommendations of the fact-finding panel, the school board shall be required to conduct an additional hearing which shall be public unless the teacher requests a

private one. However, if the fact-finding hearing was held in private, the additional hearing shall be held in private. The hearing shall be conducted by the school board pursuant to Section 3.1.C.1&2, except that the grievant and the division superintendent shall be allowed to appear, to be represented, and to give testimony. However, the additional hearing shall not include examination and cross-examination of any other witnesses. The school board's written decision shall include the rationale for the decision.

§3.2 Time Limitations

The right of any party to proceed at any step of the grievance procedure shall be conditioned upon compliance with the time limitations and other requirements set forth in this grievance procedure.

A. The failure of the grievant to comply with all substantial procedural requirements shall terminate the teacher's right to any further proceedings on the grievance unless just cause for such failure can be shown.

B. The failure of the school board or of any supervisory employee to comply with all substantial procedural requirements without just cause shall entitle the grievant, at his or her option, to advance to the next step in the procedure or, at the final step, to a decision in his or her favor.

C. The determination as to whether the substantial procedural requirements of this Part III of the Procedure for Adjusting Grievances have been complied with shall be made by the school board. In any case in which there is a factual dispute as to whether the procedural requirements have been met or just cause has been shown for failure to comply, the school board shall have the option of allowing the grievance to proceed to its next step. The fact that the grievance is allowed to proceed in such case shall not prevent any party from raising such failure to observe the substantial procedural requirements as an affirmative defense at any further hearing involving the grievance.

§3.3 Separability

If any portion of this Part III of the Procedure for Adjusting Grievances, of the application thereof, shall be held invalid by a court of competent jurisdiction, the remainder of this procedure and the application thereof in all other circumstances where not expressly held invalid shall not be affected thereby.

FORMS

Adjusting Grievances

PART II

FORMS FOR ADJUSTING GRIEVANCES
IN_____PUBLIC SCHOOLS

Enclosed herein are the necessary forms for adjusting grievances in accordance with Part II of the Grievance Procedure of the State Board of Education.

The grievant is advised to become familiar with the procedure for adjusting grievances. Special emphasis should be given to the procedural steps.

STATE DEPARTMENT OF EDUCATION

_____ Public Schools

STATEMENT OF GRIEVANCE

Part II
STEP 2 - TO BE PRESENTED TO PRINCIPAL

Name of grievant	Date filed
School/department of assignment	Subject area or grade
Immediate superior and/or principal	Grievant's representative

Policy, procedure, regulation, ordinance, statute being grieved, and date you knew of reasonably should have known of its occurrence:

Statement of grievance:

Specific relief requested:

Grievant's signature	Representative's signature
Date	Date

RICHMOND PUBLIC SCHOOLS
RICHMOND, VIRGINIA

HANDBOOK FOR EVALUATION OF CLASSIFIED PERSONNEL AND SUPPLEMENTAL PAY POSITIONS

July, 1993

RPS: STUDENTS FIRST

TABLE OF CONTENTS

Superintendent's Message ii
Philosophy of Evaluation 1
Purpose of Evaluation 1
Definitions 2
Elements of the Evaluation Process 3
Recommendations for Conducting Successful Evaluations 3
Directions for Signing, Duplicating and Filing of Appropriate Documents 4
Consumer Survey 4
Special Evaluation Responsibilities 5
Suggested Calendar for Evaluation 5
Evaluation Criteria 6
- Food Service 6
- Nurse 7
- Non-instructional 9
- Plant and Logistical Services 10
- Secretarial and Clerical 12
- Supplemental Pay Positions 13

Evaluation Forms 14

EVALUATION REVIEW COMMITTEE FOR CLASSIFIED PERSONNEL

Mrs. Valerie Scott*
Mrs. Beverly Lewis
Mrs. Margie Mills
Mrs. Eugertha Minnicks
Ms. Nancy Phillips
Mrs. Barbara Smith
Mrs. Alberta Person*
Mrs. Barbara Anderson
Mrs. Patricia Lancaster
Ms. Mary Phillips
Mrs. Bessie Hawkins
Mr. Mike Griffin
Dr. Jennifer Pears

*Chairpersons

REVIEWERS/EDITORS

Dr. Robert Marchant
Dr. Raymond Galvin

Philosophy of Evaluation

Effective evaluation is a continuous process that has as its primary goal the improvement of the quality of services. It involves working together throughout the process. Above all, an effective evaluation process assures a high level of quality in the services provided ultimately to students in their learning environments so that state, school division, and school outcomes can be achieved.

Effective evaluation provides avenues for personnel to improve their performance and enables those who evaluate and those who are evaluated to make informed decisions about performance. Evaluators and evaluatees should work collaboratively in diagnosing performance in order to ensure a high level of quality in services rendered.

Purpose of Evaluation

Evaluation procedures are used for three primary purposes: for the improvement of services, for professional development, and for management decisions. In improving services, effective evaluation procedures are structured to result in professional growth and improvement, and the maintenance of collegial relationships.

Effective professional development activities often grow out of needs identified through effective evaluation procedures. Through assessing their own performance and considering assessment made by others, personnel and supervisors define areas for professional growth or improvement.

Evaluation supports school and school system improvement by reflecting staff decisions made at the appropriate level which concentrate efforts on a specific aspect of services needing attention. The activities each department undertakes serve as primary ways to improve services in the school system and that emphasis is reinforced through the evaluation process.

Maintaining collegial relationships is an effective way of evaluating and improving in specific areas. One of the best ways to improve services is through continuous, focused dialogue between and among staff members. Creating opportunities for more discussion and observation with feedback between and among staff is an essential step toward developing significant program improvement.

In the state of Virginia, the major management decisions based on effective evaluation include continuing contracts, nonrenewal of contracts, dismissal, promotion, and recognition.

Definitions

The following definitions of the evaluation-related terms are used throughout this Handbook:

Classified Personnel: Classified or non-certified personnel are any employees assigned full-time to a position on the classified salary schedule by formal action of the School Board.

Evaluatee: Person being evaluated.

Evaluator: Person evaluating in accordance with School Board Policy.

Exceeds Expectations: Performs beyond the standard, expectation, or job requirement. The staff person demonstrates an exceptional level of mastery and serves as a model for others. (Must be justified in writing in the appropriate COMMENTS section).

Meets Expectations: Performs at the standard expectation required by the position or job description.

Needs Improvement: Requires greater skill in one or more competencies. Indicates a need for concern for greater skill development. (Must be justified in writing in the appropriate COMMENTS section).

Not Applicable: Indicates that the competency does not apply to the specific situation.

Not Observed: Indicates that the competency was not observed.

Paraprofessional: A trained aide who directly assists a professional person; i.e. an instructional assistant.

Personnel Evaluation Criteria: Standards of performance expected of all personnel in each area.

Probation: A specified amount of time as described in the Personnel Manual (Section 4.11) which a newly hired employee is subject to initial critical examination and evaluation.

Unsatisfactory: Indicates an unacceptable performance level. (Must be justified in writing in the appropriate COMMENTS section).

Elements of the Evaluation Process

The evaluation process for classified personnel and supplemental pay positions is annual. Supplemental pay positions are annual appointments at the discretion of the principal/director. Newly hired classified personnel will be on probation as described in the Personnel Manual, Section 4.11. Non-probationary classified personnel will meet with their assigned supervisor each year to review job progress. The assigned supervisor is the evaluator of the assigned employee. If the work of an individual exceeds expectations, the supervisor is to recognize that factor. If any employee needs improvement or displays unsatisfactory work in any area, that employee's supervisor is to address the deficient area(s) at the time the deficiency is observed. It is the responsibility of the supervisor's immediate supervisor to review any questions or concerns that arise from the evaluation process. In cases where grievances are deemed necessary, procedures are described in the Personnel Manual. Discipline and dismissal procedures are clearly defined in Section 12 of the Personnel Manual.

Recommendations for Conducting Successful Evaluations

In the research literature and writings of experts in evaluation, certain key elements have emerged as factors which contribute to the quality of the evaluation experience. These key elements in evaluation may be grouped into factors relating to the evaluator, the evaluatee, the feedback given, and the evaluation setting; they are included here as recommendations for conducting successful evaluations.

The **evaluator** must possess excellent communication skills, both listening and speaking, and must be perceived as a credible source of information for the evaluatee. S/he must also inspire trust and be honest, sincere, and consistent in all communications.

The **evaluatee** must be open to new ideas, possess a willingness to accept change, to consider alternatives, and to enter into dialogue about the job expectations. S/he must also be open to the evaluative process.

Feedback must be frequent in order to encourage growth and development, it must come from a credible source, and must include practical and sensible ideas and suggestions for improvement.

The **evaluation setting** must be private and comfortable. There must be adequate time allowed for all evaluation activities, and there must be adequate planning to provide for the evaluatee's growth.

Directions for Signing, Duplicating and Filing of Appropriate Documents

All documentation during the evaluation process must be shared appropriately with each party involved. Document masters for each evaluation will be included on a "floppy disk" that was designed through "Filemaker." Appropriate training will be available to utilize this design. These documents are the official design to be used. This is not intended to limit supervisors to these documents during the evaluation process. Supervisors may use supplemental memoranda in addition to the official design. Any documentation used during the evaluation process must be signed by both the evaluatee and evaluator, particularly the official design. This is of particular importance when addressing areas designated as needing improvement and unsatisfactory.

After the evaluatee and the evaluator have shared and reviewed each item of documentation during the year, copies of the documents are made and each party is to sign each copy of the document. **Note: The signature of the evaluatee indicates that s/he has read the document and has knowledge of its contents but may not necessarily be in agreement.** If for some reason the evaluatee refuses to sign the document, this must be noted by the evaluator and dated.

Three copies of the Evaluation Record will be needed for signature: one for the evaluator, one for the evaluatee and one for Human Resources. Note that those evaluations that require review need to be sent directly to the appropriate director for approval or denial and signature. Supportive documentation must be included. Only two copies of other documentation are required, one for the evaluatee and one for the evaluator. After documentation has been reviewed and signed appropriately, it should be forwarded to the appropriate file record. Multiple pages should be stapled together.

Note: The evaluatee can request review of the final evaluation by indicating this in the box provided on the evaluation document.

Consumer Survey

Consumer surveys are provided as a supplementary document to the primary evaluator. Principals are the primary evaluators for the majority of itinerant teachers therefore, instructional specialists will provide a consumer survey. Senior social workers and psychologists are the primary evaluators for social workers and psychologists. In this instance, principals will provide a consumer survey

Special Evaluation Responsibilities

Evaluation responsibilities for personnel in positions within school buildings whose job function is initiated outside the school facility will be determined by the consistency of that evaluatee's daily responsibility. In other words, if a person is in the building every day, the primary responsibility for evaluation is within that building. The consumer responsibility will rest with the *"specialists"* in the area of the job function and the responsibility of review rests with the person in direct line responsibility of the positions job function.

Consumer Survey: Supplemental evaluation to assist the primary evaluator

Position Title	Primary Responsibility	Consumer Responsibility	Review Responsibility
Itinerant Teachers	Principal	Instructional Specialists/ Coordinators	Directors of Instruction and Pupil Services
Social Workers/ Psychologists	Senior Social Worker/ Psychologist	Principals	Coordinator of Pupil Services
Nurse	Principal	Coordinator of Nurses *(vacant)*	Director of Exceptional Ed./ Health Services
Head Custodian	Principal	Coordinator/ Managers	Chief of Operations
Food Service Manager	Principal	Coordinator/ Supervisors	Director of Food Services
Custodian	Head Custodian	Principals	Managers
Food Service Worker	Food Service Manager	Principals	Supervisors
Security Specialists	Principal	Supervisor, Safety & Security	Director of Plant Services

Suggested Calendar for Evaluation

Goal Setting by October 15th
Mid Year Review by February 1st
Final Evaluation by June 15th

EVALUATION CRITERIA

In the Richmond Public Schools, evaluation criteria are standards of performance expected of personnel in respective areas. These criteria lead to the outcomes stated in the philosophy of evaluation and are divided into domains each of which contain several competencies which can be identified by observable behaviors for assessing performance. Obviously, during any one observation, it is not expected that all observable behaviors will be exhibited. Following is a listing of evaluative criteria by domain with competencies for each domain for each category of evaluatee.

FOOD SERVICE EMPLOYEES EVALUATION

Domain I. Cooperation

Competency 1. A valuable team member - goes out of his/her way to make unit run smoothly

Competency 2. Willingly helps others to accomplish their objectives

Competency 3. Consistently operates with manager, fellow employees and school staff

Competency 4. Shares in the development of promotional activities to increase meal participation

Domain II. Knowledge of Job

Competency 1. Prepares food items in accordance with standard procedures

Competency 2. Knows job duties and does not need constant supervision

Competency 3. Shows interest and demonstrates knowledge of food quality

Competency 4. Demonstrates correct operation of equipment

Domain III. Sanitation - Housekeeping

Competency 1. Never waits to be told about housekeeping duties - take pride in appearance of unit

Competency 2. Practices good "clean as you go" work habits

Competency 3. Works neatly and does own share of cleaning

Domain IV. Quantity of Work

Competency 1. Contributes beyond what is expected (does more than his/her daily share of work)

Competency 2. Works at a steady pace and completes assignments on time

Domain V. Sensitivity to the needs of others

Competency 1. Always alert to the needs of others - goes out of the way to be helpful

Competency 2. Makes a good impression on those served

Competency 3. Relates to other with courtesy and respect

Domain VI. Initiative

Competency 1. Follows new methods willingly - makes good suggestions

Competency 2. Voluntarily starts projects without being told

Competency 3. Attempts and completes non-routine jobs

Domain VII. Personal Appearance

Competency 1. Demonstrates an awareness of good personal hygiene habits

Competency 2. Well-groomed and adheres to policies of appropriate dress

Competency 3. Wears hair restraint as required daily

Competency 4. Nails are free of nail polish daily

Domain VIII. Personal Conduct

Competency 1. Always cheerful, even tempered and tactful

Competency 2. Shows mature behavior - respected by group

Competency 3. Understands rules of conduct and governs self accordingly

Domain IX. Attendance

Competency 1. Never abuses leave privileges

Competency 2. Reports to work promptly and regularly

Competency 3. Communicates absence appropriately

Domain X. Professional Growth

Competency 1. Participates in at least one workshop or class for professional and personal growth and development

SCHOOL NURSE PERFORMANCE EVALUATION

Domain I. Theory

Competency 1. Demonstrates knowledge of theory by proper application using recent techniques in making decisions and sharing knowledge

Domain II. Program Management

Competency 1. Establishes process to identify students at risk for physical and psychosocial problems

Competency 2. Communicates student health needs to other school personnel

Competency 3. Establishes follow-up mechanism for referral of identified students

Competency 4. Assumes responsibility for inservice programs for school personnel regarding health related issues

Competency 5. Assists in training and supervision of paraprofessionals

Competency 6. Completes monthly reports to provide accountability of the program

Domain III. Nursing Process

Competency 1. Assumes responsibility for initiation of the student health record upon enrollment

Competency 2. Collects, record and interprets health status data

Competency 3. Maintains a cummulative health record for each student according to the standards determined by School Health Services

Competency 4. Maintains a record of individual student visits to the nurse's office to document student needs and maintain confidentiality in a manner determined by School Health Services and standard of school nursing practice

Competency 5. Uses data collected about health and developmental status of the student to identify a relationship between health status and a student's ability to learn

Competency 6. Develops and writes School Health Care Plans when appropriate

Competency 7. Revises and updates School Health Care Plan when needs of student change

Competency 8. Intervenes promptly providing care based on medical and nursing knowledge and standards of School Health Services

Competency 9. Ensures that parents are notified promptly about accidents, injuries and other health concerns

Competency 10. Uses appropriate school nursing care to ensure optimal educational opportunities for handicapped, chronically ill or terminally ill students

Domain IV. Interdisciplinary Collaboration

Competency 1. Participates as an integral member of interdisciplinary teams

Competency 2. Collaborates with members of the team to provide comprehensive planning for children with educational problems

Domain V. Health Education

Competency 1. Teaches basic principals and health promotion and disease prevention to individuals and groups.

Competency 2. Participates actively in teaching health and prevention in classrooms, in Family Life and Growing Healthy and in Health Career Clubs

Competency 3. Acts as a resource in health education to students, school personnel and families

Domain VI. Professional Development

Competency 1. Participates in continuing educational programs to increase understanding and update skills

Domain VII. Community Health Systems

Competency 1. Interprets school health services and the role of the school nurses to the school and the community

Competency 2. Collaborates with agencies within and without the community to ensure continuity of service and care

NON-INSTRUCTIONAL PERSONNEL EVALUATION

Domain I. Understanding of Responsibility

Competency 1. The extent to which the individual demonstrates an understanding of the nature of his duties

Domain II. Quality of Work

Competency 1. The extent to which the individual performs his duties in a thorough, accurate and neat manner

Domain III. Dependability

Competency 1. The extent to which the individual can be relied upon to complete his assignments with due regard to the difficulty of any given assignment

Domain IV. Relationships with people

Competency 1. Courtesy: The extent to which the individual treats all of those with whom he must deal in a manner which is polite, respectful, tactful, considerate and dignified

Competency 2. Cooperativeness: The extent to which the individual is a member of the team, is willing to assist other persons and supervisors to get a job done, and the extent to which his general behavior is such that it promotes harmony and good work relationships

Domain V. Personal Qualities

Competency 1. This refers to appropriateness of dress, personal neatness, hygiene, and to the individual's ability to maintain a standard of personal appearance in keeping with the demands of his position: poise, sense of humor, response to criticism, control of emotions

Domain VI. Loyalty

Competency 1. The extent to which the individual supports his fellow workers, superiors and the programs of the Richmond Public Schools

Domain VII. Resourcefulness

Competency 1. The extent of independent thought and action. Displays the physical and mental stamina required to get results without the need of urging on the part of the supervisor

Domain VIII. Attendance and Promptness

Competency 1. Refers to use of sick leave, number of unauthorized absences, and promptness in observing work hours

Domain X. Judgement

Competency 1. The extent to which the individual considers all available facts before acting, is logical and consistent in his conclusions and acts with emotional maturity

Domain X. Leadership

Competency 1. The extent to which the individual is capable of organizing, planning, controlling and guiding the work of others in a manner that produces satisfactory results. Also, the extent to which the supervisor is able to accept the responsibility of leadership.

Domain XI. Grammar Usage

Competency 1. The extent to which standard accepted English is used

PLANT SERVICES AND SPECIAL SERVICES EMPLOYEES EVALUATION

Domain I. Quality

Competency 1. Accuracy

Competency 2. Neatness

Competency 3. Thoroughness

Competency 4. Oral Expression

Competency 5. Written Expression

Domain II. Work Habits

Competency 1. Amount of work performed

Competency 2. Completion of work on schedule

Competency 3. Compliance with instructions

Competency 4. Orderliness of work station

Competency 5. Use of initiative

Competency 6. Performance with minimum instruction

Competency 7. Observance of rules and regulations

Competency 8. Attendance

Competency 9. Promptness

Competency 10. Adaptability to change

Domain III. Personal Relations

Competency 1. Getting along with fellow workers

Competency 2. Meeting and assisting the public

Competency 3. Personal Appearance

Competency 4. Cooperativeness

Competency 5. Demonstrates positive attitude

Competency 6. Loyalty to colleagues and school division

Domain IV. Supervisory Performance

Competency 1. Planning and assigning

Competency 2. Training employees

Competency 3. Disciplinary control

Competency 4. Leadership

Competency 5. Making Decisions

Competency 6. Fairness and impartiality

Competency 7. Has respect of subordinates

SECRETARIAL/CLERICAL EMPLOYEES EVALUATION

Domain I. Organization and Efficiency

Competency 1. Completes tasks within a reasonable time-frame to meet necessary deadlines

Competency 2. Produces satisfactory work

Competency 3. Analyzes tasks and activities for efficient work flow

Competency 4. Arranges work in order of priority and importance

Competency 5. Utilizes materials and equipment to perform tasks systematically and efficiently

Competency 6. Utilizes work time in the most productive way

Domain II. Communication Skills

Competency 1. Consistently exhibits effective oral communication skills

Competency 2. Consistently exhibits effective written communication skills

Domain III. Neatness and Accuracy

Competency 1. Demonstrates neatness and accuracy in typing

Competency 2. Uses good judgment in the arrangement of typewritten material

Competency 3. Proofreads for accuracy and corrects errors as needed for the finished product

Domain IV. Job Attitude

Competency 1. Demonstrates an understanding of job responsibilities and role in the operational process

Competency 2. Demonstrates loyalty to colleagues and the school division

Competency 3. Responds positively to job situations and is receptive to suggestions

Competency 4. Respects office ethics relative to privilege and confidentiality

Domain V. Dependability

Competency 1. Reports to work promptly and regularly

Competency 2. Accepts responsibility, shows initiative and resourcefulness

Competency 3. Adheres to policies of the Richmond Public Schools

Competency 4. Demonstrates the ability to handle routine tasks

Competency 5. Consistently available for performance of duties

Domain VI. Initiative

Competency 1. Willingness to efficiently perform broadly assigned tasks with minimum supervision

Competency 2. Uses tact and good judgement

Competency 3. Is open to new ideas/procedures and willing to accept/adjust to change

Competency 4. Promotes self improvement and continues educational growth

Domain VII. Cooperation

Competency 1. Recognizes the importance of creating a friendly atmosphere

Competency 2. Demonstrates cooperation and flexibility

Domain VIII. Appearance

Competency 1. Reflects a positive image of the office and the system

Competency 2. Demonstrates awareness of appropriate business attire

SUPPLEMENTAL PAY POSITIONS EVALUATION

Domain I. Characteristics

Competency 1. Cooperativeness

Competency 2. Judgement/Problem Solving Ability

Competency 3. Enthusiasm

Competency 4. Dependability

Competency 5. Community Relations

Competency 6. Student/Human Relations

Competency 7. Initiative

Competency 8. Resource Utilization/Managerial Skills

Competency 9. Familiarity and Compliance with Rules and Procedures

Competency 10. Sportsmanship/Citizenship

ANNUAL

EVALUATION

FORMS

FOOD SERVICE EMPLOYEES EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. COOPERATION
	1. A valuable team member - goes out of his/her way to make unit run smoothly.
	2. Willingly helps others to accomplish their objectives.
	3. Consistently cooperates with manager, fellow employees, and school staff.
	4. Shares in the development of promotional activities to increase meal participation.

R	II. KNOWLEDGE OF JOB
	1. Prepares food items in accordance with standard procedures.
	2. Knows job duties and does not need constant supervision.
	3. Shows interest and demonstrates knowledge of food quality.
	4. Demonstrates correct operation of equipment.

R	III. SANITATION - HOUSEKEEPING
	1. Never waits to be told about housekeeping duties - takes pride in appearance of the unit.
	2. Practices good "clean as you go" work habits.
	3. Works neatly and does own share of cleaning.

R	IV. QUANTITY OF WORK
	1. Contributes beyond what is expected (does more than his/her daily share of work).
	2. Works at a steady pace and completes assignments on time.

R	V. SENSITIVITY TO THE NEEDS OF OTHERS
	1. Always alert to the needs of others - goes out of the way to be helpful.
	2. Makes a good impression on those served.
	3. Relates to others with courtesy and respect.

R	VI. INITIATIVE
	1. Follows new methods willingly - makes good suggestions.
	2. Voluntarily starts projects without being told.
	3. Attempts and completes non-routine jobs.

R	VII. PERSONAL APPEARANCE
	1. Demonstrates an awareness of good personal hygiene habits.
	2. Well-groomed and adheres to policies of appropriate dress.
	3. Wears hair restraint as required daily.
	4. Nails are free of nail polish daily.

R	VIII. PERSONAL CONDUCT
	1. Always cheerful, even tempered and tactful.
	2. Shows mature behavior - respected by the group.
	3. Understands rules of conduct and governs self accordingly.

R	IX. ATTENDANCE
	1. Never abuses leave privileges.
	2. Reports to work promptly and regularly.
	3. Communicates absence appropriately.

R	X. PROFESSIONAL GROWTH
	1. Participates in at least one workshop or class for professional and personal growth and development.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 28, 1992

CONSUMER SURVEY
FOOD SERVICE EMPLOYEES EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. COOPERATION
	1. A valuable team member - goes out of his/her way to make unit run smoothly.
	2. Willingly helps others to accomplish their objectives.
	3. Consistently cooperates with manager, fellow employees, and school staff.
	4. Shares in the development of promotional activities to increase meal participation.

R	II. KNOWLEDGE OF JOB
	1. Prepares food items in accordance with standard procedures.
	2. Knows job duties and does not need constant supervision.
	3. Shows interest and demonstrates knowledge of food quality.
	4. Demonstrates correct operation of equipment.

R	III. SANITATION - HOUSEKEEPING
	1. Never waits to be told about housekeeping duties - takes pride in appearance of the unit.
	2. Practices good "clean as you go" work habits.
	3. Works neatly and does own share of cleaning.

R	IV. QUANTITY OF WORK
	1. Contributes beyond what is expected (does more than his/her daily share of work).
	2. Works at a steady pace and completes assignments on time.

R	V. SENSITIVITY TO THE NEEDS OF OTHERS
	1. Always alert to the needs of others - goes out of the way to be helpful.
	2. Makes a good impression on those served.
	3. Relates to others with courtesy and respect.

R	VI. INITIATIVE
	1. Follows new methods willingly - makes good suggestions.
	2. Voluntarily starts projects without being told.
	3. Attempts and completes non-routine jobs.

R	VII. PERSONAL APPEARANCE
	1. Demonstrates an awareness of good personal hygiene habits.
	2. Well-groomed and adheres to policies of appropriate dress.
	3. Wears hair restraint as required daily.
	4. Nails are free of nail polish daily.

R	VIII. PERSONAL CONDUCT
	1. Always cheerful, even tempered and tactful.
	2. Shows mature behavior - respected by the group.
	3. Understands rules of conduct and governs self accordingly.

R	IX. ATTENDANCE
	1. Never abuses leave privileges.
	2. Reports to work promptly and regularly.
	3. Communicates absence appropriately.

R	X. PROFESSIONAL GROWTH
	1. Participates in at least one workshop or class for professional and personal growth and development.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

A CONSUMER SURVEY IS A SUPPLEMENTAL EVALUATION TO ASSIST THE PRIMARY EVALUATOR IN THE FINAL EVALUATIION PROCESS.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 13, 1992

SCHOOL NURSE PERFORMANCE EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

I. THEORY

R

1. Demonstrates knowledge of theory by proper application using recent techniques in making decisions and sharing knowledge.

II. PROGRAM MANAGEMENT

R

1. Establishes a process to identify students at risk for physical and psychosocial problems.
2. Communicates student health needs to other school personnel.
3. Establishes follow-up mechanism for referral of identified students.
4. Assumes responsibility for inservice programs for school personnel regarding health related issues.
5. Assists in training and supervision of paraprofessionals.
6. Completes monthly reports to provide accountability of the program.

III. NURSING PROCESS

R

1. Assumes responsibility for initiation of the student health record upon enrollment.
2. Collects, records and interprets health status data.
3. Maintains a cumulative health record for each student according to the standards determined by School Health Services.
4. Maintains a record of individual student visits to the nurse's office to document student needs and maintain confidentiality in a manner determined by School Health Services and standard of school nursing practice.
5. Uses data collected about health and developmental status of the student to identify a relationship between health status and a student's ability to learn.
6. Develops and writes School Health Care Plans when appropriate.
7. Revises and updates School Health Care Plan when needs of student change.
8. Intervenes promptly providing care based on medical and nursing knowledge and standards of School Health Services.
9. Ensures that parents are notified promptly about accidents, injuries and other health concerns.
10. Uses appropriate school nursing care to ensure optimal educational opportunities for handicapped, chronically ill or terminally ill students.

IV. INTERDISCIPLINARY COLLABORATION

R

1. Participates as an integral member of interdisciplinary teams.
2. Collaborates with members of the team to provide comprehensive planning for children with educational problems.

V. HEALTH EDUCATION

R

1. Teaches basic principles and health promotion and disease prevention to individuals and groups.
2. Participates actively in teaching health and prevention in classrooms, in Family Life and Growing Healthy and in Health Careers Clubs.
3. Acts as a resource in health education to students, school personnel and families.

VI. PROFESSIONAL DEVELOPMENT

R

1. Participates in continuing education programs to increase understanding and update skills.

VII. COMMUNITY HEALTH SYSTEMS

R

1. Interprets school health services and the role of the school nurses to the school and the community.
2. Collaborates with agencies within and without the community to ensure continuity of service and care.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

CONSUMER SURVEY
SCHOOL NURSE PERFORMANCE EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. THEORY
	1. Demonstrates knowledge of theory by proper application using recent techniques in making decisions and sharing knowledge.

R	II. PROGRAM MANAGEMENT
	1. Establishes a process to identify students at risk for physical and psychosocial problems.
	2. Communicates student health needs to other school personnel.
	3. Establishes follow-up mechanism for referral of identified students.
	4. Assumes responsibility for inservice programs for school personnel regarding health related issues.
	5. Assists in training and supervision of paraprofessionals.
	6. Completes monthly reports to provide accountability of the program.

R	III. NURSING PROCESS
	1. Assumes responsibility for initiation of the student health record upon enrollment.
	2. Collects, records and interprets health status data.
	3. Maintains a cumulative health record for each student according to the standards determined by School Health Services.
	4. Maintains a record of individual student visits to the nurse's office to document student needs and maintain confidentiality in a manner determined by School Health Services and standard of school nursing practice.
	5. Uses data collected about health and developmental status of the student to identify a relationship between health status and a student's ability to learn.
	6. Develops and writes School Health Care Plans when appropriate.
	7. Revises and updates School Health Care Plan when needs of student change.
	8. Intervenes promptly providing care based on medical and nursing knowledge and standards of School Health Services.
	9. Ensures that parents are notified promptly about accidents, injuries and other health concerns.
	10. Uses appropriate school nursing care to ensure optimal educational opportunities for handicapped, chronically ill or terminally ill students.

R	IV. INTERDISCIPLINARY COLLABORATION
	1. Participates as an integral member of interdisciplinary teams.
	2. Collaborates with members of the team to provide comprehensive planning for children with educational problems.

R	V. HEALTH EDUCATION
	1. Teaches basic principles and health promotion and disease prevention to individuals and groups.
	2. Participates actively in teaching health and prevention in classrooms, in Family Life and Growing Healthy and in Health Careers Clubs.
	3. Acts as a resource in health education to students, school personnel and families.

R	VI. PROFESSIONAL DEVELOPMENT
	1. Participates in continuing education programs to increase understanding and update skills.

R	VII. COMMUNITY HEALTH SYSTEMS
	1. Interprets school health services and the role of the school nurses to the school and the community.
	2. Collaborates with agencies within and without the community to ensure continuity of service and care.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

A CONSUMER SURVEY IS A SUPPLEMENTAL EVALUATION TO ASSIST THE PRIMARY EVALUATOR IN THE FINAL EVALUATION PROCESS.

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 13, 1992

NONINSTRUCTIONAL EMPLOYEES EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R | **I. UNDERSTANDING OF RESPONSIBILITY**

1. The extent to which the individual demonstrates an understanding of the nature of his duties.

R | **II. QUALITY OF WORK**

1. The extent to which the individual performs his duties in a thorough, accurate and neat manner.

R | **III. DEPENDABILITY**

1. The extent to which the individual can be relied upon to complete his assignments with due regard to the difficulty of any given assignment.

R | **IV. RELATIONSHIP WITH PEOPLE**

1. Courtesy: The extent to which the individual treats all of those with whom he must deal in a manner which is polite, respectful, tactful, considerate and dignified.
2. Cooperativeness: The extent to which the individual is a member of the team, is willing to assist other persons and supervisors to get a job done, and the extent to which his general behavior is such that it promotes harmony and good work relationships.

R | **V. PERSONAL QUALITIES**

1. This refers to appropriateness of dress, personal neatness, hygiene, and to the individual's ability to maintain a standard of personal appearance in keeping with the demands of his position: poise, sense of humor, response to criticism, control of emotions.

R | **VI. LOYALTY**

1. The extent to which the individual supports his fellow workers, superiors and the programs of the Richmond Public Schools.

R | **VII. RESOURCEFULNESS**

1. The extent of independent thought and action. Displays the physical and mental stamina required to get results without the need of urging on the part of the supervisor.

R | **VIII. ATTENDANCE AND PROMPTNESS**

1. Refers to use of sick leave, number of unauthorized absences, and promptness in observing work hours.

R | **IX. JUDGMENT**

1. The extent to which the individual considers all available facts before acting, is logical and consistent in his conclusions and acts with emotional maturity.

R | **X. LEADERSHIP**

1. The extent to which the individual is capable of organizing, planning, controlling and guiding the work of others in a manner that produces satisfactory results. Also, the extent to which the supervisor is able to accept the responsibility of leadership.

R | **XI. GRAMMAR USAGE**

1. The extent to which standard accepted English is used.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 13, 1992

CONSUMER SURVEY
NONINSTRUCTIONAL EMPLOYEES EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R

I. UNDERSTANDING OF RESPONSIBILITY

1. The extent to which the individual demonstrates an understanding of the nature of his duties.

II. QUALITY OF WORK

1. The extent to which the individual performs his duties in a thorough, accurate and neat manner.

III. DEPENDABILITY

1. The extent to which the individual can be relied upon to complete his assignments with due regard to the difficulty of any given assignment.

IV. RELATIONSHIP WITH PEOPLE

1. Courtesy: The extent to which the individual treats all of those with whom he must deal in a manner which is polite, respectful, tactful, considerate and dignified.
2. Cooperativeness: The extent to which the individual is a member of the team, is willing to assist other persons and supervisors to get a job done, and the extent to which his general behavior is such that it promotes harmony and good work relationships.

V. PERSONAL QUALITIES

1. This refers to appropriateness of dress, personal neatness, hygiene, and to the individual's ability to maintain a standard of personal appearance in keeping with the demands of his position: poise, sense of humor, response to criticism, control of emotions.

VI. LOYALTY

1. The extent to which the individual supports his fellow workers, superiors and the programs of the Richmond Public Schools.

VII. RESOURCEFULNESS

1. The extent of independent thought and action. Displays the physical and mental stamina required to get results without the need of urging on the part of the supervisor.

VIII. ATTENDANCE AND PROMPTNESS

1. Refers to use of sick leave, number of unauthorized absences, and promptness in observing work hours.

IX. JUDGMENT

1. The extent to which the individual considers all available facts before acting, is logical and consistent in his conclusions and acts with emotional maturity.

X. LEADERSHIP

1. The extent to which the individual is capable of organizing, planning, controlling and guiding the work of others in a manner that produces satisfactory results. Also, the extent to which the supervisor is able to accept the responsibility of leadership.

XI. GRAMMAR USAGE

1. The extent to which standard accepted English is used.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

A CONSUMER SURVEY IS A SUPPLEMENTAL EVALUATION TO ASSIST THE PRIMARY EVALUATOR IN THE FINAL EVALUATION PROCESS.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

PLANT AND LOGISTICAL SERVICES EMPLOYEES EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. QUALITY
	1. Accuracy.
	2. Neatness.
	3. Thoroughness.
	4. Oral Expression.
	5. Written Expression.

R	II. WORK HABITS
	1. Amount of work performed
	2. Completion of work on schedule.
	3. Compliance with instructions.
	4. Orderliness of work station.
	5. Use of initiative.
	6. Performance with minimum instruction.
	7. Observance of rules and regulations.
	8. Attendance.
	9. Promptness.
	10. Adaptability to change.

R	III. PERSONAL RELATIONS
	1. Getting along with fellow workers.
	2. Meeting and assisting the public.
	3. Personal appearance.
	4. Cooperativeness.
	5. Demonstrates positive attitude.
	6. Loyalty to colleagues and school division

R	IV. SUPERVISORY PERFORMANCE
	1. Planning and assigning.
	2. Training employees.
	3. Disciplinary control.
	4. Leadership.
	5. Making decisions.
	6. Fairness and impartialities.
	7. Has respect of subordinates.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the employee indicates that he/she has read this document and has knowledge of its content.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEWIN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 9, 1992

CONSUMER SURVEY
PLANT AND LOGISTICAL SERVICES EMPLOYEES EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. QUALITY
	1. Accuracy.
	2. Neatness.
	3. Thoroughness.
	4. Oral Expression.
	5. Written Expression.

R	II. WORK HABITS
	1. Amount of work performed
	2. Completion of work on schedule.
	3. Compliance with instructions.
	4. Orderliness of work station.
	5. Use of initiative.
	6. Performance with minimum instruction.
	7. Observance of rules and regulations.
	8. Attendance.
	9. Promptness.
	10. Adaptability to change.

R	III. PERSONAL RELATIONS
	1. Getting along with fellow workers.
	2. Meeting and assisting the public.
	3. Personal appearance.
	4. Cooperativeness.
	5. Demonstrates positive attitude.
	6. Loyalty to colleagues and school division

R	IV. SUPERVISORY PERFORMANCE
	1. Planning and assigning.
	2. Training employees.
	3. Disciplinary control.
	4. Leadership.
	5. Making decisions.
	6. Fairness and impartialities.
	7. Has respect of subordinates.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the employee indicates that he/she has read this document and has knowledge of its content.

A CONSUMER SURVEY IS A SUPPLEMENTAL EVALUATION TO ASSIST THE PRIMARY EVALUATOR IN THE FINAL EVALUATION PROCESS.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 13, 1992

SECRETARIAL/CLERICAL EMPLOYEES EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. ORGANIZATION AND EFFICIENCY
	1. Completes tasks within a reasonable time frame to meet necessary deadlines.
	2. Produces saatisfactory work.
	3. Analyzes tasks and activities for efficient work flow.
	4. Arranges work in order of priority and importance.
	5. Utilizes materials and equipment to perform tasks systematically and efficiently.
	6. Utilizes work time in the most productive way.

R	II. COMMUNICATION SKILLS
	1. Consistently exhibits effective oral communication skills.
	2. Consistently exhibits effective written communication skills.

R	III. NEATNESS AND ACCURACY
	1. Demonstrates neatness and accuracy in typing.
	2. Uses good judgment in the arrangement of typewritten material.
	3. Proofreads for accuracy and corrects errors as needed for the finished product.

R	IV. JOB ATTITUDE
	1. Demonstrates an understanding of job responsibilities and role in the operational process.
	2. Demonstrates loyalty to colleagues and the school division.
	3. Responds positively to job situations and is receptive to suggestions.
	4. Respects office ethics relative to privilege and confidentiality.

R	V. DEPENDABILITY
	1. Reports to work promptly and regularly.
	2. Accepts responsibility, shows initiative and resourcefulness.
	3. Adheres to policies of the Richmond Public Schools.
	4. Demonstrates the ability to handle routine tasks.
	5. Consistently available for performance of duties.

R	VI. INITIATIVE
	1. Willingness to efficiently perform broadly assigned tasks with minimum supervision.
	2. Uses tact and good judgement.
	3. Is open to new ideas/procedures and willing to accept/adjust to change.
	4. Promotes self-improvement and continues educational growth.

R	VII. COOPERATION
	1. Recognizes the importance of creating a friendly atmosphere.
	2. Demonstrates cooperation and flexibility.

R	VIII. APPEARANCE
	1. Reflects a positive image of the office and the system.
	2. Demonstrates awareness of appropriate business attire.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ AFFIRMED ☐ DENIED

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

August 4, 1992

SUPPLEMENTAL PAY POSITION EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

GUIDELINES FOR USE OF SUPPLEMENTAL PAY EVALUATION FORM

WHEN REQUIRED: Evaluation form required for all Group 2 Supplements as identified in Richmond Public Schools salary schedule except for summer school (code 36) activities. Also applies to following Group 1 Supplements: band director (code 25), assistant band director (code 26), assistant student activities director (code 30), and student activities director (code 66).

WHO CAN EVALUATE: Principal may serve as evaluator or he/she may delegate evaluation responsibilities to whomever he/she so designates, except principal must serve as evaluator of head coaches, band director and student activities director.

RECOMMENDATIONS FOR NONCONTINUATION: When evaluator is the principal, approval of noncontinuation becomes the responsibility of the appropriate director. Evaluators other than the principal may recommend noncontinuation for the subsequent fiscal year; however, the principal has final approval/disapproval of this recommendation.

TIME CONSTRAINTS: Persons appointed to supplemental pay positions are to be made aware that they will be evaluated and should be apprised of the evaluation instrument to be used. Forms should be completed at the conclusion of the activity but no later than the end of the school year.

DISTRIBUTION: One copy should be kept on file in the office of the principal, one copy provided to the evaluatee, and one copy to the evaluator. When a noncontinuation action has been approved, the principal is responsible for providing a copy of the evaluation to the Director of cognizance and the Director of Human Resources.

FILLING OF VACANT POSITIONS: Principals will make an effort to ensure that teachers within their school are afforded an opportunity to be considered for supplemental pay positions. Vacant student activity director, and Virginia High School League varsity head coach positions will be advertised system-wide through the Human Resources Department.

Employees in our school system have no contractual right to continuation of a supplement from one season to another. Further,removal of a supplement during the stipulated perod is authorized, provided the individual is informed of the reason. Therefore, this document is intended to advise the activity sponsor of the adequacy of the delivery of service/instruction in the area noted above in a timely fashion.

R	I. CHARACTERISTICS
	1. Cooperativeness
	2. Judgement/Problem Solving Ability
	3. Enthusiasm
	4. Dependability
	5. Community Relations
	6. Student/Human Relations
	7. Initiative
	8. Resource Utilization Managerial Skills
	9. Familiarity and Compliance With Rules and Regulations.
	10. Sportsmanship/Citizenship

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.
ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

A Publication of Richmond Public Schools
Richmond, Virginia

In accordance with federal laws, the laws of the Commonwealth of Virginia and the policies of the School Board of the City of Richmond, the Richmond Public Schools does not discriminate on the basis of sex, race, color, age, religion, disabilities or national origin in the provision of employment and services. The Richmond Public Schools operates equal opportunity and affirmative action programs for students and staff. The Richmond Public Schools is an equal opportunity/affirmative action employer. The Title IX Officer is Ms. Angela C. Lewis, Clerk of the School Board, 301 N. 9th St., Richmond, VA 23219-1927, (804) 780-7716. The Section 504 Coordinator is Mr. Harley Tomey, Director of Exceptional Education and Student Services, 301 N. 9th St., Richmond, VA, 23219-1927, (804) 780-7911. The ADA Coordinator is Ms. Valarie Abbott Jones, 2015 Seddon Way, Richmond, VA 23230-4117, (804) 780-6211. The United States Department of Education's Office of Civil Rights may also be contacted at 550 12th Street SW, PCP-6093 Washington, DC 20202, (202) 245-6700.

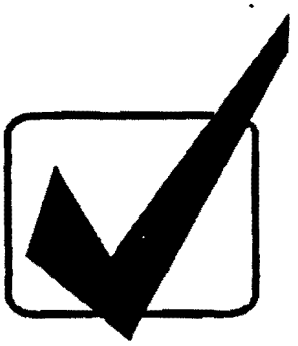
School Board

Kimberly M. Bridges, Chair
Dawn C. Page, Vice Chair
Donald L. Coleman
Kimberly B. Gray
Maurice Henderson
Norma Murdoch-Kitt
Adria A. Graham Scott
Chandra H. Smith
Evette L. Wilson

Dr. Yvonne W. Brandon, Superintendent

RICHMOND PUBLIC SCHOOLS
RICHMOND, VIRGINIA

HANDBOOK
FOR EVALUATION
OF
TEACHERS
COUNSELORS
LIBRARY/MEDIA SPECIALISTS
SCHOOL PSYCHOLOGISTS
SOCIAL WORKERS



SEPTEMBER, 2000

TABLE OF CONTENTS

Philosophy of Evaluation 1

Purposes of Evaluation 2

Definitions 2

Elements of the Evaluation Process 3
- Summative Evaluation Cycle 3
- Formative Evaluation Cycle 6
- Placement on the Summative Evaluation Cycle 8
- Grievance 8
- Discipline and Dismissal 9
- Recommendations for Conducting Successful Evaluations 9
- General Information About The Teacher Evaluation Process 10
- Role of the Teacher Specialists and Instructional Specialist 11
- Directions for Signing, Duplicating and Filing of Evaluation Documents 11
- Consumer Surveys 12
- Special Evaluation Responsibilities 12

Selected Bibliography 13

Evaluation Criteria 16
- Teachers 17
- Counselors 18
- Library/Media Specialist 20
- School Psychologists & Social Workers 22

Intensive Assistance Program 25

Evaluation Forms 30

Philosophy of Evaluation

Effective evaluation is a continuous process that has as its primary goal the improvement of the quality of services. It involves working together throughout the process. Above all, an effective evaluation process assures a high level of quality in the services provided to students in their learning environments so that state, school division, and school outcomes can be achieved.

In order to continue growing as professionals, personnel need to know how they perform. Effective evaluation provides avenues for personnel to improve their performance through self-assessment, interaction with colleagues, and formal, written, goal statements and/or prescriptions.

Evaluators and evaluatees should work collaboratively in diagnosing performance and in planning professional growth. Effective evaluation enables those who evaluate and those who are evaluated to make informed decisions about performance.

Purpose of Evaluation

Evaluation procedures are used for three primary purposes: for the improvement of services, for professional development, and for management decisions. In improving services, effective evaluation procedures are structured to result in professional growth and improvement, and the maintenance of collegial relationships.

Effective professional development activities often grow out of needs identified through effective evaluation procedures. Through assessing their own performance and considering assessment made by others, personnel and supervisors define areas for professional growth or improvement. This assessment most often focuses on the knowledge of specific areas, methodology, or on overall management skills. This purposeful process of performance assessment also results in selecting appropriate courses for certificate renewal.

Evaluation supports school improvement by reflecting staff decisions made at the appropriate level which concentrate efforts on a specific aspect of services needing attention. The activities each department undertakes serve as primary ways to improve services in the school system and that emphasis is reinforced through the evaluation process.

Maintaining collegial relationships is an effective way of evaluating and improving in specific areas. One of the best ways to improve services is through continuous, focused dialogue between and among staff members. Creating opportunities for more discussion and observation with feedback between and among staff is an essential step toward developing significant program improvement.

In the state of Virginia, the major management decisions based on effective evaluation include continuing contracts, nonrenewal of contracts, dismissal, promotion, and recognition.

Definitions

The following definitions of the evaluation-related terms are used throughout this Handbook:

Evaluatee: Person being evaluated.

Evaluator: Person evaluating in accordance with School Board Policy.

Summative: An annual evaluation cycle designed for new/probationary personnel and continuing contract personnel on the prescribed cycle to assess their mastery of the evaluation criteria.

Formative: An annual evaluation cycle designed for experienced, non-probationary personnel to improve the overall quality of services. This cycle is in effect when summative evaluation is not in effect.

State Outcomes: Goals and objectives identified by state committees as approved by the State Department of Education.

School Division Outcomes: Those target objectives adopted by the School Board for any given year.

Schools' Individual Action Plans (IAPs): Plans submitted by the school and approved by the Superintendent for any given school year.

Personnel Evaluation Criteria: Standards of performance expected of all personnel, both those on the summative evaluation cycle and those on the formative evaluation cycle.

Exceeds Expectations: Performs beyond the standard, expectation, or job requirement. The staff person demonstrates an exceptional level of mastery and serves as a model for others. (Must be justified in writing in the appropriate COMMENTS section with appropriate documentation).

Meets Expectations: Performs at the standard expectation required by the position or job description.

Needs Improvement: Requires greater skill in one or more competencies. Indicates a need for concern for greater skill development. (Must be justified in writing in the appropriate COMMENTS section with appropriate documentation).

Not Applicable: Indicates that the competency does not apply to the specific situation.

Not Observed: Indicates that the competency was not observed during the visit.

Unsatisfactory: Indicates an unacceptable performance level. (Must be justified in writing in the appropriate COMMENTS section with appropriate documentation).

Elements of the Evaluation Process

Summative Evaluation Cycle

The summative evaluation cycle serves as a means of assessing the extent to which new and continuing contract personnel have the fundamental skills knowledge of the specific area to which they are assigned and assures, when applicable, that experienced personnel continue to meet basic standards expected of professionals in a specific area. In this cycle, personnel will be held accountable for mastering the appropriate evaluation criteria.

All new personnel and all probationary personnel are to be placed on the summative evaluation cycle. All personnel transferred to a building or personnel that change programs within a building who are not on the summative evaluation cycle can be assigned to that cycle at the discretion of the principal. Otherwise all continuing contract personnel are to be placed on the summative evaluation cycle in conjunction with the license renewal process the year following license renewal. This allows for planning subsequent license renewal along with the summative process. The only exception occurs when the evaluatee's overall performance needs improvement or is unsatisfactory, on either a summative or formative evaluation cycle. This will be determined by the designated evaluator with the approval of the appropriate director and the Director of Human Resources. Probationary personnel are eligible to be placed in the Intensive Assistance Program at the discretion of the Principal/Director. Continuing contract personnel on summative evaluation for more than one year will become candidates for the Intensive Assistance Program.

During the process, the legal rights of personnel are maintained and accurate and reliable information about personnel performance is used to determine competency and assist with staff development. Consistency and reliability are primary considerations for an effective summative evaluation. The summative evaluation may assist management in decisions regarding promotion, retention, or dismissal of staff.

Orientation Conference

By September 30, the evaluator should meet, individually and/or in a group, with those personnel designated for a summative evaluation. The primary purpose of the conference is to explain the components of the summative process, to review the instruments to be used in the process, and to make a tentative schedule of the evaluation activities.

Pre-Observation Conference

The pre-observation conference provides an opportunity for the evaluator and the evaluatee to discuss the planned observation. The goal of the pre-observation conference should be to create open dialogue about the goals and process of the evaluation activity.

Pre-observation conferences *should* occur the day of the observation. In those cases where the observation will occur early in the morning, the pre-observation conference *can* occur the preceding day. The closer the pre-observation conference is to the actual observation, the more effective that pre-conference will be. The pre-observation conference usually lasts ten to fifteen minutes.

Observation

A minimum of three observations is required during the year of summative evaluation cycle. At least one observation requires a pre-observation conference. The following time line is **suggested** for the three observations:

First observation period ends	November 1
Second observation period ends	February 1
Third observation period ends	April 1

This does not mean that observations or the evaluation process should cease on April 1st. Planned observations can occur with or without a pre-observation conference or observations can be unannounced. In either case, the goal of observation is to obtain a representative sample of performance from which to draw conclusions about competence and to assist in development.

The observer's primary purpose is to gather information describing activities/actions that happened during the observation. The method for gathering this information may be: script taking, literal note-taking, completing a checklist and/or videotaping, among other things. The method should be selected to obtain a clear, complete, and objective record of all occurrences. Videotaping of the observation must be agreed upon by the observer and evaluatee prior to the activity.

The instrument to be used in recording the results of the observation is the appropriate **Observation Form.**

For the most effective observation, an observer usually remains for the entire pre-determined period. However, there are exceptions, particularly in more informal situations.

Post-Observation Conference

In the Richmond Public Schools, immediate verbal or brief written response following an observation is required, with the post-observation follow-up conference being conducted within three days of the observation in order to convey feedback and to allow for discussion which will be most effective to both parties.

At the post-observation conference, a written report of the observation, using the **Observation Form**, observational data, written comments and recommendations based on the descriptive data collected are used as a basis for discussion. Usually, in effective conferences the evaluatee and the observer collaboratively reach decisions about recommendations. Copies of documents should be accessible to both parties during the conference.

After the first observation, planning for the next observation with the evaluatee occurs as part of the post-observation conference.

Appropriate Assistance

Appropriate assistance is initiated at the time the need for improvement is determined. For personnel identified as needing assistance at any point during the evaluation cycle, there should be a plan for performance improvement developed collaboratively between the evaluator and the evaluatee. This plan should be developed at the school or department level, as needed, and the following components should be a part of that plan:

- a definition of the area(s) needing improvement,
- specification of strategies for improvement,
- identifications of resources for assistance, and
- agreed-upon timelines for and implementation of the following: receiving assistance, practicing new skills, observation and feedback, applying new skills for extended periods, and evaluating the results.

Summative Conference

The summative evaluation cycle is completed by a final conference with the evaluator. This conference should result in a determination of the performance level of the evaluatee compiled from the results of the observations and any other factors deemed appropriate and documented which have occurred during the year and recorded on the **Summative Evaluation Record**.

Review Procedures

Only those evaluations in which there is a disagreement between the evaluator and evaluatee or in which there are four or more "needs improvement" and/or "unsatisfactory" ratings on the **Summative Evaluation Record** must be submitted to the next supervisory level for review.

The Summative Evaluation Cycle

By November 1	First Observation Cycle (assistance if needed)
By February 1	Second Observation Cycle (assistance if needed)
By April 1	Third Observation Cycle
By May 30	Summative Conference

Formative Evaluation Cycle

The purpose of the formative evaluation cycle is the improvement of services based on the established criteria given in the summative evaluation design. The formative evaluation cycle is in effect annually when the summative evaluation cycle is not, but employees on the formative evaluative cycle are responsible for meeting competencies addressed on the summative evaluation cycle. Whereas the summative evaluation is more of a comprehensive assessment of skills, the formative evaluation is more process oriented based on mutually agreed upon goals

The formative evaluation cycle, which goals may or may not result from needs identified in the summative evaluation cycle, should be flexible to meet the evaluatee's growth needs and should be sensitive to specific position contexts. The formative evaluation cycle often encourages personnel to work with one another in teams or on group improvement projects.

Outcomes of the formative evaluation cycle could include helping personnel to move to higher developmental stages in order to enable them to develop new perspectives about the specific areas in which they work, and to become more flexible, adaptive, creative, and consistent.

Goal/Objective Setting Conference

By October 15, the evaluator should meet individually with each evaluatee for an initial conference. Personnel who work as a team may even meet with their evaluator as a team. During the conference, the evaluator should set the tone for the year, begin to develop a positive working relationship with the staff, and formalize in writing on the **Formative Evaluation Record** the goals and outcomes to be achieved during that school year. These outcomes should be related to the goals and objectives that have been established for the state, the school division, and the school as well as needs identified in previous evaluation activities, the evaluatee's special interests and talents, and the needs of the students. As the evaluator and the evaluatee(s) consider together the mission and focus of the program in planning the evaluatees' goals and objectives for the coming year and in preparing for the evaluation of performance, everyone can move toward a more collaborative view of the evaluative process.

Activities for formative plans could include: self-evaluation and improvement programs, self-study reports, observation of and by colleagues, inservice activities, and college credit classes. Resources in the form of materials, time, and personnel should be discussed, and decisions made regarding those resources that each party will provide.

Tentative agreements about appropriate documentation or evidence of new learnings during the year should be discussed. Such documentation or evidence should be presented at a concluding conference near the end of the school year.

The understandings reached in this initial goal setting conference should be reviewed, and, if necessary, revised or updated in further discussions through the year.

Implementation

During the implementation of evaluatees' formative evaluation plans, as evaluatees and evaluators meet to discuss progress toward the goals, results of these conferences should be recorded on the **Formative Observation/Conference Form**. This form should also be used to document any observations and post-observation conferences that occur during the formative evaluation cycle.

Final Annual Conference

By May 30, a final conference between the evaluatee and the evaluator is held. At this conference the evaluatee considers evidence or effects of the developmental activities undertaken during the year. The evaluator and evaluatee discuss the advantages and disadvantages of the process and outcomes and they consider ways to continue professional growth as well as ways to improve the evaluation process. At this time, the evaluatee and evaluator record their comments on the lower part of the **Formative Evaluation Record**. Clearly, for most personnel, the formative evaluation process is very effective in maintaining and assuring quality performance while encouraging and assisting in growth and development.

The Formative Evaluation Cycle

By October 15 Initial Conference

Implementation

By May 30 Final Annual Conference

Placement on Summative Evaluation

Personnel assigned to formative evaluation can be placed on summative evaluation by the evaluator with the approval of the appropriate director and the Director of Human Resources. Personnel on summative evaluation can be required to remain on summative evaluation by the evaluator with the approval of the appropriate director and the Director of Human Resources. Anyone with over 4 N's and/or U's should be seriously considered for summative evaluation. Reasons for this placement must be documented in detail specifying areas of needed improvement or unsatisfactory based on appropriate evaluation criteria. Otherwise continuing contract personnel are automatically placed on the summative evaluation cycle following the year that they complete license renewal.

Grievance

It is hoped that throughout the evaluation process a mutual, healthy, positive and professional relationship exists with the ultimate goal of improvement of services. In some instances, there will be a need to address areas that need improvement and possible areas that are unsatisfactory within the domains of the evaluative criteria. For instances where this exists, it is a desire that documented constructive criticism can be accepted and appreciated, with the goal of improvement and future rectification.

The burden of proof for the areas addressed as needing improvement, designated as unsatisfactory and exceeds expectations rests with the evaluator. For the former areas, documented evidence must be provided showing that these areas have been discussed with agreed upon goals for improvement established. There must be evidence of assistance made by the evaluator through explanation, through outside expertise or through

any other way described in the appropriate assistance section of the summative evaluation cycle process. In the event that needs improvement or unsatisfactory areas are documented on the final evaluation and the evaluatee desires a review, the evaluator's direct supervisor will have the responsibility of determining whether or not appropriate processes have been followed. For example, in schools, the principal is always the evaluator and his appropriate director is the reviewer. The reviewer must establish that all evidence to assist in improvement has been completed appropriately. If the reviewer finds that this has not been completed appropriately, the evaluator will be instructed to change the needs improvement or unsatisfactory to not observed, not applicable or meets expectations. If the reviewer finds that everything has been completed appropriately, the reviewer will endorse the evaluation and/or recommendation.

If the evaluatee desires to pursue further appeal, the grievance procedure will continue as described in the School Board By-Laws and Policies Appendix B with step 1 being the appeal to the evaluator, step 2, the reviewer, step 3, to the superintendent or designee (Director of Human Resources), step 4, to the fact finding panel and step 5 being the decision of the School Board.

Discipline and Dismissal

Discipline and dismissal of employees are clearly defined in Section 12 of the Personnel Manual as they apply to Virginia Law and School Board By-Laws and Policies. In the case of dismissal for incompetence or unwillingness to render satisfactory service as shown by evaluation ratings below the satisfactory standard, the burden of proof becomes more extensive. Not only must the evaluator show appropriate evidence, initial annual evidence must be followed by evidence through the intensive assistance team. In other words, if an evaluator is seeking to have an evaluatee improve services through an additional year on the summative evaluation cycle, he can continue to work with the evaluatee through that process or through the intensive assistance team. If an evaluator believes dismissal is in order, the intensive assistance team design is required. If the intensive assistance team and the evaluator evidence that dismissal is appropriate, then dismissal can be requested.

Recommendations for Conducting Successful Evaluations

In the research literature and writings of experts in evaluation, certain key elements have emerged as factors which contribute to the quality of the evaluation experience. These key elements in evaluation may be grouped into factors relating to the evaluator, the evaluatee the feedback given, and the evaluation setting; they are included here as recommendations for conducting successful evaluations.

The **evaluator** must possess excellent communication skills, both listening and speaking, and must be perceived as a credible source of

information for the evaluatee. S/he must also inspire trust and be honest, sincere, and consistent in all communications.

The **evaluatee** must be open to new ideas, possess a willingness to accept change, to consider alternatives, and to enter into dialogue about the teaching-learning process. S/he must also be open to the evaluative process.

Feedback must be frequent in order to encourage growth and development, it must come from a credible source, and must include practical and sensible ideas and suggestions for improvement.

The **evaluation setting** must be private and comfortable. There must be adequate time allowed for all evaluation activities, and there must be adequate planning to provide for the evaluatee's growth.

General Information About the Teacher Evaluation Process

The teacher evaluation process is both formative and summative and is ongoing to assure dialogue and information exchange between evaluator and evaluatee in accordance with established timelines. The criteria used in this process will serve as standards of performance expected of all teachers. As specified in the *Standards for Accrediting Public Schools in Virginia*:

> (5. D.) The principal or his/her designee shall monitor and evaluate the quality of instruction through the following:
>
> 1. The establishment of written objectives for each teacher, developed cooperatively by the teacher and the administrator;
>
> 2. A systematic program of classroom observation and follow-up consultation with each teacher;
>
> 3. Inservice training and professional assistance and support designed to improve instruction;
>
> 4. Analysis and use of data on pupil achievement;
>
> 5. An evaluation of each teacher at least every two years or in accordance with the schedule approved by the Department of Education.

The teacher evaluation process described in this Handbook should complement the administrative, supervisory, and management responsibilities delegated to the building principal, as established at the state level in the *Standards for Accrediting Public Schools in Virginia* (Standard D, Instructional Leadership), and at the local level in the *Bylaws and Policies of the School Board, City of Richmond* (Section 2.12, Principals: Responsibilities). This process should in no way be construed as superseding those responsibilities.

Role of the Teacher Specialist and Instructional Specialist

The principal is responsible for the evaluation. However, in a Summative Evaluation, the principal may request the services of teacher specialists and/or instructional specialists in conducting observations of teachers who are identified for the Intensive Assistance Program, to complement the principal's area of expertise. During a Formative Evaluation, teacher specialists and instructional specialists may provide technical assistance to individuals or groups of teachers, modeling or demonstrating instructional techniques and new ideas under the Peer Observation and Coaching program. Teacher Specialists and Instructional Specialists cannot be designated as evaluators.

Directions for Signing, Duplicating and Filing of Appropriate Documents

All documentation during the evaluation process must be shared appropriately with each party involved. Document masters for each evaluation will be included on a "floppy disk" that was designed through "Filemaker." Appropriate training will be available to utilize this design. These documents are the official design to be used. This is not intended to limit supervisors to these documents during the evaluation process. Supervisors may use supplemental memoranda in addition to the official design. Any documentation used during the evaluation process must be signed by both the evaluatee and evaluator, particularly the official design. This is of particular importance when addressing areas designated as needing improvement and unsatisfactory.

After the evaluatee and the evaluator have shared and reviewed each item of documentation during the year, copies of the documents are made and each party is to sign each copy of the document. **Note: The signature of the evaluatee indicates that s/he has read the document and has knowledge of its contents but may not necessarily be in agreement.** If for some reason the evaluatee refuses to sign the document, this must be noted by the evaluator and dated.

Three copies of the Formative and Summative Evaluation Record will be needed for signature: one for the evaluator, one for the evaluatee and one for Human Resources. Note that those evaluations that require review need to be sent directly to the appropriate director for approval or denial and signature. Supportive documentation must be included. Only two copies of other documentation are required, one for the evaluatee and one for the evaluator. After documentation has been reviewed and signed appropriately, it should be forwarded to the appropriate file record. Multiple pages should be stapled together.

NOTE: The evaluatee can request review of the final evaluation by indicating this in the box provided on the evaluation document.

Consumer Survey

Consumer surveys are provided as a supplementary document to the primary evaluator. Principals are the primary evaluators for the majority of itinerant teachers therefore, instructional specialists will provide a consumer survey. Senior social workers and psychologists are the primary evaluators for social workers and psychologists. In this instance, principals will provide a consumer survey

Special Evaluation Responsibilities

Evaluation responsibilities for personnel in positions within school buildings whose job function is initiated outside the school facility will be determined by the consistency of that evaluatee's daily responsibility. In other words, if a person is in the building every day, the primary responsibility for evaluation is within that building. The consumer responsibility will rest with the *"specialists"* in the area of the job function and the responsibility of review rests with the person in direct line responsibility of the positions job function.

Consumer Survey: Supplemental evaluation to assist the primary evaluator

Position Title	Primary Responsibility	Consumer Responsibility	Review Responsibility
Itinerant Teachers	Principal	Instructional Specialists/ Coordinators	Directors of Instruction and Pupil Services
Social Workers/ Psychologists	Senior Social Worker/ Psychologist	Principals	Coordinator of Pupil Services
Nurse	Principal	Coordinator of Nurses *(vacant)*	Director of Exceptional Ed./ HealthServices
Head Custodian	Principal	Managers	Chief of Operations
Food Service Manager	Principal	Coordinator/ Supervisors	Director of Food Services
Custodian	Head Custodian	Principals	Managers
Food Service Worker	Food Service Manager	Principals	Supervisors
Security Specialists	Principal	Supervisor, Safety & Security	Director of Plant Services

Selected Bibliography

Bolton, D. L. (1980). Evaluating administrative personnel in school systems. New York: Teachers College Press, Teachers College, Columbia University.

Bridges, E. M. & Groves, B. (1984). The identification, remediation, and dismissal of incompetent teachers. Burlingame, CA: Association of California School Administrators.

Bridges, E. M. (1986). The incompetent teacher. Philadelphia, PA: The Falmer Press.

Carey, W. C. (1987). Developing teacher assistance: A guide for the site administrator. Salem, OR: Options Press.

Chrisco, I. M. (1989). Peer assistance works. Educational Leadership, 46(8), 31-32.

Conley, D. T. (1987). Critical attributes of effective evaluation systems. Educational Leadership, 44(7), 60-64.

Cresap, McCormick, & Paget. (1984). Teacher incentives: A tool for effective management. Reston, VA: National Association of Secondary School Principals; National Association of Elementary School Principals; American Association of School Administrators.

Darling-Hammond, L. (1986, March). A proposal for evaluation in the teaching profession. The Elementary School Journal, pp.531-551.

Edwards, C. M. (1986, Spring). An "effective teaching" approach to teacher evaluation and staff development. ERS Spectrum, 4(2), 3-8.

Educational Research Service, Inc. (1983). Effective schools: A summary of research. Arlington, VA: Author.

Educational Research Service, Inc. (1985). Evaluating administrative performance. Arlington, VA: Author.

Glatthorn, A. G. (1987). Cooperative professional development: Peer-centered options for teacher growth. Educational Leadership, 45(3), 31-35.

Glatthorn, A. G., & Holler, R. L. (1987). Differentiated teacher evaluation. Educational Leadership, 44(7), 56-58.

Goldsberry. L. F. (1986, April). Colleague consultation: Another case of fools rush in. Paper presented at the annual meeting of the American Educational Research Association, San Francisco, CA.

Guion, R. M. (1986). Personnel evaluation. In R. A. Berk (Ed.), Performance assessment: Methods & applications. Baltimore, MD: The Johns Hopkins University Press.

Herman, J. J. (1973). Developing an effective school staff evaluation program. West Nyak, NY: Parker Publishing Co., Inc.

Hunter, M. (1988). Create rather than await your fate in teacher evaluation. In S. J. Stanley & W. J. Popham (Eds.), Teacher evaluation: Six prescriptions for success (pp. 32-54). Alexandria, VA: Association for Supervision and Curriculum Development.

Johnson, N. C. & Orso, J. K. (1986, Summer). Teacher evaluation criteria. ERS Spectrum. 4(3), 33-36.

Lieberman, A. (1986). Collaborative research: Working with, not working on ... . Educational Leadership 43, 28-32.

Manatt, R. P. (1988). Teacher performance evaluation: A total systems approach. In S. J. Stanley & W. J. Popham (Eds.), Teacher evaluation: Six prescriptions for success (pp. 79-108). Arlington, VA: Association for Supervision and Curriculum Development.

McGreal, T. L. (1988). Evaluation for enhancing instruction: Linking teacher evaluation and staff development. In S. J. Stanley & W. J. Popham (Eds.), Teacher evaluation: Six prescriptions for success (pp. 1-29). Alexandria, VA: Association for Supervision and Curriculum Development.

McGreal, T.L. (1983). Successful teacher evaluation. Alexandria, VA: Association for Supervision and Curriculum Development.

Popham, W. J. (1988). Judgement-based teacher evaluation. In S. J. Stanley & W. J. Popham (Eds.), Teacher evaluation: Six prescriptions for success (pp. 56-77). Alexandria, VA: Association for Supervision and Curriculum Development.

Robinson, G. (Ed.). (1988). Teacher evaluation: Practices and procedures. Arlington, VA: Educational Research Service, Inc.

Scriven, M. (1988). Evaluating teachers as professionals: The duties-based approach. In S. J. Stanley & W. J. Popham (Eds.), Teacher evaluation: Six prescriptions for success (pp. 110-142). Alexandria, VA: Association for Supervision and Curriculum Development.

Smith, W. F. & Andrews, R. L. (1989). Instructional leadership: How principals make a difference. Alexandria, VA: Association for Supervision and Curriculum Development.

Sokol, M. & Oresick, R. (1986). Managerial performance appraisal. In R. A. Berk (Ed.), Performance assessment: Methods & applications. Baltimore, MD: The Johns Hopkins University Press.

Stiggins, R. J. & Duke, D. L. (1988). The case for commitment to teacher growth: Research on teacher evaluation. Albany, NY: State University of New York Press.

Virginia Department of Education. (1988). Resource book for teacher evaluation. Richmond, VA: Author.

Wise, A., Darling-Hammond, L., McLaughlin, M., & Bernstein, H. (1984). Case studies for teacher evaluation: A study of effective practices. Santa Monica, CA: Rand Corporation.

EVALUATION CRITERIA

EVALUATION CRITERIA

In the Richmond Public Schools, evaluation criteria are standards of performance expected of personnel in respective areas for either the Formative or Summative Evaluation. These criteria lead to the outcomes stated in the philosophy of evaluation and are divided into domains each of which contain several competencies which can be identified by observable behaviors for assessing teacher performance. Obviously, during any one observation, it is not expected that all observable behaviors will be exhibited. Following is a listing of evaluative criteria by domain with competencies for each domain for each category of evaluatee.

TEACHERS

Domain I. Planning Activities

Competency 1. Plans lessons' objectives to achieve curriculum goals

Competency 2. Plans methods for assessing learner progress

Competency 3. Develops teaching procedures to meet individual and group needs

Competency 4. Collects and prepares resources for instruction

Competency 5. Plans use of effective management procedures

Domain II. Implements and Manages Instruction

Competency 1. Provides instruction appropriate to lesson objectives

Competency 2. Uses effective lesson design

Competency 3. Maintains student interest and involvement in learning

Competency 4. Maintains high expectations for all learners

Competency 5. Provides for individual and group learning needs

Domain III. Evaluation and Assessment

Competency 1. Uses a variety of methods to assess student achievement

Competency 2. Reports student progress

Competency 3. Uses evaluation results to make instructional decisions

Domain IV. Knowledge of Subject

Competency 1. Demonstrates an understanding of the subject being taught

Competency 2. Demonstrates an ability to help learners understand the significance of the topics or activities

Domain V. Communication Skills

Competency 1. Displays competence in oral and written language

Competency 2. Maintains effective communication with colleagues, supervisors, parents, and community

Domain VI. Classroom Management/Positive Learning Environment

Competency 1. Establishes an environment conducive to learning

Competency 2. Disciplines in a fair and positive manner

Competency 3. Maintains a learning environment which encourages mutual cooperation and respect

Domain VII. Professional Responsibilities

Competency 1. Supports school/division policies and regulations

Competency 2. Participates in professional development activities

Competency 3. Demonstrates effective relationships with colleagues, community, and students

Competency 4. Participates and supports school-wide projects and activities

COUNSELORS

Domain I. Professional Performance

Competency 1. Exhibits sincere personal concern for students

Competency 2. Respects the dignity and worth of every individual

Competency 3. Demonstrates good human relations skills

Competency 4. Promotes positive parent-school-community relationships

Competency 5. Is open to new ideas and procedure; accepts and adjusts to change

Competency 6. Continues professional growth through membership in professional organizations, reading, and attendance at professional conferences and meetings (as approved).

Competency 7. Follows ethical and professional practices in working with pupils, parents, school personnel, and the public

Competency 8. Is punctual

Competency 9. Uses standard oral and written English

Competency 10. Maintains a neat, appropriate appearance

Domain II. Organizational Skills

Competency 1.. Establishes and adheres to a calendar of guidance and counseling activities

Competency 2. Works with administration and staff in developing school policies and curriculum to meet student needs

Competency 3. Interprets the program of counseling to school and community populations.

Domain III. Counseling and Guidance Skills

Competency 1. Places priority on providing individual and group counseling for all students

Competency 2. Seeks to develop in students increased competency in decision-making and problem-solving

Competency 3. Provides guidance activities to help students understand themselves and their relationships with others

Competency 4.. Assists students in the development of positive and realistic self-concepts

Competency 5. Assists with the coordination and interpretation of standardized tests

Competency 6. Interprets data from the cummulative records for students, their parents, and others who are professionally concerned

Competency 7. Assists in the identification of students with special needs

Competency 8. Participates actively as a member of the Child Study Committee

Competency 9. Orients parents toward resources available to them both within and outside the school system

Competency 10. Serves as a resource person to parents and staff on the growth and development of children

Competency 11. Serves a consultant to the staff relative to the needs and concerns of individuals and groups

Competency 12. Works with teachers and administrators to assist with the placement of students in appropriate courses, programs, and grade levels

Competency 13. Coordinates a guidance program to facilitate the career development of students

Competency 14. Collects and disseminates to students and/or their parents current information on education and vocational opportunities

Competency 15. Assists students in the process leading to appropriate post-secondary educational placement

Competency 16. Provides activities for students to develop job-seeking and job-holding skills

Competency 17. Works with employers, vocational coordinators, and community and state agencies to assist in appropriate placement of students in part-time and full-time employment

Domain IV. Coordination Skills
(FOR USE IN THE EVALUATION OF GUIDANCE DEPARTMENT CHAIRPERSONS ONLY)

Competency 1. Organizes counseling staff for optimum delivery of guidance and counseling services

Competency 2. Keeps counseling staff informed of current mandates and changing needs

Competency 3. Ensures implementation of a balanced program of guidance and counseling services

Competency 4. Implements an evaluation of the guidance and counseling program

Competency 5. Prepares departmental budget; orders supplies and equipment

LIBRARY/MEDIA SPECIALISTS

Domain I. Knowledge of Content

Competency 1. Demonstrates a knowledge of how to select, organize, administer and utilize instructional media and equipment

Competency 2. Demonstrates the ability to integrate the resources and services of the media program with the ongoing instructional program in the schools

Competency 3. Indicates an awareness of the book selection policy of the system and the procedure for handling the problem of challenged instructional materials

Competency 4. Indicates knowledge of current information/research/technology

Domain II. Selection/Use of Materials

Competency 1. Makes resources available to students and teachers through a systemically-developed collection (print, non-print, equipment) within the school and facilitates access to resources outside the school

Competency 2. Provides for student and faculty involvement in the selection and evaluation of materials and equipment

Competency 3. Provides materials that reflect student interests as well as curriculum needs

Domain III. Human Relations Skills

Competency 1. Recognizes individual differences in learning skills, interests and abilities and provides resources and services which meet unique needs

Competency 2. Exhibits friendly and helpful attitude towards administrators, faculty and students

Competency 3. Demonstrates enthusiasm for the media program

Competency 4. Supports and is involved in the overall school program

Domain IV. Media Management

Competency 1. Provides day-long access to the library media center for individuals, groups and classes

Competency 2. Maintains an inviting facility with an atmosphere conducive to student use of extending classroom learning as well as pursuing individual interests

Competency 3. Provides access to the library media collection (print, non-print, equipment) through an accurate and efficient retrieval system

Competency 4. Maintains accurate records of the collection (print, non-print, equipment)

Competency 5. Performs periodic weeding (elimination of inaccurate materials) to keep the collection up-to-date

Competency 6. Takes an annual inventory of the collection

Competency 7 Maintains accurate business records

Competency 8. Is thorough, accurate, and uniform in processing new materials for student and faculty use

Competency 9. Encourages proper care for and use of materials, supplies and equipment

Domain V. Planning

Competency 1. Works with administrators and faculty in developing the school's annual plan of action

Competency 2. Develops strategies for the publicizing of and integration into curriculum of new materials, equipment and services that meet the information needs of administrators, faculty and students

Competency 3. Plans jointly with faculty to teach and evaluate instruction in information access, use and communication skills, using a flexible schedule

Domain VI. Instructional Skills

Competency 1. Implements effective lessons cooperatively with grade level/ content area teachers in the information curriculum

Competency 2. Provides for individual, small and large group instruction in accessing, evaluating and communicating information

Competency 3. Teaches the information curriculum at point of need as an integral part of the content and objectives of the school

Competency 4. Promotes an interest in reading and books via book talks, story hours and other special book promotion activities

Competency 5. Assists faculty in improving instruction through the use of technology and incorporating information skills into classroom curriculum

Domain VII. Professional Responsibilities/Personal Qualities

Competency 1. Uses correct grammar in both oral and written communications

Competency 2. Adheres to school rules and regulations

Competency 3. Uses discretion in matters of confidentiality

Competency 4. Reports to work regularly and is prompt

Competency 5. Dresses professionally

Competency 6. Submits accurate reports on time

Competency 7. Implements strategies identified in building plan of action

Competency 8. Maintains open communication with parents, administrators, faculty and students

Competency 9. Is receptive to new ideas and procedures and can accept and adjust to change

Competency 10. Continues educational growth through attendance of conferences and meetings, as approved, membership in professional organizations and keeps abreast of current professional trends in library literature

SCHOOL PSYCHOLOGISTS & SOCIAL WORKERS

Domain I. Planning, Implementation & Management

Competency 1. Performs professional responsibilities in a competent and timely manner

Competency 2. Functions in a well organized manner

Competency 3. Provides services to assigned schools on a regularly planned basis

Competency 4. Handles referrals appropriately and promptly

Competency 5. Keeps accurate and current records

Competency 6. Fulfills school/departmental time requirements

Competency 7. Supports school/division policies and regulations

Domain II. Interpersonal & Communication Skills

Competency 1. Displays competence in oral and written language

Competency 2. Demonstrates and maintains effective communication with colleagues, students, parents, and school staff

Competency 3. Manages conflict effectively

Competency 4. Manages stress effectively

Competency 5. Reacts favorably to constructive criticism and suggestions

Competency 6. Works cooperatively with staff in assigned schools and/or programs

Competency 7. Handles individual relationships tactfully and with understanding

Competency 8. Demonstrates a positive attitude toward work

Domain III. Professional Responsibilities

Competency 1. Advocates and participates in the team approach to decision-making

Competency 2. Interprets programs and services to schools and community

Competency 3. Accepts and adjusts to change and is open to new ideas, viewpoints, and procedures

Competency 4. Shows sustained effort and productively in the quality of work accomplished

Competency 5. Maintains a neat, appropriate appearance

Competency 6. Supports school functions

Competency 7. Attends regular and called staff meetings

Competency 8. Maintains current discipline specific practice standards

Competency 9. Maintains confidentiality

Competency 10. Provides assessment, consultation, and intervention services as appropriate

Competency 11. Maintains reasonable flexibility in meeting the unique needs of assignment

Competency 12. Seeks to enhance knowledge and skills through a planned program of professional growth

INTENSIVE ASSISTANCE PROGRAM

INTENSIVE ASSISTANCE PROGRAM

Introduction

The Richmond Public Schools' highest priority in helping its students to learn and develop to their maximum potential is to assure that every certified position is staffed with a skilled professional who is committed to providing quality education for each and every student.

The Intensive Assistance Program is the district's commitment to provide intensive direction and support to employees who seem to be experiencing serious difficulty in meeting professional performance standards. The program calls together professionals to give their best to help a fellow professional achieve excellence. The highest level of success is realized when program participants cease to rely upon external support and direction and, instead, become self motivating in their own personal program of professional growth.

Qualities important to the program's success are flexibility and commitment; flexibility in utilizing a variety of human and other resources in assistance activities and a commitment in providing that extra effort needed from everyone involved in the program.

Purpose

The Intensive Assistance Program is designed to provide detailed diagnosis and remediation for continuing contract personnel and selected probationary personnel who have been identified as having serious deficiencies in their skills or practices. Only those personnel whose overall performance rating at the conclusion of the summative evaluation cycle was "Needs Improvement" or "Unsatisfactory" are eligible candidates for this program.

Personnel Needing Assistance

Once an employee enters the Intensive Assistance Program, s/he will continue to receive intensive assistance until his/her overall performance ratings, on the **Summative Evaluation Record** meet and/or exceed expectations. If the Intensive Assistance Team concludes that progress is not being made, recommendation for dismissal will be considered.

Description of the Process

The employee shall be informed during the final conference for the summative evaluation cycle that s/he will remain on the summative evaluation cycle for the next school year, and during that time will receive intensive assistance. This will be documented by the evaluator in the

"Additional Comments" section on the **Summative Evaluation Record.** The recommendation will be reviewed by the evaluator's immediate supervisor.

If, after the Review Process, it is determined that an evaluatee will remain on summative evaluation, the evaluatee shall be notified of this determination and receive a copy of the **Summative Evaluation Record.** At that time, the evaluator shall submit a request for Intensive Assistance accompanied by appropriate documentation to the Director of Human Resources Development.

Upon receipt of the request for Intensive Assistance, an assistance team shall be appointed, meet with the evaluatee and develop a highly structured and documented program of performance development, including assistance activities and resources. Forms to be used in documenting events in the process are the **Activity Log**, which lists and describes briefly each assistance activity; the **Interview Form**, which allows the specialist to gather pertinent information from the evaluatee receiving assistance; the **Intensive Assistance Planning Form**, which enables the specialist and evaluatee receiving assistance to develop a plan for the provision of assistance; the **Observation/Conference Report Form**, which documents each conference and/or observation between the specialist and the evaluatee receiving assistance; and the **Assistance Team Meeting Report Form**, which documents each meeting of the assistance team. Copies of these forms follow the text.

The Assistance Team

It shall be the responsibility of the Director of Human Resources Development to appoint the members of the Assistance Team. The Assistance Team will be composed of the following:

- Evaluator, Chairperson
- Appropriate Specialists: The specialist must be a person with extensive experience in the area of service appropriate to the evaluatee assigned to the Intensive Assistance Program. This specialist can either be a current employee (i.e. Instructional specialist for teachers) or may be a retired employee on the Early Retirement Program.
- Appropriate Director

The role of the assistance team is to review the evaluatee's past performance assessments and other documentation of performance concerns, as well as any assistance already provided; develop an assistance plan in conjunction with the evaluatee; schedule and conduct diagnostic performance observations and conferences with the evaluatee; provide additional assistance by a consulting evaluatee, if requested; receive and review reports and other documentation submitted by the consulting

evaluatee and/or other team members; and make a recommendation in writing to the Director of Human Resources Development of the evaluation cycle (summative or formative) or dismissal for the evaluatee for the following year.

Duties of Assistance Team Members

Each of the members of the Assistance Team will have certain duties to perform. Although some of the responsibilities may vary depending on the nature of the assistance required, it is expected that each of duties described in the following sections will be performed whenever an Assistance Team is formed.

The **Evaluator** shall:

•Schedule and coordinate all meetings of the team;

•Chair all meetings of the team:

•Appoint a recorder for the team;

•Have the Specialist meet with the evaluatee receiving assistance to complete the Interview Form prior to the first meeting of the Assistance Team;

•Develop the Assistance Plan containing performance objectives for improvement and an established time line at the first meeting of the Assistance Team;

•Have conferences with the Specialist and Director after pre- and post-observation conferences with the evaluatee receiving assistance;

•Maintain a file which contains all reports, minutes, and documents;

•Conduct initial and final pre-conferences, observations, and post-conferences with the evaluatee receiving assistance; and

•Submit a copy of the team's final recommendation to the evaluatee and Director of Human Resources Development.

The **Specialist** shall:

•Complete the Interview Form prior to the first meeting of the Assistance Team;

•Work with the evaluatee receiving assistance in a collaborative manner to establish a collegial relationship;

•Orient the evaluatee to the documentation required by the Intensive Assistance Program;

•Provide assistance to the evaluatee in implementing the assistance plan;

•Conduct on-going pre-conferences, observations, and post-conferences with the evaluatee as scheduled by the evaluator throughout the assistance period;

•Share with the evaluatee in an informal setting the report that will be submitted to the Assistance Team prior to each monthly report;

•Submit monthly written reports to the evaluator; and

•Coordinate classroom observations by other team members excluding the evaluator.

The appropriate **Director** shall:

•Orient team members and the evaluatee receiving assistance to the Intensive Assistance Program;

•Conduct back-up pre-conferences, observations, and post-conferences with the evaluatee receiving assistance as scheduled by the evaluator and

•Meet with members of the Assistance Team on a monthly basis to determine progress made and directions needed.

Although not a member of the Assistance Team, the **Evaluatee Receiving Assistance** will be expected to attend the first and final team meetings and to:

•Meet with the Specialist prior to the first meeting of the Assistance Team to complete the Interview Form;

•Have pre- and post-observation conferences with the evaluator, specialists, or directors;

•Receive copies of all reports and documentation submitted by the team members; and

•Receive a copy of the team's final recommendation.

Criteria for Selecting Assistance Team Members

The evaluators, directors, and specialists may participate on assistance teams by virtue of their supervisory responsibilities or professional expertise.

Orientation of Assistance Team Members

Assistance Teams will receive orientation training prior to the first official team meeting. The orientation will be coordinated by the appropriate director.

Timeline

August	Assistance Team meets to review record and discuss options to assist the designated employee
Preschool Planning Week	Assistance team meets with designated employee to design a program for improvement
November	Assistance team meets to assess progress
January	Assistance team meets to assess progress
March 1	Assistance team meets to determine if termination is a possible option
March 8	Documentation forwarded to the Director of Human Resources if termination will be recommended
April 15	Employee notified of termination
April	Assistance Team meets to assess progress if termination has not been requested
June	Assistance team meets to finalize the years evaluation and determine the following years evaluation cycle

EVALUATION FORMS

SUMMATIVE TEACHER EVALUATION RECORD

Teacher	Social Security No.
Assignment/Grade	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. PLANNING ACTIVITIES
	1. Plans lessons' objectives to achieve curriculum goals.
	2. Plans methods for assessing learner progress.
	3. Develops teaching procedures to meet individual and group needs.
	4. Collects and prepares resources for instruction.
	5. Plans use of effective management procedures.

R	II. IMPLEMENTS AND MANAGES INSTRUCTION
	1. Provides instruction appropriate to lesson objectives.
	2. Uses an effective lesson design.
	3. Maintains student interest and involvement in learning.
	4. Maintains high expectations for all learners.
	5. Provides for individual and group learning needs.

R	III. EVALUATION AND ASSESSMENT
	1. Uses a variety of methods to assess student achievement.
	2. Reports student progress.
	3. Uses evaluation results to make instructional decisions.

R	IV. KNOWLEDGE OF SUBJECT
	1. Demonstrates an understanding of the subject being taught.
	2. Demonstrates an ability to help learners understand the significance of topics or activities.

R	V. COMMUNICATION SKILLS
	1. Displays competence in oral and written language.
	2. Maintains effective communication with colleagues, supervisors, parents, and the community.

R	VI. CLASSROOM MANAGEMENT/POSITIVE LEARNING ENVIRONMENT
	1. Establishes an environment conducive to learning.
	2. Disciplines in a fair and positive manner.
	3. Maintains a learning environment which encourages mutual cooperation and respect.

R	VII. PROFESSIONAL RESPONSIBILITIES
	1. Supports school/division policies and regulations.
	2. Participates in professional development activities.
	3. Demonstrates effective relationships with colleagues, the community and students.
	4. Participates and supports school wide projects and activities.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

NOTE: The signature of the teacher indicates that she has read this document and has knowledge of its content.

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 2, 1992

SUMMATIVE TEACHER EVALUATION RECORD
CONSUMER SURVEY - ITINERANT TEACHERS

Teacher	Social Security No.
Assignment/Grade	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. PLANNING ACTIVITIES
	1. Plans lessons' objectives to achieve curriculum goals.
	2. Plans methods for assessing learner progress.
	3. Develops teaching procedures to meet individual and group needs.
	4. Collects and prepares resources for instruction.
	5. Plans use of effective management procedures.

R	II. IMPLEMENTS AND MANAGES INSTRUCTION
	1. Provides instruction appropriate to lesson objectives.
	2. Uses an effective lesson design.
	3. Maintains student interest and involvement in learning.
	4. Maintains high expectations for all learners.
	5. Provides for individual and group learning needs.

R	III. EVALUATION AND ASSESSMENT
	1. Uses a variety of methods to assess student achievement.
	2. Reports student progress.
	3. Uses evaluation results to make instructional decisions.

R	IV. KNOWLEDGE OF SUBJECT
	1. Demonstrates an understanding of the subject being taught.
	2. Demonstrates an ability to help learners understand the significance of topics or activities.

R	V. COMMUNICATION SKILLS
	1. Displays competence in oral and written language.
	2. Maintains effective communication with colleagues, supervisors, parents, and the community.

R	VI. CLASSROOM MANAGEMENT/POSITIVE LEARNING ENVIRONMENT
	1. Establishes an environment conducive to learning.
	2. Disciplines in a fair and positive manner.
	3. Maintains a learning environment which encourages mutual cooperation and respect.

R	VII. PROFESSIONAL RESPONSIBILITIES
	1. Supports school/division policies and regulations.
	2. Participates in professional development activities.
	3. Demonstrates effective relationships with colleagues, the community and students.
	4. Participates and supports school wide projects and activities.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE

Consumer surveys are provided as a supplementary document to the primary evaluator. Principals are the primary evaluators for the majority of itinerant teachers. Therefore, instructional specialists will provide a consumer survey.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

SUMMATIVE TEACHER OBSERVATION FORM

Teacher	Social Security No.
Assignment/Grade	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. PLANNING ACTIVITIES
	1. Plans lessons' objectives to achieve curriculum goals.
	2. Plans methods for assessing learner progress.
	3. Develops teaching procedures to meet individual and group needs.
	4. Collects and prepares resources for instruction.
	5. Plans use of effective management procedures.

R	II. IMPLEMENTS AND MANAGES INSTRUCTION
	1. Provides instruction appropriate to lesson objectives.
	2. Uses an effective lesson design.
	3. Maintains student interest and involvement in learning.
	4. Maintains high expectations for all learners.
	5. Provides for individual and group learning needs.

R	III. EVALUATION AND ASSESSMENT
	1. Uses a variety of methods to assess student achievement.
	2. Reports student progress.
	3. Uses evaluation results to make instructional decision.

R	IV. KNOWLEDGE OF SUBJECT
	1. Demonstrates an understanding of the subject being taught.
	2. Demonstrates an ability to help learners understand the significance of topics or activities.

R	V. COMMUNICATION SKILLS
	1. Displays competence in oral and written language.
	2. Maintains effective communication with colleagues, supervisors, parents, and community.

R	VI. CLASSROOM MANAGEMENT/POSITIVE LEARNING ENVIRONMENT
	1. Establishes an environment conducive to learning.
	2. Disciplines in a fair and positive manner.
	3. Maintains a learning environment which encourages mutual cooperation and respect.

R	VII. PROFESSIONAL RESPONSIBILITIES
	1. Supports school/division policies and regulations.
	2. Participates in professional development activities.
	3. Demonstrates effective relationships with colleagues, community and students.
	4. Participates and supports school wide projects and activities.

Date of Observation | Time

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR | DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE | DATE

NOTE: The signature of the teacher indicates that she has read this document and has knowledge of its content.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 30, 1992

FORMATIVE TEACHER EVALUATION RECORD: PLANNING

Teacher	Social Security No.
Assignment/Grade	Location

Evaluator	Title	School Year

GOALS/OBJECTIVES	STRATEGIES FOR COMPLETION

COMMENTS - EVALUATOR

COMMENTS - TEACHER

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF TEACHER	DATE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

FORMATIVE TEACHER EVALUATION RECORD: REVIEW

Teacher	Social Security No.	
Assignment/Grade	Location	
Evaluator	Title	School Year

PROGRESS ON GOALS/OBJECTIVES

COMMENTS - EVALUATOR

COMMENTS - TEACHER

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF TEACHER	DATE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

FORMATIVE TEACHER OBSERVATION/CONFERENCE FORM

Teacher	Social Security No.
Assignment/Grade	Location

Evaluator	Title	School Year

Date	Time

OBSERVATION/RECOMMENDATIONS

COMMENTS - EVALUATOR

COMMENTS - TEACHER

Signature of Evaluator	Date	Signature of Teacher*	Date

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS KNOWLEDGE OF ITS CONTENTS.

SUMMATIVE COUNSELOR EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

I. PROFESSIONAL PERFORMANCE

R	
	1. Exhibits sincere personal concern for students.
	2. Respects the dignity and worth of every individual.
	3. Demonstrates good human relations skills.
	4. Promotes positive parent-school-community relationships.
	5. Is open to new ideas and procedures; accepts and adjusts to change.
	6. Continues professional growth through membership in professional organizations, reading and attendance at professional conferences and meetings (as approved).
	7. Follows ethical and professional practices in working with pupils, parents, school personnel, and the public.
	8. Is punctual.
	9. Uses standard oral and written English.
	10. Maintains a neat, appropriate appearance.

II. ORGANIZATIONAL SKILLS

R	
	1. Establishes and adheres to a calendar of guidance and counseling activities.
	2. Works with the administration and staff in developing school policies and curriculum to meet student needs.
	3. Interprets the program of counseling to school and community populations.

III. COUNSELING AND GUIDANCE SKILLS

R	
	1. Places priority on providing individual and group counseling for all students.
	2. Seeks to develop in students increased competency in decision-making and problem-solving.
	3. Provides guidance activities to help students understand themselves and their relationships with others.
	4. Assists students in the development of positive and realistic self-concepts.
	5. Assists with the coordination and interpretation of standardized tests.
	6. Interprets data from the cumulative records for students, their parents, and others who are professionally concerned.
	7. Assists in the identification of students with special needs.
	8. Participates actively as a member of the Child Study Committee.
	9. Orients parents toward resources available to them both within and outside the school system.
	10. Serves as a resource person to parents and staff on the growth and development of children.
	11. Serves as a consultant to the staff relative to the needs and concerns of individuals and groups.
	12. Works with teachers and administrators to assist with the placement of students in appropriate courses, programs, and grade levels.
	13. Coordinates a guidance program to facilitate the career development of students.
	14. Collects and disseminates to students and/or their parents current information on education and vocational opportunities.
	15. Assists students in the process leading to appropriate post-secondary educational placement.
	16. Provides activities for students to develop job-seeking and job-holding skills.
	17. Works with employers, vocational coordinators, and community and state agencies to assist in appropriate placement of students in part-time and full-time employment.

IV. COORDINATION SKILLS (Department Heads Only)

R	
	1. Organizes the counseling staff for optimum delivery of guidance and counseling services.
	2. Keeps the counseling staff informed of current mandates and changing needs.
	3. Ensures implementation of a balanced program of guidance and counseling services.
	4. Implements an evaluation of the guidance and counseling program.
	5. Prepares the departmental budget; orders supplies and equipment.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT FOR REVIEW EVALUATIONS IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 2, 1982

CONSUMER SURVEY--SUMMATIVE COUNSELOR EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

I. PROFESSIONAL PERFORMANCE

R

1. Exhibits sincere personal concern for students.
2. Respects the dignity and worth of every individual.
3. Demonstrates good human relations skills.
4. Promotes positive parent-school-community relationships.
5. Is open to new ideas and procedures; accepts and adjusts to change.
6. Continues professional growth through membership in professional organizations, reading and attendance at professional conferences and meetings (as approved).
7. Follows ethical and professional practices in working with pupils, parents, school personnel, and the public.
8. Is punctual.
9. Uses standard oral and written English.
10. Maintains a neat, appropriate appearance.

II. ORGANIZATIONAL SKILLS

R

1. Establishes and adheres to a calendar of guidance and counseling activities.
2. Works with the administration and staff in developing school policies and curriculum to meet student needs.
3. Interprets the program of counseling to school and community populations.

III. COUNSELING AND GUIDANCE SKILLS

R

1. Places priority on providing individual and group counseling for all students.
2. Seeks to develop in students increased competency in decision-making and problem-solving.
3. Provides guidance activities to help students understand themselves and their relationships with others.
4. Assists students in the development of positive and realistic self-concepts.
5. Assists with the coordination and interpretation of standardized tests.
6. Interprets data from the cumulative records for students, their parents, and others who are professionally concerned.
7. Assists in the identification of students with special needs.
8. Participates actively as a member of the Child Study Committee.
9. Orients parents toward resources available to them both within and outside the school system.
10. Serves as a resource person to parents and staff on the growth and development of children.
11. Serves as a consultant to the staff relative to the needs and concerns of individuals and groups.
12. Works with teachers and administrators to assist with the placement of students in appropriate courses, programs, and grade levels.
13. Coordinates a guidance program to facilitate the career development of students.
14. Collects and disseminates to students and/or their parents current information on education and vocational opportunities.
15. Assists students in the process leading to appropriate post-secondary educational placement.
16. Provides activities for students to develop job-seeking and job-holding skills.
17. Works with employers, vocational coordinators, and community and state agencies to assist in appropriate placement of students in part-time and full-time employment.

IV. COORDINATION SKILLS (Department Heads Only)

R

1. Organizes the counseling staff for optimum delivery of guidance and counseling services.
2. Keeps the counseling staff informed of current mandates and changing needs.
3. Ensures implementation of a balanced program of guidance and counseling services.
4. Implements an evaluation of the guidance and counseling program.
5. Prepares the departmental budget; orders supplies and equipment.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

GROUP/CLASSROOM GUIDANCE OBSERVATION FORM

Counselor		Social Security No.	
Location	Date of Observation	Beginning Time	Ending Time
Observer		Title	

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. PLANNING AND PREPARATION
	1. Objectives of activity are clear.
	2. Materials are appropriate.

R	II. KNOWLEDGE OF SUBJECT
	1. Demonstrates understanding of information presented.

R	III. COMMUNICATION SKILLS
	1. Displays competency in oral and written language.
	2. Maintains effective communication with the group.

R	IV. INTERACTION WITH STUDENTS
	1. Utilizes procedures to meet individual and group needs.
	2. Responds in a fair and positive manner.
	3. Maintains an environment which encourages mutual cooperation with respect.

COMMENTS - COUNSELOR

SIGNATURE - COUNSELOR DATE

COMMENTS - EVALUATOR

SIGNATURE - EVALUATOR DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

FORMATIVE COUNSELOR EVALUATION FORM: PLANNING

Counselor	Social Security No.	
Assignment/Grade	Location	
Evaluator	Title	School Year

GOALS/OBJECTIVES	STRATEGIES FOR COMPLETION

COMMENTS - EVALUATOR

COMMENTS - COUNSELOR

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF COUNSELOR	DATE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

FORMATIVE COUNSELOR EVALUATION FORM: REVIEW

Counselor	Social Security No.	
Assignment/Grade	Location	
Evaluator	Title	School Year

PROGRESS ON GOALS/OBJECTIVES

COMMENTS - EVALUATOR

COMMENTS - COUNSELOR

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF COUNSELOR	DATE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

SUMMATIVE EVALUATION FOR LIBRARY/MEDIA SPECIALISTS

Evaluatee	Social Security No.
Assignment/Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

I. KNOWLEDGE OF CONTENT

R

1. Demonstrates a knowledge of how to select, organize, administer and utilize instructional media and equipment.
2. Demonstrates the ability to integrate the resources and services of the media program with the ongoing instructional program in the schools.
3. Indicates an awareness of the book selection policy of the system and the procedure for handling the problem of challenged instructional materials.
4. Indicates knowledge of current information/research/technology.

II. SELECTION/USE OF MATERIALS

R

1. Makes resources available to students and teachers through a systemically-developed collection (print, non-print, equipment) within the school and facilitates access to resources outside the school.
2. Provides for student and faculty involvement in the selection and evaluation of materials and equipment.
3. Provides materials that reflect student interests as well as curriculum needs.

III. HUMAN RELATION SKILLS

R

1. Recognizes individual differences in learning skills, interests and abilities and provides resources and services which meet unique needs.
2. Exhibits friendly and helpful attitude towards administrators, faculty and students.
3. Demonstrates enthusiasm for the media program.
4. Supports and is involved in the overall school program.

IV. MEDIA MANAGEMENT

R

1. Provides day-long access to the library media center for individuals, groups and classes.
2. Maintains an inviting facility with an atmosphere conducive to student use of extending classroom learning as well as pursuing individual interests.
3. Provides access to the library media collection (print, non-print, equipment) through an accurate and efficient retrieval system.
4. Maintains accurate records of the collection (print, non-print, equipment).
5. Performs periodic weeding (elimination of inaccurate materials) to keep the collection up-to-date.
6. Takes an annual inventory of the collection.
7. Maintains accurate business records.
8. Is thorough, accurate, and uniform in processing new materials for student and faculty use.
9. Encourages proper care for and use of materials, supplies and equipment.

V. PLANNING

R

1. Works with administrators and faculty in developing the school's annual plan of action.
2. Develops strategies for the publicizing of and integration into curriculum of new materials, equipment and services that meet the information needs of administrators, faculty and students.
3. Plans jointly with faculty to teach and evaluate instruction in information access, use and communication skills, using a flexible schedule.

VI. INSTRUCTIONAL SKILLS

R

1. Implements effective lessons cooperatively with grade level/content area teachers in the information curriculum.
2. Provides for individual, small and large group instruction in accessing, evaluating and communication information.
3. Teaches the information curriculum at point of need as an integral part of the content and objectives of the school.
4. Promotes an interest in reading and books via book talks, story hours and other special book promotion activities.
5. Assists faculty in improving instruction through the use of technology and incorporating information skills into classroom curriculum.

VII. PROFESSIONAL RESPONSIBILITIES/PERSONAL QUALITIES

R

1. Uses correct grammar in both oral and written communications.
2. Adheres to school rules and regulations.
3. Uses discretion in matters of confidentiality.
4. Reports to work regularly and is prompt.
5. Dresses professionally.
6. Submits accurate reports on time.
7. Implements strategies identified in building plan of action.
8. Maintains open communication with parents, administrators, faculty and students.
9. Is receptive to new ideas and procedures and can accept and adjust to change.
10. Continues educational growth through attendance of conferences and meetings, as approved, membership in professional organizations and keeps abreast of current professional trends in library literature.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

SUMMATIVE EVALUATION FOR LIBRARY/MEDIA SPECIALISTS

EVALUATEE

YEAR

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its of its contents.

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISASGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

CONSUMER SURVEY
LIBRARY/MEDIA SPECIALISTS

Evaluatee	Social Security No.
Assignment/Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

I. KNOWLEDGE OF CONTENT

R	
	1. Demonstrates a knowledge of how to select, organize, administer and utilize instructional media and equipment.
	2. Demonstrates the ability to integrate the resources and services of the media program with the ongoing instructional program in the schools.
	3. Indicates an awareness of the book selection policy of the system and the procedure for handling the problem of challenged instructional materials.
	4. Indicates knowledge of current information/research/technology.

II. SELECTION/USE OF MATERIALS

R	
	1. Makes resources available to students and teachers through a systemically-developed collection (print, non-print, equipment) within the school and facilitates access to resources outside the school.
	2. Provides for student and faculty involvement in the selection and evaluation of materials and equipment.
	3. Provides materials that reflect student interests as well as curriculum needs.

III. HUMAN RELATION SKILLS

R	
	1. Recognizes individual differences in learning skills, interests and abilities and provides resources and services which meet unique needs.
	2. Exhibits friendly and helpful attitude towards administrators, faculty and students.
	3. Demonstrates enthusiasm for the media program.
	4. Supports and is involved in the overall school program.

IV. MEDIA MANAGEMENT

R	
	1. Provides day-long access to the library media center for individuals, groups and classes.
	2. Maintains an inviting facility with an atmosphere conducive to student use of extending classroom learning as well as pursuing individual interests.
	3. Provides access to the library media collection (print, non-print, equipment) through an accurate and efficient retrieval system.
	4. Maintains accurate records of the collection (print, non-print, equipment).
	5. Performs periodic weeding (elimination of inaccurate materials) to keep the collection up-to-date.
	6. Takes an annual inventory of the collection.
	7. Maintains accurate business records.
	8. Is thorough, accurate, and uniform in processing new materials for student and faculty use.
	9. Encourages proper care for and use of materials, supplies and equipment.

V. PLANNING

R	
	1. Works with administrators and faculty in developing the school's annual plan of action.
	2. Develops strategies for the publicizing of and integration into curriculum of new materials, equipment and services that meet the information needs of administrators, faculty and students.
	3. Plans jointly with faculty to teach and evaluate instruction in information access, use and communication skills, using a flexible schedule.

VI. INSTRUCTIONAL SKILLS

R	
	1. Implements effective lessons cooperatively with grade level/content area teachers in the information curriculum.
	2. Provides for individual, small and large group instruction in accessing, evaluating and communication information.
	3. Teaches the information curriculum at point of need as an integral part of the content and objectives of the school.
	4. Promotes an interest in reading and books via book talks, story hours and other special book promotion activities.
	5. Assists faculty in improving instruction through the use of technology and incorporating information skills into classroom curriculum.

VII. PROFESSIONAL RESPONSIBILITIES/PERSONAL QUALITIES

R	
	1. Uses correct grammar in both oral and written communications.
	2. Adheres to school rules and regulations.
	3. Uses discretion in matters of confidentiality.
	4. Reports to work regularly and is prompt.
	5. Dresses professionally.
	6. Submits accurate reports on time.
	7. Implements strategies identified in building plan of action.
	8. Maintains open communication with parents, administrators, faculty and students.
	9. Is receptive to new ideas and procedures and can accept and adjust to change.
	10. Continues educational growth through attendance of conferences and meetings, as approved, membership in professional organizations and keeps abreast of current professional trends in library literature.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

RICHMOND PUBLIC SCHOOLS

CONSUMER SURVEY
LIBRARY/MEDIA SPECIALISTS

EVALUATEE	YEAR

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR **DATE**

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE **DATE**

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

CONFERENCE/ OBSERVATION RECORD FOR LIBRARY/MEDIA SPECIALISTS

Evaluatee	Social Security No.	
Assignment/Position	Location	
Evaluator	Title	School Year
	Date of Observation	Time

CONFERENCE/OBSERVATION RECORD

COMMENTS - EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF EVALUATEE	DATE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

FORMATIVE EVALUATION FOR LIBRARY/MEDIA SPECIALISTS: PLANNING

Evaluatee		Social Security No.
Assignment/Position		Location
Evaluator	Title	School Year

GOALS/OBJECTIVES	STRATEGIES FOR COMPLETION

COMMENTS - EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF EVALUATEE	DATE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

FORMATIVE EVALUATION FOR LIBRARY/MEDIA SPECIALISTS: REVIEW

Evaluatee	Social Security No.	
Assignment/Position	Location	
Evaluator	Title	School Year

PROGRESS ON GOALS/OBJECTIVES

COMMENTS - EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF EVALUATEE	DATE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

SUMMATIVE EVALUATION FOR SCHOOL PSYCHOLOGISTS & SOCIAL WORKERS

Evaluatee	Social Security No.
Assignment/Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. PLANNING, IMPLEMENTATION & MANAGEMENT
	1. Performs professional responsibilities in a competent and timely manner.
	2. Functions in a well organized manner.
	3. Provides services to assigned schools on a regularly planned basis.
	4. Handles referrals appropriately and promptly.
	5. Keeps accurate and current records.
	6. Fulfills school/departmental time requirements.
	7. Supports school/division policies and regulations.

R	II. INTERPERSONAL & COMMUNICATION SKILLS
	1. Displays competence in oral and written language.
	2. Demonstrates and maintains effective communication with colleagues, students, parents, and school staff.
	3. Manages conflict effectively.
	4. Manages stress effectively.
	5. Reacts favorably to constructive criticism and suggestions.
	6. Works cooperatively with staff in assigned schools and/or programs.
	7. Handles individual relationships tactfully and with understanding.
	8. Demonstrates a positive attitude toward work.

R	III. PROFESSIONAL RESPONSIBILITIES
	1. Advocates and participates in the team approach to decision-making.
	2. Interprets programs and services to schools and community.
	3. Accepts and adjusts to change and is open to new ideas, viewpoints, and procedures.
	4. Shows sustained effort and productivity in the quality of work accomplished.
	5. Maintains a neat, appropriate appearance.
	6. Supports school functions.
	7. Attends regular and called staff meetings.
	8. Maintains current discipline specific practice standards.
	9. Maintains confidentiality.
	10. Provides assessment, consultation, and intervention services as appropriate.
	11. Maintains reasonable flexibility in meeting the unique needs of the assignment.
	12. Seeks to enhance knowledge and skills through a planned program of professional growth.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

July 8, 1992

CONSUMER SURVEY
SCHOOL PSYCHOLOGISTS & SOCIAL WORKERS

Evaluatee	Social Security No.
Assignment/Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

R	I. PLANNING, IMPLEMENTATION & MANAGEMENT
	1. Performs professional responsibilities in a competent and timely manner.
	2. Functions in a well organized manner.
	3. Provides services to assigned schools on a regularly planned basis.
	4. Handles referrals appropriately and promptly.
	5. Keeps accurate and current records.
	6. Fulfills school/departmental time requirements.
	7. Supports school/division policies and regulations.

R	II. INTERPERSONAL & COMMUNICATION SKILLS
	1. Displays competence in oral and written language.
	2. Demonstrates and maintains effective communication with colleagues, students, parents, and school staff.
	3. Manages conflict effectively.
	4. Manages stress effectively.
	5. Reacts favorably to constructive criticism and suggestions.
	6. Works cooperatively with staff in assigned schools and/or programs.
	7. Handles individual relationships tactfully and with understanding.
	8. Demonstrates a positive attitude toward work.

R	III. PROFESSIONAL RESPONSIBILITIES
	1. Advocates and participates in the team approach to decision-making.
	2. Interprets programs and services to schools and community.
	3. Accepts and adjusts to change and is open to new ideas, viewpoints, and procedures.
	4. Shows sustained effort and productivity in the quality of work accomplished.
	5. Maintains a neat, appropriate appearance.
	6. Supports school functions.
	7. Attends regular and called staff meetings.
	8. Maintains current discipline specific practice standards.
	9. Maintains confidentiality.
	10. Provides assessment, consultation, and intervention services as appropriate.
	11. Maintains reasonable flexibility in meeting the unique needs of the assignment.
	12. Seeks to enhance knowledge and skills through a planned program of professional growth.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

A CONSUMER SURVEY IS A SUPPLEMENTAL EVALUATION TO ASSIST THE PRIMARY EVALUATOR IN THE FINAL EVALUATION PROCESS.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

FORMATIVE EVALUATION FOR SCHOOL PSYCHOLOGISTS & SOCIAL WORKERS: PLANNING

Evaluatee		Social Security No.
Assignment/Position		Location
Evaluator	Title	School Year

GOALS/OBJECTIVES	STRATEGIES FOR COMPLETION

COMMENTS - EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF EVALUATEE	DATE

FORMATIVE EVALUATION FOR SCHOOL PSYCHOLOGISTS & SOCIAL WORKERS: REVIEW

Evaluatee		Social Security No.
Assignment/Position		Location
Evaluator	Title	School Year

PROGRESS ON GOALS/OBJECTIVES

COMMENTS - EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF EVALUATEE	DATE

*NOTE: THE SIGNATURE OF THE EVALUATEE INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

CONFERENCE/ OBSERVATION RECORD FOR SCHOOL PSYCHOLOGISTS & SOCIAL WORKERS

Evaluatee	Social Security No.	
Assignment/Position	Location	
Evaluator	Title	School Year
	Date of Observation	Time

CONFERENCE/OBSERVATION RECORD

COMMENTS - EVALUATOR

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATOR	DATE	SIGNATURE OF EVALUATEE

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE EVALUATOR.

Richmond Public Schools
INTENSIVE ASSISTANCE PROGRAM
INTENSIVE ASSISTANCE PLANNING FORM

Teacher: _____ Soc. Sec. #: _____

Assignment/Grade: _____ Location: _____

_____ _____

Time Frame Specialist

This intensive assistance plan is to be completed for each teacher participating in the Intensive Assistance Program and should specify mutually agreed upon objectives and strategies designed to improve teacher performance and/or to ensure teacher's professional development.

OBJECTIVE:

STRATEGY (Way the Objective is Achieved):

ASSESSMENT:

Signature of Specialist: _____ **Date:** _____

***Signature of Teacher:** _____ **Date:** _____

***NOTE: THE SIGNATURE OF THE TEACHER INDICATES THAT S/HE HAS READ THIS DOCUMENT AND HAS KNOWLEDGE OF ITS CONTENTS.**

Richmond Public Schools
INTENSIVE ASSISTANCE PROGRAM
ASSISTANCE TEAM MEETING REPORT FORM

Teacher: _____ Soc. Sec. #: _____

Assignment/Grade: _____ Location: _____

Date of Meeting	Time of Meeting	Place of Meeting
_____	_____	_____

Team Members Present:

1. Purpose of Meeting:

2. Content of Meeting:

3. Outcomes of Meeting: *(Plans for follow-up/assistance activities, assignment of responsibility)*

4. Next Meeting: _____ _____ _____

Date	Time	Place

Signature of Principal/Asst. Principal: _____ Date: _____

Signature of Recorder: _____ Date: _____

Signature of Specialist: _____ Date: _____

*Signature of Teacher: _____ Date: _____

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES THAT S/HE HAS READ THIS DOCUMENT AND HAS DISCUSSED ITS CONTENTS WITH THE CONULTING TEACHER.

Richmond Public Schools
INTENSIVE ASSISTANCE PROGRAM
TEACHER INTERVIEW FORM

Teacher: _____ Soc. Sec/ #: _____

Assignment/Grade: _____ Location: _____

Specialist: _____ School Year: _____

To be completed jointly by the teacher needing assistance and the consulting teacher.

1. What classes do you presently teach?

2. How many students are in each of your classes?

3. How many different classrooms are you assigned to each day?

4. Is the Classroom conducive to learning?

5. Do you have sufficient equipment and materials?

6. Are the textbooks appropriate for your students, and do you have enough books?

7. Do you have any trouble dealing with the subject matter?

8. Are there any particular classes or students that cause you difficulty?

9. What areas do you see as your greatest need?

10. What are your strengths?

11. How is your general health?

12. Are you having any problems outside school that affect your job performance?

13. Do you wish to continue in the teaching profession?

14. Other questions/comments from the consulting teacher:

15. Additional questions/comments from the teacher needing assistance:

Specialist _____ Date _____

Teacher _____ Date _____

Richmond Public Schools

INTENSIVE ASSISTANCE PROGRAM
ACTIVITY LOG

TIME PERIOD: _____

Teacher: _____ Social Security #: _____

Assignment/Grade: _____ Location: _____

DATE	ACTIVITY	DESCRIPTION/COMMENTS

_____ _____

Specialist Date

Richmond Public Schools
INTENSIVE ASSISTANCE PROGRAM
OBSERVATION/CONFERENCE REPORT FORM

Teacher:_____ Soc. Sec. #: _____

Assignment/Grade: _____ Location: _____

RECORD OF OBSERVATION: Date:_____ Time: _____

RECORD OF CONFERENCE: Date:_____ Time: _____
Topics Discussed:

Commendations and/or Detailed Specific Suggestions for reinforcement and improvement:

Teacher's Response (If Desired):

Signature of Observer: _____ Date: _____

*Signature of Teacher: _____ Date: _____

*NOTE: THE SIGNATURE OF THE TEACHER INDICATES THAT S/HE HAS READ THIS DOCUMENT AND HAS KNOWLEDGE OF ITS CONTENTS.

A Publication of Richmond Public Schools
Richmond, Virginia

In accordance with federal laws, the laws of the Commonwealth of Virginia and the policies of the School Board of the City of Richmond, the Richmond Public Schools does not discriminate on the basis of sex, race, color, age, religion, disabilities or national origin in the provision of employment and services. The Richmond Public Schools operates equal opportunity and affirmative action programs for students and staff. The Richmond Public Schools is an equal opportunity/affirmative action employer. The Title IX Officer is Ms. Angela C. Lewis, Clerk of the School Board, 301 N. 9th St., Richmond, VA 23219-1927, (804) 780-7716. The Section 504 Coordinator is Mr. Harley Tomey, Director of Exceptional Education and Student Services, 301 N. 9th St., Richmond, VA, 23219-1927, (804) 780-7911. The ADA Coordinator is Ms. Valarie Abbott Jones, 2015 Seddon Way, Richmond, VA 23230-4117, (804) 780-6211. The United States Department of Education's Office of Civil Rights may also be contacted at 550 12th Street SW, PCP-6093 Washington, DC 20202, (202) 245-6700.

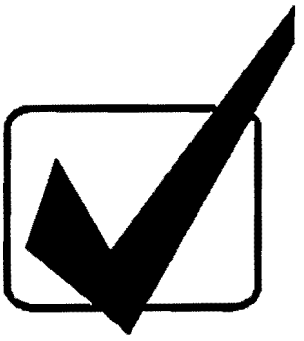
School Board

Kimberly M. Bridges, Chair
Dawn C. Page, Vice Chair
Donald L. Coleman
Kimberly B. Gray
Maurice Henderson
Norma Murdoch-Kitt
Adria A. Graham Scott
Chandra H. Smith
Evette L. Wilson

Dr. Yvonne W. Brandon, Superintendent

RICHMOND PUBLIC SCHOOLS
RICHMOND, VIRGINIA

HANDBOOK FOR EVALUATION OF PRINCIPALS, ADMINISTRATIVE/ SUPERVISORY PERSONNEL



SEPTEMBER, 2000

TABLE OF CONTENTS

Mission Statement..... 1

Introduction..... 2

Evaluation Process..... 2

Evaluation Responsibility..... 4

Administrator Evaluation Criteria and Performance Indicators-Virginia Department of Education..... 5

Evaluation Forms..... 13

MISSION

The effectiveness of the Richmond Public Schools depends, to a great extent, upon the quality of the leadership of its administrators. In order to ensure this quality of leadership, the evaluation of administrative performance is essential. Consequently, the methods and procedures used in evaluating administrators should enhance their performance and result in a school system which fosters academic excellence.

Therefore, we believe that:

- the goals of the evaluative process should lead to a level of performance which guarantees quality and productivity;
- the evaluative process should be a cooperative effort which allows for continuity and structure;
- the design and implementation of the evaluative process should embody fairness and impartiality; and
- the professional growth of the administrator will be promoted.

GUIDELINES FOR EVALUATING ADMINISTRATORS IN RICHMOND PUBLIC SCHOOLS

The public concern for educational excellence and demand for accountability have spotlighted the quality of leadership in our nation's schools. Research has shown that administrative leadership is an important and often key factor in a school's educational effectiveness. Hence, the methods and procedures used to evaluate administrative performance are of major concern to educators, school boards, and the public.

Glen R. Robinson, 1985

Introduction

Persons in administrative positions will be evaluated annually. Specifically, those persons employed as Principals will be evaluated using the evaluation document entitled "Richmond Public Schools Administrative Evaluation Criteria" which would also include the "Administrator's Individual Plan" and the "Administrator's Annual Evaluation." This design is narrative and comprehensive in design.

The model presented in this document is judgement-based. It requires professional judgement on the part of the evaluator. The evaluator, trained with professional knowledge (formal study) and skills (practical experience), is responsible for assessing the performance of the practicing administrator against outcomes specified by the state, school division, and site.

All other administrators will be evaluated utilizing the document entitled "Administrative/Supervisory Evaluation." This document is rating generated, but also utilizes individual objectives.

Evaluation Process

Evaluation is a two-fold process. It involves both formative and summative evaluations. Formative evaluation includes on-going communication with feedback and assistance between the evaluator and the evaluatee. More specifically, formative evaluation is continuous and cyclical. It focuses on improving the overall educational program. This process culminates with summative evaluation which serves as an end, an annual judgement of the administrative performance. It focuses on improvement of individual performance.

Evaluation Process (continued)

The entire process represents a collaborative effort in which the evaluator and the evaluatee design the focus of the evaluation, gather supportive data and draw conclusions based on the given data.

The evaluation procedure is both formal and informal. The formal procedure will include the following three steps: the initial conference, the interim review, and the annual evaluation. A description of each of these steps follows.

Initial Conference–

An initial conference will be conducted by the evaluator with the evaluatee prior to October 15. Using the examples of Administrative Evaluation criteria and supportive data, the evaluator and evaluatee will mutually define and discuss expectations. Additionally, they will develop a framework for management objectives and an individual plan. The individual plan or objectives will contain outcomes to be achieved during that school year. These outcomes should include personal and professional goals as well as goals and objectives that have been established for the state, school division, and the site's Individual Action Plan. The evaluatee will be responsible for the collection of supportive data regarding the plan.

Interim Review–

A minimum of one interim review will take place no later than February 15. Others may be conducted if deemed appropriate by the evaluator or at the request of the evaluatee. The review of examples of administrative criteria and supportive data may result in the revision of objectives, a reordering of priorities or a reassurance that performance is progressing as planned.

Annual Evaluation--

An annual evaluation will be conducted by the evaluator with the evaluatee by June 30. This evaluation reviews the individual plan or objectives and progress made toward meeting the goals described. As in the interim conference, the list of examples of administrative criteria and supportive data will be used to analyze, summarize and support the evaluator's judgement in determining the evaluatee's overall performance level. This assessment will be placed on the narrative summary with language supporting the level of performance indicated for Principals and on the rating design and narrative for remaining administrators. The outcome may be used for planning objectives for the next evaluation cycle.

Evaluative Responsibilities

The most important factor in any evaluative process is the individuals involved. To ensure an unbiased and meaningful evaluation of performance, the evaluation must be based on factual information. Therefore, individual performance will be evaluated as follows:

Evaluator: Immediate supervisor--Collects information based on clinical observations, documents provided by the evaluatee, and anecdotal records of conversations.

Reviewer: Next higher supervisor in the organization's structure--Examines level recommendation, including narrative and supportive data; approves or denies, with notations for re-evaluation if requested or required.

Please note that administrative positions are only tenured as teachers and consequently are not automatically renewed. In addition, administrators serve at the discretion of the Superintendent and are subject to reassignment or transfer. School-based administrators are also subject to state certification requirements.

(Extract of pages 32 - 39)

Appendix B

Administrator Evaluation Criteria and Performance Indicators

(Principals, Assistant Principals, and Central Office Instructional Personnel)

Virginia Department of Education Suggested Guidelines

Planning and Assessment

The administrator effectively employs various processes for gathering, analyzing, and using data for decision making.

Sample Performance Indicators:

The administrator...

- applies current research related to effective techniques for gathering data from individuals, groups, and programs.
- gathers and analyzes data on student academic achievement through standardized test results and other student performance sources.
- identifies strengths and weaknesses in programs and practices to facilitate continuous improvement.
- applies and communicates statistical findings.
- plans and implements changes in programs and/or curricula based on data.
- conducts annual analyses of school's test and subtest scores by grade and discipline.

The administrator collaboratively develops and implements a school improvement plan that results in increased student learning.

Sample Performance Indicators:

The administrator...

- ensures the development and implementation of a biennial school plan approved by the superintendent.
- works collaboratively with faculty and staff to develop a vision and mission consistent with the division strategic plan.
- supports the mission by identifying, articulating, and planning to meet the educational needs of students, staff, and other stakeholders.
- works collaboratively to develop long- and short-range goals and objectives consistent with needs assessment data.
- evaluates the effects of changes on student achievement and provides feedback on goal achievement and needs for improvement.
- keeps abreast of current literature regarding school reform.
- supports staff through the stages of the change process.
- maintains stakeholders' focus on long-range mission and goals throughout the implementation process.

The administrator plans, implements, supports, and assesses instructional programs that enhance teaching and student achievement in the Standards of Learning.

Sample Performance Indicators:

The administrator...

- demonstrates a working knowledge and understanding of the Standards of Learning and school division curricular requirements.
- articulates curricular goals and objectives to staff and other stakeholders.
- assists with the development of a comprehensive curriculum utilizing goals and objectives in alignment with the Standards of Learning.
- works with staff to plan, implement, evaluate, and revise the curriculum on a systematic and ongoing basis.
- demonstrates knowledge of and applies current research related to best practices in curriculum and instruction.
- provides resources and materials to accomplish instructional goals for all students.
- facilitates programs/curricular changes to meet state or federal requirements.
- monitors and assesses the effect of the programs and/or curricula on student achievement.
- implements division testing program for students.
- uses varied assessment data to ensure that instructional programs are responsive to students' academic needs.

The administrator develops plans for effective allocation of fiscal and other resources.

Sample Performance Indicators:

The administrator...

- meets and works collaboratively with appropriate staff to determine budget needs and priorities.
- prioritizes budget requests to meet the needs of assigned curriculum/program(s).
- meets and works collaboratively with appropriate staff to determine priorities for effective allocation of space as well as human and other resources.
- monitors and assesses resource allocation.
- revises resource allocation plans based on implementation data.

Instructional Leadership

The administrator communicates a clear vision of excellence and continuous improvement consistent with the goals of the school division.

Sample Performance Indicators:

The administrator...

- articulates a vision and works collaboratively to develop a mission and programs consistent with the division's strategic plan.
- emphasizes positive student achievement and continuous improvement.
- analyzes current academic achievement and teaching methods to make appropriate educational decisions and improve classroom instruction.

- monitors the delivery of appropriate remediation and intervention for students.
- explores, disseminates, and applies knowledge and information about new or improved methods of instruction or related issues.
- shares evaluation data and subsequent plans for continuous improvement with staff, students, and other stakeholders.
- commits resources to the achievement of the mission and goals.
- demonstrates strong motivation and high standards and models self-evaluation.
- communicates commitment to protecting academic instructional time.
- recognizes, encourages, and celebrates excellence among staff and students.

The administrator supervises the alignment, coordination, and delivery of assigned programs and/or curricular areas.

Sample Performance Indicators:

The administrator...

- works with staff to develop a written plan for the coordination and articulation of curricular goals.
- meets and works with staff on a regular basis to identify needs and determine priorities regarding program delivery.
- provides direction and support in planning and implementing activities and programs consistent with continuous improvement efforts and attainment of instructional goals.
- monitors coordination of instructional programs with state and local standards.
- demonstrates and applies knowledge of effective instructional models and strategies.
- identifies best instructional practices for student groups with identified needs.
- provides instructional resources, materials, training, and support to accomplish instructional goals.

The administrator selects, inducts, supports, evaluates, and retains quality instructional and support personnel.

Sample Performance Indicators:

The administrator...

- maintains and disseminates a current handbook of personnel policies and procedures.
- establishes and uses selection procedures that ensure fairness and equity in selecting the best candidates.
- makes recommendations regarding personnel decisions consistent with established policies and procedures.
- establishes and implements formal and informal induction procedures to promote assistance for and acceptance of new employees.
- sets high standards for staff performance.
- evaluates performance of personnel consistent with division policies, provides formal and informal feedback, and maintains accurate evaluation records.
- evaluates instructional alignment with the Standards of Learning to ensure students' successful attainment of the knowledge and skills indicated.
- evaluates classroom practices and methods for improvement of instruction.

- provides support and resources for staff to improve job performance, and recognizes and supports the achievements of highly effective staff members.

The administrator provides staff development programs consistent with program evaluation results and school instructional improvement plans.

Sample Performance Indicators:

The administrator...

- leads the development and implementation of a systematic professional development plan for individuals and for the school.
- involves school staff in identifying staff development needs based on student achievement data.
- provides staff development that supports effective instruction.
- shares knowledge and information about new, improved, or alternative methods of instruction and related issues.
- meets with instructional teams and teachers regularly to discuss ongoing school improvement efforts.
- shares program evaluation results and demonstrates connection of results to ongoing staff development efforts.
- disseminates information about conferences, course work, and membership in professional organizations.
- supports staff participation in internal and external professional development opportunities as appropriate.

The administrator identifies, analyzes, and resolves problems using effective problem-solving techniques.

Sample Performance Indicators:

The administrator...

- identifies and addresses problems in a timely and effective manner.
- demonstrates fairness in identifying multiple points of view around problem situations.
- involves stakeholders in analyzing problems and developing solutions.
- monitors implementation of problem resolutions.
- provides shared leadership and decision-making opportunities for staff that promote a climate of collaboration and collegiality.
- delegates responsibility appropriately to staff members.
- maintains focus on school and division missions and goals.
- promotes an atmosphere of mutual respect and courtesy.

Safety and Organizational Management for Learning

The administrator maintains effective discipline and fosters a safe and positive environment for students and staff.

Sample Performance Indicators:

The administrator...

- ensures a safe, secure, orderly, clean, and attractive school environment.

- clearly communicates expectations regarding behavior to students, staff, and parents.
- clearly communicates procedures for handling disciplinary problems.
- implements and enforces school division code of conduct and appropriate disciplinary procedures in a timely and consistent manner.
- establishes effective programs through which students develop self-discipline and conflict resolution skills.
- calmly and effectively manages emergency situations as they occur.
- is proactive in addressing potential problem situations.
- consistently conveys mutual respect, concern, and high expectations to students, staff, and parents.
- recognizes students and staff for their academic, co-curricular, personal, and professional achievements.

The administrator effectively coordinates the daily operation of the assigned area of responsibility.

Sample Performance Indicators:

The administrator...

- organizes staff to conduct daily routines efficiently, use space effectively, and ensure appropriate instructional time.
- publicizes routines and procedures through handbooks, orientation sessions, and other means.
- protects academic instructional time from unnecessary interruptions.
- organizes schedule to keep time students are out of class to a minimum.
- monitors and provides supervision for all programs and activities.
- oversees the general maintenance, upkeep, and appearance of the school (building administrators only).
- monitors established routines and use of facilities on a regular and timely basis (building administrators only).

The administrator effectively manages human, material, and financial resources to ensure student learning and to comply with legal mandates.

Sample Performance Indicators:

The administrator...

- follows federal, state, and local statutes, regulations, policies, and procedures.
- collaboratively plans and prepares a fiscally responsible budget to support the organization's mission and goals.
- establishes and uses accepted procedures for receiving and disbursing funds.
- maintains records of receipts and disbursements of all funds handled.
- keeps staff informed about status of budget requests, equipment purchases, and materials ordered.
- monitors the efficient use of instructional resources.
- works with staff to establish an effective schedule for use of shared resources.
- accurately maintains personnel records.

- maintains current record of licensure, endorsement, and in-service training completed by staff.
- adheres to established evaluation schedules, timelines, and procedures.

The administrator demonstrates effective organizational skills to achieve school, community, and division goals.

Sample Performance Indicators:

The administrator...

- demonstrates and communicates a working knowledge and understanding of school division policies and procedures.
- ensures compliance and follow-through regarding policies and procedures.
- uses personal time to the best advantage, manages scheduling effectively, and follows task to completion.
- performs duties in an accurate and timely manner.
- maintains accurate student records to ensure that criteria for promotion/placement/instructional intervention are included.
- maintains accurate drop-out records to work towards drop-out prevention.
- efficiently and appropriately prioritizes and addresses multiple issues and projects.
- maintains an acceptable work space.

Communication and Community Relations

The administrator promotes effective communication and interpersonal relations with students and staff.

Sample Performance Indicators:

The administrator...

- promotes a climate of trust within the school.
- facilitates constructive and timely communication.
- initiates communication and facilitates cooperation among staff regarding curriculum or program initiatives.
- models professionally appropriate communication skills, interpersonal relations, and conflict mediation.
- maintains visibility and accessibility to staff.
- solicits staff input to discuss issues and goals and to promote effective decision-making.
- establishes and maintains a collaborative relationship with classroom teachers, specialists, and administrators in promoting the division's mission and in communicating expectations.

The administrator promotes effective communication and interpersonal relations with parents and other community members.

Sample Performance Indicators:

The administrator...

- communicates school and division goals, objectives, and expectations to stakeholders.

- maintains visibility and accessibility to parents and the community.
- uses multiple modes of communication to notify stakeholders of issues, events, and useful information regarding curriculum and programs in a timely manner.
- clarifies collaborative roles of school and home in promoting student learning and meeting curricular goals.
- communicates evidence of progress toward goals and objectives.
- monitors the development and distribution of staff and student handbooks.
- uses acceptable written and oral language.

The administrator works collaboratively with staff, families, and community members to secure resources and to support the success of a diverse student population.

Sample Performance Indicators:

The administrator...

- plans for and solicits parent and community member input.
- promotes the development of community partnerships.
- encourages parental and community involvement in promoting school goals.
- collaborates with staff, families, and community leaders and responds to identified needs of individual students and groups of students.
- seeks grants and other community resources to support school goals.
- treats people with respect.
- models and promotes multicultural awareness, gender sensitivity, and the appreciation of diversity in the school-community.
- promotes the value of understanding and celebrating school and community cultures.

Professionalism

The administrator models professional, moral, and ethical standards as well as personal integrity in all interactions.

Sample Performance Indicators:

The administrator...

- relates to co-workers, customers/clients, and others in an ethical and professional manner.
- represents the school/office/program favorably in the school division/community.
- resolves concerns and problems in an appropriate manner.
- respects and maintains confidentiality and assumes responsibility for personal actions.
- maintains a professional demeanor and appearance appropriate to responsibilities.

The administrator works in a collegial and collaborative manner with other administrators, school personnel, and the community to promote and support the mission and goals of the school division.

Sample Performance Indicators:

The administrator...

- demonstrates flexibility and a collaborative attitude in supporting colleagues/work teams.

- supports the organization and advances the mission/goals.

- supports division-wide programs and activities and makes a positive contribution to the overall climate of the school and division.

- maintains effective working relationships with other administrators and staff.

- shares ideas and information and considers the interests and needs of other administrators and community stakeholders in promoting and supporting district goals and services.

The administrator takes responsibility for and participates in a meaningful and continuous process of professional development that results in the enhancement of student learning.

Sample Performance Indicators:

The administrator...

- participates in professional growth activities, including conferences, workshops, course work, and/or membership in professional organizations at the district, state, and/or national level.

- evaluates and identifies areas of personal strength and weakness related to professional skills and their impact on student learning.

- sets goals for improvement of skills and professional performance.

- maintains a high level of personal knowledge regarding new developments and techniques, including technology, in one's own field of professional specialization.

- comprehends and applies current research of educational issues, trends, and practices.

- networks with colleagues to share knowledge about effective educational practices and to improve and enhance administrative knowledge, skills, and organizational success.

- maintains proper licensure and certification.

The administrator provides service to the profession, the division, and the community.

Sample Performance Indicators:

The administrator...

- serves on division, state, and/or national committees and maintains an active role in professional organizations.

- contributes to and supports the development of the profession by serving as an instructor, mentor, coach, presenter, researcher, or supervisor.

- organizes, facilitates, and presents at local, state and/or national conferences.

- supports and participates in efforts to align school and division goals and activities with community endeavors.

EVALUATION FORMS

RICHMOND PUBLIC SCHOOLS

ADMINISTRATOR'S INDIVIDUAL PLAN

Evaluatee: _____ Position: _____

Social Security No.: _____ Location: _____

School Year: _____ Date: _____

Evaluator: _____ Title: _____

INDIVIDUAL PLAN

(Plan resulting from the initial conference between the evaluator and evaluatee; components should include consideration of the unique situations anticipated in the coming year, the administrator's job description, performance goals, objectives, and strategies for meeting the objectives, and methods of data collection and measurement.)

Signature of Evaluator: _____ Date: _____

Signature of Evaluatee: _____ Date: _____

RICHMOND PUBLIC SCHOOLS

ADMINISTRATIVE EVALUATION CRITERIA

Evaluatee: _____ Position: _____

Social Security No.: _____ Location: _____

School Year: _____ Date: _____

Evaluator: _____ Title: _____

INSTRUCTIONS: Provide supporting data, in writing, consisting of specific evidence of behaviors, events, and examples of performance this year for each of the administrative competencies (printed in bold-face type) under the domains, as appropriate to each administrator's assignment. The performance indicators listed under each competency provide examples that describe a range of administrative roles and behaviors. For the "Performance Assessment" section of the instrument, analyze the supportive data and provide an overall narrative evaluation of the administrator's performance relative to the evaluative criteria.

ADMINISTRATION

I. **Establishes and Maintains an Effective Organization.** (Examples would include: Observes staff performance frequently and provides feedback appropriate for improving performance; develops and implements statements of philosophy, mission, goals, and objectives, as appropriate, for the schools, departments, and projects; develops and maintains a variety of creative operational patterns which are consistent with the goals and objectives of the school, department, and school division; develops and implements systems for handling routine details and daily operations.)

Supportive Data

II. **Communicates Effectively Orally and in Writing.** (Examples would include: Selects appropriate means to communicate with staff, students, parents, and/or the community; interprets and synthesizes information in writing; makes presentations that are clear and concise; establishes systems for regular communication with staff, students, parents, and/or the community; prepares reports that are timely, clear, and accurate; displays consistency, patience, and understanding in all communication.)

Supportive Data

III. **Manages Conflict Effectively.** (Examples would include: Respects the opinions of others; uses effective techniques to resolve conflicts and concerns; considers all sides in conflicts; acts expeditiously to resolve developing problems; develops a system to monitor developing concerns and issues; recognizes and responds to deteriorating conditions, relationships, and situations.)

Supportive Data

IV. **Complies With Policies and Directives.** (Examples would include: Performs within job specifications; demonstrates knowledge of policies; follows procedures in a timely fashion.)

Supportive Data

MANAGEMENT

I. **Uses Sound Judgment in Decision Making.** (Examples would include: Takes appropriate action to effect program improvement; makes decisions that are consistent with policies of the school, department, and school division; involves staff, students, parents, resource personnel, and/or the community in decision making, as appropriate.)

Supportive Data

II. **Uses Effective Problem Solving Techniques.** (Examples would include: Uses analytical approach to problems; develops timely and effective solutions to problems; develops and implements alternative approaches to problems.)

Supportive Data

III. **Manages Tasks Effectively.** (Examples would include: Follows tasks through to completion; uses time efficiently; maintains an order of priorities that is consistent with school, department, and school division goals; meets deadlines.)

Supportive Data

IV. **Manages Physical Resources Effectively.** (Examples would include: Maintains records and inventories of materials, supplies, and equipment; takes action to maintain equipment in operating order; develops and implements security plans; maintains a safe, secure, clean, and orderly environment for working and learning.)

Supportive Data

V. **Demonstrates Fiscal Responsibility.** (Examples would include: Plans for budget development by formulating budget requests; conducts systematic processes which involve staff and other appropriate resource personnel [i. e., community and central office support] in developing budget priorities; develops a budget document that reflects goals and objectives of the division and the school/department; adheres to the established budget time line of the school division; monitors the appropriate use of funds by comparing voucher requests with balances on expense summary and activity sheets; maintains accurate balances on expense summary and activity sheets; allows no deficit spending.)

Supportive Data

VI. **Plans Effective Instructional and/or Operational Programs.** (Examples would include: Develops realistic goals; uses assessment data to plan program improvement; provides for alternative options; selects staff using program, school, and school division goals, objectives, and needs as guidelines; develops appropriate training and/or professional growth activities.)

Supportive Data

VII. **Implements Effective Instructional and/or Operational Programs.** (Examples would include: Develops directives which guide efficiency of day-to-day operation of the schools, departments, and/or projects; develops schedules which indicate mastery of scheduling concepts; sets reasonable deadlines for work completion; maintains and communicates high performance expectations for staff, students, parents, and/or the community.)

Supportive Data

VIII. **Supervises and Evaluates Staff, Programs, and/or Instruction.** (Examples would include: Monitors progress toward program goals; identifies appropriate staff development needs; evaluates program outcomes; uses appropriate personnel to complement the evaluative process; updates, as necessary, staff performance parameters; restructures organizational patterns as necessary; documents and maintains records of staff and program performance.)

Supportive Data

LEADERSHIP

I. **Fosters Staff Involvement.** (Examples would include: Develops and implements standards for staff participation in school, department, and/or school division activities; incorporates staff input in planning instructional/operational programs; encourages interchange of ideas among staff; keeps staff informed of activities and developments; supports staff members in the performance of their duties; delegates duties, responsibilities, and functions where appropriate.)

Supportive Data

II. **Builds Morale and *Esprit de Corps.*** (Examples would include: Presents policies and procedures to staff in a positive manner; encourages staff, resource personnel, and community participation in school, department, and school division activities; practices active listening; creates and maintains positive relationships with and among staff, students, parents, and/or the community; participates in or attends job related activities; sets an example of professional integrity for staff; responds promptly to individual or groups needs; interacts with groups to promote positive outcomes; encourages willingness of staff to accept responsibility; is accessible to staff, students, parents, and/or the community.)

II. **Builds Morale and *Esprit de Corps* (Continued).**

Supportive Data

III. **Uses Staff Effectively and Appropriately.** (Examples would include: Identifies and addresses strengths and weaknesses of staff; provides on-going professional growth activities for staff.)

Supportive Data

HUMAN RELATIONS

I. **Models Interpersonal Skills.** (Examples would include: Uses effective techniques in establishing and maintaining interpersonal relations; encourages problem sharing; demonstrates sensitivity to the feelings of others and responds accordingly.)

Supportive Data

II. **Inspires Trust.** (Examples would include: Works with staff to create an environment conducive to productivity; relates professionally to diverse personalities; fosters and maintains respectful working relations with staff, students, parents, and/or the community.)

Supportive Data

III. **Recognizes and Rewards Performance.** (Examples would include: Develops a plan for recognizing performance; communicates recognition of performance.)

III. **Recognizes and Rewards Performance (Continued).**

Supportive Data

IV. **Establishes and Maintains Open Lines of Communication.** (Examples would include: Conveys ideas, policies, goals, objectives, and other information to staff, students, parents, and/or the community and processes feedback from them; encourages internal communication; establishes and maintains good public relations; encourages and uses community resources; receives and disseminates information systematically.)

Supportive Data

PERSONAL QUALITIES

I. **Manages Stress Effectively.** (Examples would include: Demonstrates self-control; solves problems under pressure; resolves conflicts while maintaining objectivity.)

Supportive Data

II. **Maintains and Displays Standards for Professional Integrity.** (Examples would include: Recognizes matters in which confidentiality is necessary; respects confidences; accepts and supports system mandates.)

Supportive Data

III. **Maintains and Displays Standards for Personal Integrity.** (Examples would include: Demonstrates responsiblity; sets an example for others to follow; maintains self-discipline; accepts constructive criticism.)

III. **Maintains and Displays Standards for Personal Integrity (Continued).**

Supportive Data

IV. **Displays a Positive Attitude.** (Examples would include: Maintains a sense of humor; demonstrates enthusiasm; demonstrates flexibility and adapts to change; demonstrates initiative and creativity.)

Supportive Data

V. **Values Work Ethics.** (Examples would include: Demonstrates punctuality; uses professional judgement; follows through on responsibilities; creates a favorable impression as a representative of the school division.)

Supportive Data

PROFESSIONAL GROWTH

I. **Demonstrates a Commitment to Continuing Education.** (Examples would include: Addresses own professional needs; enhances competence in position and maintains certification, if required; remains abreast of current and innovative trends in profession; participates actively in conferences, seminars, and other staff development activities; disseminates and uses information gained from attendance at conferences, seminars and other staff development activities.)

Supportive Data

II. **Holds Professional Memberships.** (Examples would include: Belongs to and participates in professional organizations; shares with organizational and divisional leadership information gained from professional affiliations.)

II. **Holds Professional Memberships (Continued).**

Supportive Data

PERFORMANCE ASSESSMENT

Signature of Evaluator: _____ Date: _____

Signature of Evaluatee: _____ Date: _____

RICHMOND PUBLIC SCHOOLS
ADMINISTRATOR'S ANNUAL EVALUATION

Period Covered: _____ to _____

Name: _____ Soc. Sec. #: _____

Position: _____ School/Dept.: _____

NARRATIVE SUMMARY

EVALUATEE'S COMMENTS

Signature of Evaluator: _____ Date: _____

Signature of Evaluatee: _____ Date: _____

REVIEWER'S COMMENTS

Reviewer's Action: _____ Approved _____ Denied

Signature: _____ Date: _____

ADMINISTRATIVE/SUPERVISORY EVALUATION

Name	Social Security No.
Position	Location
Evaluator	Title / School Year

R = Ratings
EE = "EXCEEDS EXPECTATIONS"
ME = "MEETS EXPECTATIONS"
NI = "NEEDS IMPROVEMENT"
U = "UNSATISFACTORY"
NA = "NOT APPLICABLE"
NO = "NOT OBSERVED"

I. PERSONAL QUALITIES

R	
	1. Demonstrates emotional stability.
	2. Recognizes own strengths and limitations.
	3. Accepts constructive suggestions and adapts to change.
	4. Shows sustained effort and enthusiasm in the quality and quantity of work accomplished.
	5. Listens understandingly.
	6. Communicates effectively using standard oral and written English.

II. HUMAN RELATIONS

R	
	1. Establishes a climate of trust and security for students and staff.
	2. Respects the rights of students, parents, faculty, staff and associates.
	3. Handles individual relationships tactfully and with understanding.
	4. Accepts the dignity and worth of individuals without regard to appearance, race, creed, sex, or social status.

III. INSTRUCTIONAL LEADERSHIP

R	
	1. Develops, initiates, and maintains an effective instructional program which implements the goals and objectives of the school system.
	2. Provides for effective use of curriculum materials, instructional supplies and equipment.
	3. Provides for and promotes effective meetings and in-service training sessions for employees under his/her direction.
	4. Evaluates systematically the instructional program and uses the results for continuous program improvement.

IV. PROFESSIONAL COMPETENCIES AND GROWTH

R	
	1. Keeps abreast of new developments in education.
	2. Pursues a planned program of professional growth.
	3. Demonstrates competencies in area of expertise.

V. SCHOOL COMMUNITY RELATIONS

R	
	1. Interprets school/department program to community.
	2. Demonstrates a sense of loyalty to the school system and its role in the community.
	3. Develops a structured and systematic plan for the citizen participation in educational planning, policy-making, problem-solving, and evaluation of school/department.
	4. Develops a clear and effective two-way system of communication between the school/department and community.

VI. GENERAL ADMINISTRATION

R	
	1. Complies with policies of school and/or school division.
	2. Develops and implements systematic business procedures (manages available funds wisely; provides correct administrative information as needed; maintains accurate records).
	3. Ensures that authority and responsibility for each individual under his/her supervision are clearly understood.
	4. Delegates authority effectively.
	5. Recognizes situations which need improvement.
	6. Uses sound judgment in making decisions.
	7. Meets deadlines promptly.
	8. Interviews, selects, assigns, and evaluates personnel appropriately.

COMMENTS - EVALUATOR

SIGNATURE OF EVALUATOR DATE

COMMENTS - EVALUATEE

SIGNATURE OF EVALUATEE DATE

NOTE: The signature of the evaluatee indicates that he has read this document and has knowledge of its contents.

Review Required/Requested Yes ☐ No ☐

EVALUATION: ☐ Affirmed ☐ Denied

SIGNATURE OF REVIEWER DATE

SUBMIT EVALUATIONS FOR REVIEW IN WHICH THERE IS DISAGREEMENT BETWEEN EVALUATOR AND EVALUATEE OR IN WHICH THERE ARE FOUR OR MORE "NEEDS IMPROVEMENT" AND/OR "UNSATISFACTORY" RATINGS. THE EVALUATEE CAN REQUEST A REVIEW.

ALL RATINGS OTHER THAN "ME" REQUIRE EVALUATOR COMMENT.

ADMINISTRATIVE/SUPERVISORY PERSONNEL EVALUATION

EVALUATEE	YEAR

Administrators will undertake at least three objectives annually in relation to School Board goals. Objectives should identify desired results, conditions under which activity will occur, time frame, and how attainment of objectives will be determined. Example: Objective #1--To develop a common informal reading inventory sytem with the faculty in a series of workshops to be held in the fall. The objective will be considered to be attained upon completion of the design, development, and testing of the materials and adoption by the faculty.

EVALUATEE OBJECTIVES AND STRATEGIES FOR COMPLETION

EVALUATOR APPROVAL

_____ _____

Signature Date

YEAR END STATUS FOR EACH OBJECTIVE WITH MEASURED OUTCOMES

EVALUATORS COMMENTS IN RELATION TO OBJECTIVES

A Publication of Richmond Public Schools
Richmond, Virginia

In accordance with federal laws, the laws of the Commonwealth of Virginia and the policies of the School Board of the City of Richmond, the Richmond Public Schools does not discriminate on the basis of sex, race, color, age, religion, disabilities or national origin in the provision of employment and services. The Richmond Public Schools operates equal opportunity and affirmative action programs for students and staff. The Richmond Public Schools is an equal opportunity/affirmative action employer. The Title IX Officer is Ms. Angela C. Lewis, Clerk of the School Board, 301 N. 9th St., Richmond, VA 23219-1927, (804) 780-7716. The Section 504 Coordinator is Mr. Harley Tomey, Director of Exceptional Education and Student Services, 301 N. 9th St., Richmond, VA, 23219-1927, (804) 780-7911. The ADA Coordinator is Ms. Valarie Abbott Jones, 2015 Seddon Way, Richmond, VA 23230-4117, (804) 780-6211. The United States Department of Education's Office of Civil Rights may also be contacted at 550 12th Street SW, PCP-6093 Washington, DC 20202, (202) 245-6700.

School Board

Kimberly M. Bridges, Chair
Dawn C. Page, Vice Chair
Donald L. Coleman
Kimberly B. Gray
Maurice Henderson
Norma Murdoch-Kitt
Adria A. Graham Scott
Chandra H. Smith
Evette L. Wilson

Dr. Yvonne W. Brandon, Superintendent

RICHMOND PUBLIC SCHOOLS

STANDARDS OF

ELEMENTARY STUDENT CONDUCT

2010 - 2011

TABLE OF CONTENTS

Superintendent's Message
Preface 1
Responsibilities of the Faculty/Staff and School Community…….. ……..……..2
Rights of Students…… ..... ……2
Responsibilities of Students……..... …… 3
Student Codes/Infractions
1 Non-Conformity to Dress Code 5
2 Unexcused Absence from School or Class 5
3 Unexcused Tardiness to School or Class Tardiness 6
4 Disruptive Conduct 6
5 Profane/Abusive Language, Obscene Gestures or Conduct 6
6 Gambling 7
7 Possession or Use of Tobacco or Tobacco Products 7
8 Possession, Exhibition or Dissemination of Obscene Literature or Materials 7
9 Fighting, Assault & Battery, Bullying, Hazing 7
10 Gang Activity 9
11 Sexual Assault and Harassment 10
12 Use, Possession or Possession with Intent to Sell or Distribute Alcohol 10
13 Use, Possession or Possession with Intent to Sell or Distribute Illegal Drugs: Possession of Drug Paraphernalia 11
14 Possession or Use of Medication and Prescription Drugs 12
15 Vandalism 13
16 Stealing 13
17 Defiance of School Personnel's Authority 14
18 Possession or Use of Weapons 14
19 Behavior on School Bus 15
20 Cheating 15
21 Possession of Communication Devices 15
22 Trespassing 16
23 Improper Use of the Internet/Internet Safety 16
24 Arson 17
25 False Threats 18
26 Possession of Contraband 18
27 Other Conduct 18
Suspensions
A. Short Term (10 days or less) 19
B. Suspensions in Excess of Ten Days or Expulsion 20
C. Expulsions 20
D. Procedures for a Hearing 22
E. Students with Disabilities under IDEA 23
Promoting Positive Student Behavior on School Buses……..... 28
Student Attendance Policy 30
Richmond Public Schools Correlation to Character Education: Lessons in Living 36
Richmond Public Schools Internet Acceptable Use Procedures 38
Parental Responsibility and Involvement 40
Frequently Dialed Numbers 41
Richmond Public Schools Calendar for the Year 2010-2011

PREFACE

The ***Standards of Student Conduct*** has been formulated in order to encourage citizenship, emphasize good character traits, and discourage conduct that disrupts the work and educational environment of the school or that adversely affects the health and welfare of the students. The standards are also meant to ensure that parents, students and school personnel understand their rights and responsibilities in regard to student conduct and to standardize procedures that will be used in responding to specific disciplinary problems. Every student has the right to a quality education in an environment that is conducive to learning and free of disruption. Conversely, every student has the responsibility to afford that right to others.

Students are subject to these Standards at all times while they are under the jurisdiction of the school division, including, but not limited to such times as they are: (1) on school property, which includes any real property owned or leased by the School Board, or operated by or on behalf of the School Board; (2) waiting for the school bus at designated bus stops; (3) going to and from school; (4) on the school bus; or (5) participating in or attending school-sponsored or school-related activities, such as field trips, conferences or athletic events.

Students are also subject to these Standards while engaged in certain activities taking place after school hours and off school property. If a student is in violation of any Standard of Student Conduct for activity occurring at these times and locations outlined above, that student may be subject to discipline imposed by the school division if the activity materially disrupts and adversely affects school interests.

In determining which of the disciplinary consequences is most appropriate, a principal or other persons shall consider such factors as the nature and seriousness of the violation, the student's age and maturity, previous disciplinary record, whether the student acted in self defense, and any other relevant circumstances.

Occasionally the Superintendent or his/her designee may deem it necessary to reassign students from their zoned schools to other comprehensive or alternative schools for a set period of time in order to maintain a safe and orderly environment and prevent possible future harm to students. This reassignment is administrative in nature and the decision of the Superintendent and his/her designee is final.

RESPONSIBILITIES OF THE FACULTY/STAFF AND SCHOOL COMMUNITY

In order to ensure that all students attending Richmond Public Schools have fair access to an education, the collaborative role of the school, community, parents, students, staff, and patrons is strongly emphasized. Cooperation between the home and school will reduce misunderstanding and indifference, which can undermine student success in the educational process.

The classroom teacher has the major responsibility for classroom management. Each teacher should develop a positive climate for learning. To accomplish this goal, intervention to change student behavior should include methods to prevent or correct misconduct.

The efficient, routine operation of a classroom requires a well-developed, well understood, and consistent set of rules and regulations. Students are to be held accountable for certain standards. Expectations must be established ahead of time in a manner that makes them easily learned and understood. If the *Code* is too detailed and prescriptive, it will become impractical and unmanageable. Rules and regulations that attempt to define every type of situation and recourse are not necessary.

Teachers handle the major portion of student discipline through their system of classroom management; however, teachers will refer a student for discipline when the situation warrants. Each public school operating in Richmond City has in place a referral system for student discipline. The school principal and/or designee are responsible for addressing the student's behavior after the teacher/staff referral. Central Office administrative support is provided by the Superintendent or the Disciplinary Hearing Officer and the School Board.

RIGHTS OF STUDENTS

Students have the right to:

- Attend school and a chance to get a good education. It is the responsibility of the students to come to school and be in all classes every day. Reasons for absences should be reported to the school as soon as possible. Students are required to provide the school with a written note from parents or guardians explaining absences.
- Be told of all school rules and the consequences of breaking those rules. It is the responsibility of the students to know and follow all school rules, and accept the consequences of their behavior. The students should understand the student handbook.
- Have all steps of discipline followed fairly.
- Get an education using tools that will allow the students to be successful.
- Know ahead of time how a grade will be earned.
- Use the school grounds and materials appropriately during school hours.
- Hear, see, and say different ideas. This shall include freedom to say, write or draw their ideas. It is the responsibility of the students to respect the thoughts of others that might be different from their own. These ideas must not offend or hurt others.
- Discuss or seek guidance regarding the lack of academic progress.
- Be respected by other students and school staff. It is the responsibility of the students to show respect to other students and school staff.

- Take part in student activities and clubs for which they are permitted. Students must not be kept out of activities because of gender (except as allowed under Title IX), color, race, religion, or nationality. It is the responsibility of the students to follow the rules of student activities and clubs. The students should cooperate and demonstrate school spirit.
- Show their own style of dressing and grooming as long as it follows the school dress code. It is the responsibility of the students to know and obey school rules of dress.
- Enjoy a fair amount of personal privacy. If school personnel have a reason to believe that the students have items that are against the law, they may check the students and their belongings. It is the responsibility of the students to keep themselves and their belongings free of items that might cause harm or be against the law.
- Be free from bullying, name calling, or harassment. It is the responsibility of the students to avoid and discourage such behavior or to report it to school staff.

Although students possess the above-mentioned rights, certain rights can be revoked in the event of violations of the disciplinary code of conduct.

RESPONSIBILITIES OF STUDENTS

I. ATTIRE

Students should dress appropriately for school.

Students' clothing should be modest, not distract others from learning or create health or safety problems. Clothing should not come to more than two inches above the knee when standing, five inches above the knee when sitting. Transparent clothing, pajamas or strapless tops are not permitted. Pants should be worn at the waist, shirts should be tucked in and underwear should not be visible. Clothing bearing gang signs or colors is not allowed. No one can wear any head covering except for religious or health and safety reasons with the principal's prior knowledge.

II. ATTENDANCE

Students should come to school on time every day.

Parents should inform the school office as soon as the school opens when their child will be absent or tardy. When the student returns to school from an absence or tardiness, he or she should bring a note from the parent. A phone call and a follow-up note are required even if the student discussed the absence in advance with teachers or staff.

III. CONDUCT

Students should behave in an orderly and cooperative way at school.

Students' conduct should not disrupt the learning environment or distract other students from learning. Students should treat themselves and others with respect and courtesy. This means:

- use appropriate language
- show respect to administrators, faculty and staff and follow directions
- refrain from fighting, bullying, harassing, hazing or threatening another student or staff

- refrain from bringing any weapons, real or look alike, to school or school sponsored activities

IV. TREATMENT OF PROPERTY

Students should show respect toward property that belongs to all of the community.

School property belongs to the school district and is paid for by the taxpayers so students should treat it well. Students should be able to bring their personal property to school without fear of theft and/or destruction. This means:

- refraining from damaging or defacing school property
- refraining from making false bomb threats or setting off fire alarms without cause
- refraining from taking, borrowing or using property that doesn't belong to you
- refraining from coming onto school property when you have been suspended
- following the school Internet safety procedures

V. SAFETY

Students should come to school ready to learn and free of distractions.

Students should bring school supplies, excitement for learning, and a positive attitude to school, but they should not bring distracting, dangerous or expensive items from home to school or school sponsored activities. Such items include, but are not limited to:

- weapons, real or look alike.
- beepers, cell phones or any electronic devices other than calculators.
- tobacco or tobacco products.
- alcohol.
- drugs or drug paraphernalia.
- obscene materials.

Note: Medicine should be brought to school by the parents and given to the students by the school nurse. Some medicine may be kept by the students for self-administration with prior permission of the principal upon the parents' request (See Section 14 - Possession or Use of Medication and Prescription Drugs). Medication Administration Permission forms must be on file in the Nurses' office.

Student Codes and Infractions

1 Non-Conformity to Dress Code

S1V Inappropriate Personal Property (food/beverage, clothing, toys, etc.)

A student's dress and appearance should not be such that it causes disruption, is immodest, distracts others from the educational process or creates a health or safety problem. Students will wear full-cut shorts, skirts, dresses, skorts, and jumpers that are not more than two inches (2") above the top of the knee when standing. Students may not wear rubber or plastic flip-flops, shoes with wheels, transparent clothing or pajamas. Midriffs shall not be visible. Pants and shorts shall be worn at the waist; under garments shall not be visible.

All students shall be prohibited from wearing hats, caps, scarves, sweatbands, bandanas, or head covers of any description inside a school building except: when worn because of religious beliefs; when worn as a matter of health or safety; or when worn in connection with a school-sponsored program, such as an assembly or a dramatic production. Students must comply with specific building dress regulations which shall be made from time to time and of which they will be given prior notice.

Consequences: If a student's dress or appearance is unacceptable and a proper adjustment cannot be made at school:

(a) The student's parent or guardian will be notified and, where feasible, the student will be sent home to acquire acceptable dress and then return to school if the time permits; or

(b) If (a) is not feasible, the student will be placed in an appropriate school location and the parent or guardian will be notified.

For repeated and willful violations, a conference will be held with the parent and/or other personnel deemed appropriate by the principal.

2 Unexcused Absence from School or Class

ATO 02 Class Cutting
ATO 03 Truancy
ATO 04 Brought to School by Police
ATO 05 Leaving School Grounds without Permission*

Students shall not be absent from or report late to school without parental permission, school permission or other valid excuse. Unexcused absence shall include, but not be limited to, leaving school premises without authorization.

Consequences: On his/her own time and in consultation with the teacher, the student shall make up any assignments missed due to unexcused absences. In cases of repeated violations, a conference shall be held with the parents and other persons at the principal's discretion.

The student's parent(s)/guardian(s) shall be notified of any unexcused absences and the Student Attendance Policy shall be followed as referenced on pages 30 through 33 of this document.

***ATO 05 Leaving School Grounds without Permission**

Students shall never leave school grounds without permission.

Consequences: For initial violations, a conference shall be held with the parents and other appropriate persons. For repeated or serious violations, students shall be suspended for one day and parents shall attend a conference with the principal and other persons, if appropriate. In all cases, parents and police/security shall be notified.

3 Unexcused Tardiness to School or Class

A1T Tardiness

Students arriving after the start of the school day shall be considered tardy. Students shall not be tardy reporting to school or class without written explanation or verbal notification from parents, teachers or administrators.

Consequences: On his/her own time and in consultation with the teacher, the student shall make up any assignments missed due to unexcused tardiness. After three (3) unexcused tardies, parents shall be notified. Other options may include conferences with the principal and/or other school personnel, or, at the discretion of the principal, after-school or Saturday detention. **A student may not be suspended in instances of truancy or tardiness.**

4 Disruptive Conduct

D3C Disruptive Demonstrations
D5C Classroom/Campus Disruption
RG1 Inciting a Riot
RG2 Attempting to Incite a Riot

Students shall not engage in conduct that is or is intended to be disruptive of any school activity, function or process of the school, or is dangerous to the health or safety of students or others. (Physical violence is covered in the Standards in Section 9 – Fighting, Assault & Battery, Bullying, and Hazing)

Consequences: For initial violations, not deemed to be serious, a conference shall be held with the student and/or parent(s)/guardian. For repeated or serious violations, students shall be suspended for one day and parents shall attend a conference with the principal and/or other persons, as deemed appropriate.

5 Profane/Abusive Language, Obscene Gestures or Conduct

D6C Using Obscene or Inappropriate Language or Gestures

Students shall not use profane, obscene or abusive language or obscene gestures, or engage in obscene conduct.

Consequences: For an initial violation, a conference shall be held with the student and/or parent(s)/guardian(s). For repeated or serious violations, students shall be suspended for one day and parents shall attend a conference with the principal and/or other persons, as deemed appropriate.

6 Gambling

G1B Gambling

Students shall not play or participate in any game in which the outcome is uncertain or a matter of chance for money or other things of value on school property or during any school-related activity.

Consequences: For initial violations, a conference shall be held with the student and/or parents/guardians. For repeated or serious violations, students shall be suspended for one day and parents shall attend a conference with the principal and/or other persons, as deemed appropriate.

7 Possession or Use of Tobacco or Tobacco Products

TC1 Tobacco Use
TC2 Tobacco Possession
TC3 Tobacco Sales/Distribution
T4B Bringing Tobacco Paraphernalia to School

The possession, use, sale or distribution of tobacco or tobacco products by students is prohibited.

Consequences: For an initial violation, a conference shall be held with the student and/or parent(s)/guardian(s). For repeated or serious violations, students shall be suspended for one day and parents shall attend a conference with the principal and/or other persons, as deemed appropriate.

8 Possession, Exhibition or Dissemination of Obscene Literature or Materials

D4C Possession of Obscene or Disruptive Literature/Illustrations

Students shall not possess, exhibit or disseminate obscene literature or materials.

Consequences: Such literature or materials shall be confiscated and the parent or guardian shall be notified. For an initial violation, a conference shall be held with the student and/or parent(s)/guardian(s). For repeated or serious violations, students shall be suspended for one day and parents shall attend a conference with the principal and/or other persons, as deemed appropriate.

9 Fighting, Assault & Battery, Bullying, Hazing

BA1 Assault Against Staff: Law Violations with Firearm or Other Weapon (aggravated assault)
BA2 Assault Against Staff: Law Violations - No Weapon (aggravated assault, malicious wounding)
BA3 Assault Against Student: Law Violations - with Firearm or Other Weapon (aggravated assault, malicious wounding)
BA4 Assault Against Student: Law Violations - No Weapon (aggravated assault, malicious wounding)
BA5 Malicious wounding without a weapon
BU1 Bullying
FA1 Fighting: Mutual Contact between Students - Serious Injuries Requiring Medical Attention

FA2 Fighting: Mutual Contact between Students - No/Minor Injuries That Do Not Require Medical Attention
F1T Minor Physical Altercation
HR1 Harassment (shoving, throwing objects at someone)
H1Z Hazing
H01 Homicide - Firearm Against Staff
H02 Homicide - Firearm Against Student
H03 Homicide - Other Weapon Against Staff
H04 Homicide - Other Weapon Against Student
KI1 Kidnapping/Abduction
ST1 Stalking
T11 Threatening Staff Member (physical or verbal threat or intimidation)
T12 Threatening Student (physical or verbal threat or intimidation)

A student shall not engage in voluntary fighting, with either fellow students or others. Students shall not physically strike or otherwise commit an assault or battery upon, or bully another person. Assault means to intentionally put one in fear by intimidation or threats, including by electronic means. This includes, but is not limited to, harassment based on sexual, religious or physical differences. Battery means a wrongful touching.

All students have the right to be educated in an atmosphere that is free from fear, intimidation and harassment. Bullying, teasing, hazing, or other acts of intimidation can have long-term negative effects on the emotional and educational well being of students and are, therefore, prohibited. Bullying is defined as direct behaviors, such as teasing, taunting, threatening, hitting and stealing, which are initiated by one or more students against a victim or victims. In addition to direct attacks, bullying may also be indirect, such as spreading rumors that cause victims to be socially isolated through intentional exclusion. Such prohibited conduct includes (in addition to those bullying behaviors described above), but is not limited to, any verbal, written, electronic, physical or mental teasing, or threat of bodily injury or use of force directed toward another person for any reason.

Students shall not participate in the hazing of other students. Hazing is the reckless or intentional endangerment of the health or safety of, or the infliction of bodily injury on a student or students 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 or students so endangered or injured participated voluntarily in the relevant activity. Hazing constitutes a criminal offense and any student who hazes another may be found guilty of a Class 1 misdemeanor that carries a penalty of up to 12 months in jail and/or a fine of up to $2,500.

Consequences: For initial violations of BU1, FA2, F1T, HR1, and H1Z, not deemed to be serious by the principal or designee, a conference shall be held with the student and/or parents. For serious or repeated violations, the student may be recommended for an out of school suspension, or recommended for expulsion. In all cases, a thorough review will be launched before consequences are assigned.

For initial violations of BA4, T11, and T12, a conference shall be held with the student and/or parent(s)/guardian(s). For serious or repeated violations, the student shall be subject to an out-of-school suspension, or recommended for expulsion.

For initial violations of BA1, BA2, BA3, BA5, FA1, H01, H02, H03, H04, KI1, and ST1 a conference shall be held with the student and parent(s)/guardian(s) and the student may

be recommended for expulsion.

Any student who commits an assault or battery on another student with the assistance of one or more persons shall be suspended and/or recommended for expulsion.

Any student who commits an assault or battery on a teacher or other school employee shall be recommended for expulsion. A student found to have committed an assault or battery on a teacher, or a person who regularly performs services in the school, may be assigned to a school other than the one to which his or her victim is assigned.

In each instance of fighting, assault, bullying, battery, or hazing, the parent shall be notified. The parents and police shall be notified in instances of aggravated circumstances and/or where such threat includes a threat to kill or do bodily harm. A threat assessment, when deemed appropriate by the principal and/or designee, shall be completed to determine the seriousness of threats to kill or do bodily harm.

Any student who has been a victim of any crime against the person committed on school property or on the school bus, may request to be transferred to another comparable school within the school division if the crime was committed by: (1) another student; (2) school employee; contract worker; social worker; or person who regularly performs services in the school.

10 Gang Activity

GA 1 Gang Activity

Students shall not participate in gang activity.

A gang is an ongoing organization, association or group (i) having common characteristics, including but not limited to, initiation practices, hand signals, structured style of dress, specific geographic territorial claim or identifiable leadership; and (ii) consisting of three or more individuals, at least one of whom is a juvenile, who identify themselves as a group by a name or symbol and are involved in a pattern of recurrent felonious criminal conduct.

Gang activity is defined as:

a. wearing or distributing any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;
b. committing any act or omission, or using speech, either verbal or non- verbal (such as gestures or hand shakes) showing membership or affiliation in any gang;
c. committing any act in furtherance of the interests of any gang, including: (a) soliciting, hazing, initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any' person, (c) committing any other illegal act or other violation of the Standards of Student Conduct and (d) encouraging other students to act with physical violence;
d. any inappropriate behavior and/or activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

Consequences: For initial violations, a conference shall be held with the student and/or parent(s)/guardian. For repeated or serious violations, students shall be suspended and parents shall attend a conference with the principal and other persons, if appropriate. In all cases, parents and security shall be notified.

In each instance of conduct related to gang activity, the parent shall be notified. The

parent, police and juvenile authorities shall be notified in instances of aggravated circumstances and/or where the conduct includes a threat to kill or do bodily harm.

11 Sexual Assault and Harassment

SX0 Sexual Harassment
SX1 Offensive Sexual Touching Against Staff
SX2 Offensive Sexual Touching Against Student
SX3 Forcible Rape Against Staff
SX4 Forcible Rape Against Student
SX5 Attempted Rape Against Staff
SX6 Attempted Rape Against Student
SX7 Sexual Offenses Without Force (includes indecent exposure, lewd behavior)

Students shall not commit a sexual assault upon another person or subject another person to any sexual harassment. Sexual assault is any inappropriate behavior of a sexual nature, including, but not limited to, touching of sensitive and private areas of one's body. Sexual harassment is any unwelcome advances, requests for sexual favors, and other inappropriate verbal or physical conduct or contact, including by electronic means, of a sexual nature that creates an intimidating, hostile, or offensive environment.

Consequences: For the initial violation of SX0, SX1, SX2, and SX7, a conference shall be held with the student and parent. For repeated violations, a conference shall be held with the student and parent and the student shall be suspended.

For SX3, SX4, SX5, and SX6, the student shall be recommended for expulsion. Parents, police, and juvenile authorities shall be notified.

Any student who sexually assaults or harasses a teacher or other school employee may be recommended for expulsion.

Any student who sexually assaults or harasses another student with the assistance or participation of one or more other persons shall be recommended for expulsion. The parent shall be notified. The police shall be notified in instances of serious circumstances.

12 Use, Possession or Possession with Intent to Sell or Distribute Alcohol

A. Use or Possession of Alcohol

AC1 Alcohol Use
AC2 Alcohol Possession

Students shall not use, be under the influence of, or have in their possession on school property or at school-sponsored activities alcoholic beverages of any kind (including imitation alcoholic beverages*).

Consequences: For an initial violation, out-of-school suspension shall be assigned. For repeated violations, the student shall be suspended out of school and/or expulsion may be recommended. In all cases, parents shall be notified. A student may be recommended to undergo evaluation for drug or alcohol abuse or both, and, if recommended by the evaluator and with the consent of the student's parents, to participate in and satisfactorily complete a drug treatment rehabilitation program at his/her own expense.

B. Possession with Intent to Sell or Distribute

AC3 Alcohol Sales/Distribution

Students shall not give, sell or distribute, or possess with the intent to give, sell or distribute on school property or at school-sponsored activities alcoholic beverages of any kind (including imitation alcoholic beverages*).

Consequences: For an initial violation, out-of-school suspension shall be assigned. For repeated violations, the student shall be suspended out of school and/or expulsion may be recommended. In all cases, parents shall be notified. A student may be recommended to undergo evaluation for drug or alcohol abuse or both, and, if recommended by the evaluator and with the consent of the student's parents, to participate in and satisfactorily complete a drug treatment rehabilitation program at his/her own expense.

Upon a finding that special circumstances exist, another disciplinary action or term of suspension may be imposed. Parents, police and juvenile authorities shall be notified.

*** For purposes of this standard, "imitation alcoholic beverage" shall mean a liquid which is not an alcoholic beverage, but by overall appearance, including color, marking, packaging and/or marketing, or by representations made, is intended to lead, or would tend to lead a reasonable person to believe that such item is an alcoholic beverage.**

13 Use, Possession or Possession with Intent to Sell or Distribute Illegal Drugs: Possession of Drug Paraphernalia

A. Use or Possession of Drugs; Possession of Drug Paraphernalia

DG1 Schedule I & II Drug Use (e.g. Heroin, Cocaine, Opium, Morphine, LSD, Hallucinogenic)
DG2 Schedule I & II Drug Possession
DG7 Marijuana Use
DG8 Marijuana Possession
D10 Other Drug Use
D11 Other Drug Possession
D13 Drug Overdose (any kind)
D15 Possession of Inhalants
D16 Use of Inhalants
D17 Substances Represented as Drugs (“look-a likes”)
DR2 Drug Paraphernalia Possession

Students shall not use, be under the influence of, or have in their possession on school property or at school-sponsored activities any controlled substance, marijuana or anabolic steroid, as defined in the Drug Control Act, Chapter 34 or Title 54.1 of the Code of Virginia and in 21 U.S.C., Section 812, imitation controlled substance as defined in Section 18.2-247 of the Code of Virginia, or drug paraphernalia as defined in Section 18.2-265.1 of the Code of Virginia.

Consequences: For violations of possession or use of controlled substances, marijuana or anabolic steroids on school grounds and/or at school sponsored activities, the student shall be recommended for expulsion for one (1) year. Upon a finding that special circumstances exist, another disciplinary action or term of suspension may be imposed by the school board. Parents and police and shall be notified. A student may be recommended to undergo evaluation for drug or alcohol

abuse or both, and, if recommended by the evaluator and with the consent of the student's parent, to participate in and satisfactorily complete a drug treatment rehabilitation program at his/her own expense.

For initial violations for possession of drug paraphernalia, and/or for being under the influence of controlled substances, marijuana or anabolic steroids, out-of-school suspension shall be assigned. For serious or repeated violations, the student shall be suspended out-of-school or expulsion may be recommended. Parents and police shall be notified. A student may be recommended to undergo evaluation for drug or alcohol abuse or both, and, if recommended by the evaluator and with the consent of the student's parent(s)/guardian, to participate in and satisfactorily complete a drug treatment rehabilitation program at his/her own expense.

B. Possession with Intent to Sell or Distribute

DG3 Schedule I & II Drug Sale/Distribution

DG9 Marijuana Sale/Distribution

D12 Other Drug Sale/Distribution

D17 Substances Represented as Drugs ("look-alikes")

Students shall not give, sell or distribute, or possess with the intent to give, sell or distribute on school property or at school-sponsored activities, any controlled substance, marijuana or anabolic steroid, as defined in the Drug Control Act, Chapter 34 or Title 54.1 of the Code of Virginia and in 21 U.S.C. Section 812, imitation controlled substance as defined in Section 18.2-247 of the Code of Virginia.

Consequences: The student shall be recommended for expulsion. Upon a finding that special circumstances exist, another disciplinary action or term of suspension may be imposed by the school board. Parents and police shall be notified.

14 Possession or Use of Medication and Prescription Drugs

D4G Unauthorized Over-the-Counter Medication Use

D5G Unauthorized Over-the Counter Medication Possession

D6G Over-the-Counter Medication Sale/Distribution

DR3 Theft or Attempted Theft of Student Prescription Medications

In order that school authorities will know what medicine a student is taking in case of an emergency and in order to prevent trafficking in drugs, no student may have in his/her possession any medication or prescription drugs, even if recommended or prescribed for the student's use, unless his/her parent or guardian has requested and received permission from the school division for the student to possess and self administer prescribed medication in accordance with School Board policy. Medication and prescription drugs shall not be sent to school by the student. A parent or guardian shall take all such items to the office of a principal or his/her designee at the start of the school day for safekeeping. "Medication" shall mean any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter drugs such as aspirin, cough syrups, gargles, caffeine pills, and the like.

Consequences: For initial violations, a conference shall be held with the parents and other appropriate persons. For repeated or serious violations, parents shall attend a conference with the principal and students shall be suspended or recommended for expulsion.

*A student with a documented diagnosis of asthma or anaphylaxis, or both, may possess

and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, during the school day, at school-sponsored activities, or while on a school bus or other school property. Provisions include: 1) written consent of the parent of a student with a diagnosis of asthma or anaphylaxis, or both, that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both; 2) written notice from the student's primary care provider or medical specialist, or a licensed physician or licensed nurse practitioner that identifies the student; states that the student has a diagnosis as described above, and has approval to self-administer inhaled asthma medication or auto-injectable epinephrine, or both, as the case may be; specifies the name and dosage of the medication, the frequency in which it is to be administered and certain circumstances which may warrant the use of medication, such as before exercising or engaging in physical activity to prevent the onset of asthma symptoms. (See full plan in the nurse's office)

15 Vandalism

VN1 Vandalism of School Property
VN2 Vandalism of Private Property
VN3 Graffiti

Students shall not willfully or maliciously damage or deface any school building or other property owned or under the control of the School Board or the property of any other person.

Consequences: For initial violations, a conference shall be held with the parents and other appropriate persons. For repeated or serious violations, students shall be suspended and parents shall attend a conference with the principal and other persons, if appropriate. For all violations, students and/or parents shall be required to pay for any damage to school property. Police may be notified.

16 Stealing

BK1 Burglary: Actual
BK2 Burglary: Attempted
TF1 Theft of School Property
TF2 Theft of Staff Property
TF3 Theft of Student Property
TF4 Possession of Stolen Property
TF6 Attempted Theft/Theft of Motor Vehicle
RB1 Actual Robbery
RB2 Attempted Robbery
ET1 Extortion
ET2 Attempted Extortion

A student shall not intentionally take the personal property of another person without his/her consent

Consequences: For an initial violation, a conference shall be held with the parents and other appropriate persons. For repeated or serious violations, students shall be subject to out of school suspension or recommended for expulsion. In serious cases, parents and police/security shall be notified. Students or parent(s)/guardian shall be required to replace stolen property.

17 Defiance of School Personnel's Authority

D1C Disrespect (walking away, talking back, etc.)
D2C Defiance of Authority/insubordination (refuses reasonable requests)
D8C Minor Insubordination

Students shall not violate any oral or written instructions given by school personnel within the scope of their authority.

Consequences: For initial violations, a conference shall be held with the parents and other appropriate persons. For repeated or serious violations, students may be subject to an out of school suspension.

18 Possession or Use of Weapons

W1P Possession of Ammunition
W2P Chemical Used as a Weapon
WPO Pneumatic Weapon - BB, Pellet and Paintball gun
WP1 Bringing a Handgun to School/School Event
WP2 Bringing a Rifle/Shotgun to School/School Event
WP3 Bringing a Toy/Look-alike Gun to School/School Event
WP4 Bringing Any Other Weapon Which is Designed or May Be Converted to Expel a Projectile by the Action of Any Explosive to Include Live Ammunition
WP5 Bringing a Knife to School/School Event (more than 3 inches)
WP6 Possession or Representation of Any Destructive Bomb or Explosive (including live ammunition)
WP7 Use of Any Destructive Bomb or Explosive Device
WP8 Other Firearms (firearms other than handguns, rifles or shotguns)
WP9 Possession of Other Weapon (instrument or object to inflict harm on another individual)
W8P Bringing Razor Blades/Box Cutters to School/School Event
W9P Bringing Fireworks to School/School Event

Students shall not have in their possession, in their lockers, on school property, or at any school-sponsored activity any type of weapon (operable or inoperable).

Consequences: In accordance with Section 22.1-277.07 of the Code of Virginia, a student who *is* determined to possess a "firearm," as defined below, or an air rifle or BB gun on school property or to a school-sponsored activity shall be expelled. Upon a finding that special circumstances exist, another disciplinary action or term of expulsion may be imposed. Parents, police and juvenile authorities shall be notified.

"Firearm," for purposes of expulsion, means (i) any weapon prohibited on school property or at a school-sponsored activity pursuant to Section 18.2-308 of the Code' of Virginia; or (ii) any weapon, including a starter gun, that will or is designed or may be readily converted to expel single or multiple projectiles by the action of an explosion of a combustible material; (iii) the frame or receiver of such weapon; (iv) any firearm muffler or firearm silencer; or (v) any destructive device.

Weapons prohibited on school property or at school-sponsored activities pursuant to

Section 18.2-308 include: (I) a stun weapon; (ii) any knife with a metal blade of 3 inches or longer; (iii) any dirk, bowie knife, switchblade, ballistic knife, razor, slingshot, spring stick, metal knocks, or blackjack; (iv) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun charka, nun chuck, munchkin, shuriken, or fighting chain; (v) any disc, of whatever configuration, having at least two points or pointed blades which is designed-to be thrown or propelled and which may be known as a throwing star or oriental dart; or (vi) any weapon of like kind as those enumerated in items (ii) through (vi) above.

"Destructive device" means (I) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will or may be readily converted to expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for *use* as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device.

For possession or use of weapons for which expulsion is not mandated, consequences for students are as follows:

For possession of any weapon other than an air rifle, BB gun or firearm as defined above, the student shall be suspended out-of-school for the remainder of the school year or be recommended for expulsion. For use of any weapon, including an air rifle, BB gun or firearm as defined above, expulsion shall be recommended.

19 Behavior on School Bus

SV3 Other Code of Conduct Violation

Students shall not behave in a disruptive manner or otherwise violate the Standards while riding school buses. See *"Promoting Positive Student Behavior on School Buses"* section at the end of the Standards.

20 Cheating

SV2 Misrepresentation (altering notes, false information, cheating, etc.)

Students shall not cheat, plagiarize or knowingly make false statements with respect to any assigned school work or tests.

Consequences: Depending on the seriousness of the violation, the student may be given no credit for the particular piece of work, no credit for the course, or be subject to out-of-school suspension.

21 Possession/Use of Communication Devices

C1M Beepers

C2M Cellular Telephones

C3M Electronic Devices (laptops, ipods, MP3 Players, *etc.)*

The use of any type of unauthorized electronic or mechanical device that is not part of the instructional program by students is prohibited during school hours. This shall include, but not limited to, cellular phones, portable musical devices, laser pointers, cameras, laptop computers, MP3 players, ipods, portable DVD players, portable TV's, pagers, tape players, etc., or look-alikes. Students will be permitted to use cellular phones on school property or at school-sponsored activities before and after regular school hours. However, cellular phone use must not interfere with any after-school activity.

Consequences: For an initial violation, the device will be confiscated and retuned to the parent on a day designated by the principal. For serious or repeated violations, the student shall be subject to an out-of-school suspension.

If it is determined that a communication device used on or off school property caused a disruption in school, the school has the authority to discipline the student.

Richmond Public Schools will assume no responsibility in any circumstance for the loss/destruction/damage or theft of confiscated items. A student found using a cellular telephone during any testing situation will have the cellular telephone immediately confiscated and will lose the privilege for the remainder of the school year.

22 Trespassing

TR 1 Trespassing

Students shall not enter upon school property unlawfully. These include, but are not limited to, instances whereby:

a. an unauthorized student or other person attends or visits a Richmond public school, during the regular school day without authorization from the school administration;
b. a student is requested by an administrator or other school official to leave school property and refuses to do immediately;
c. a student has been suspended from attendance or expelled and comes onto school property; and
d. a student who has been denied school bus privileges and continues to use school bus transportation.

If a student appears or remains on school premises and/or the school bus in the instances cited above, he/she will be considered trespassing.

Consequences: For an initial violation, a conference shall be held with the parents and other appropriate persons. An out of school suspension for up to five (5) days may be assigned. For repeated or serious violations, the student shall be subject to suspension for any length of time or recommended for expulsion. Failure to comply with school officials could lead to a police charge.

23 Improper Use of the Internet/Internet Safety

T1C Unauthorized Use of Technology and/or Information
T2C Causing/Attempting to Cause Damage to Computer Hardware, Software or Files
T3C Violations of Acceptable Usage Policy
T4C Violations of Internet Policy

Students of Richmond Public Schools are offered access to the school system computer network for the Internet and electronic mail. The Internet and e-mail are global communications networks. Through these networks, students have access to thousands of libraries, databases and bulletin boards, and can exchange messages with Internet users throughout the world.

Students are responsible for good behavior on the school computer network just as they are in a classroom. The Standards of Student Conduct applies to all students' use of the school computer network.

The network is provided for students to conduct research and communicate with others for educational use only. Access to network services will be given to students who are in compliance with the rules for appropriate use.

Individual users of the school system computer network are responsible for their behavior and communications over that network.

Network storage areas and any disks used with the Internet will be treated like school lockers. Network administrators may review files and communications to maintain system integrity and insure that students are using the system responsibly. The following are prohibited forms of Internet use:

- Accessing, sending, or displaying offensive messages, pictures, or profane or abusive language;
- Sexting;
- Cyber bullying;*
- Texting;
- Damaging computer networks;
- Violating copyright laws;
- Using another's identification or password, or trespassing in another's work;
- Using the network for any illegal activities as defined by state or federal law.

The RPS Internet Safety curriculum is implemented in all schools. Lessons and activities are integrated in all subject areas. Internet safety tips and Acceptable Use policies are posted on our website.

Consequences: For an initial violation, a conference will be held with the student, parent, security, and the principal or designee. For repeated, aggregate offenses, more serious actions may be taken on an individual basis, including suspension, expulsion, or criminal action.

If it is determined that the use of technology, on or off school property, caused a disruption in school, the school has the authority to discipline the student.

*Cyber bullying: Cyber-bullying may include sending cruel or threatening messages to students' school email accounts or posting rumors, threats or negative comments about peers on websites. Schools have the authority to discipline students for use of school system computers, email and internet services. Schools also have the authority to discipline students for emails or internet activity off of school grounds and without using school equipment if the conduct causes serious disruption to the school environment.

24 Arson

AS1 Arson: Actual
AS2 Arson: Attempted

AS3 Lighted Firecrackers/Cherry Bombs/Stink Bombs/Contribute to a Damaging Fire

Students shall not bomb or set a fire, or attempt to bomb or set a fire on school property.

Consequences: The student shall be recommended for expulsion. Parents, police, and the fire marshal shall be notified.

25 False Threats

BB1 School Threat (bomb threat, terrorist threat, chemical/biological threat)

Students shall not make threats to bomb school facilities or property.

Consequences: Any student who makes a bomb threat shall be recommended for expulsion. Parents, police, and the fire marshal shall be notified.

DC1 Setting Off False Fire Alarm

Students shall not set off false fire alarms.

Consequences: Any student who sets off a false fire alarm shall be suspended out-of-school. Parents, police, and the fire marshal shall be notified. A conference shall be held with the students and parents. For repeated violations, a student shall be suspended out-of-school or recommended for expulsion.

26 Possession of Contraband

S1V Inappropriate Personal Property (food/beverage, clothing, toys, *etc.)*

Students shall not possess contraband items on school property, at any school bus stop, or at any school-sponsored activity. "Contraband" includes any item that is not appropriate in a school setting and/or is disruptive to or interferes with the educational process. These items include, but are not limited to: matches, lighters, hand-held computer games, laser pointers, and trading cards. Contraband may also include laptop computers.

Consequences: For an initial violation, the contraband item(s) shall be confiscated and returned to the parent on a day designated by the principal. For serious or repeated violations, the student shall be subject to suspension.

The school assumes no responsibility in any circumstance for the loss/destruction/damage or theft to items that have been confiscated.

27 Other Conduct

SV3 Other Code of Conduct Violation

In addition to these specific Standards, students shall not engage in any conduct which materially and substantially interferes with the ongoing educational process or which is otherwise a violation of federal, state or local law.

Consequences: Disciplinary action up to and including expulsion may be imposed depending on the circumstances of each violation. The student may be referred to the appropriate law enforcement authority.

SUSPENSIONS

A. **Short-Term Suspensions** (10 days or less)

1. Students may be suspended from school for up to five (5) school days by a school principal, assistant principal or, in their absence, a principal designee and for up to an additional five (5) school days by a school principal with the concurrence of the Superintendent or a designee.
2. Prior to imposing the suspension, a principal, assistant principal or principal designee must inform the student of the charges against him/her. If the student denies the charges, he/she must be given an explanation of the facts as known to school personnel and an opportunity to present his/ her version of the facts. If he/she deems it necessary, a principal, assistant principal or principal designee shall conduct a further investigation into the matter.
3. Students whose presence may pose a continuing danger to persons or property or an ongoing threat of disruption may be removed from school immediately. The notice of charges, explanation of facts and opportunity to present his/her version of what occurred shall be provided as soon as practicable, thereafter.
4. Upon suspension from school of any student, a principal, assistant principal or principal designee shall report the facts of the case in writing to the Superintendent or a designee, and the student's parents or guardian on a form approved by the Superintendent. Such notice provided to the parent or guardian shall include the length of suspension, the availability of community-based educational programs, alternative education or other programs, and the right of the student to return after suspension.
5. Upon the parent's written request, the Superintendent or a designee shall review forthwith the action taken and confirm or disapprove such action based on an examination of the record of the student's behavior. Such written request must be filed with the Superintendent or a designee within five (5) school days of the notice of suspension or the right to review and to appeal to the School Board will be waived.
6. The student and his/her parents) or guardian may appeal the Superintendent's or a designee's 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 upon the record of the suspension at its next regularly scheduled meeting.

7. Students with disabilities will be disciplined according to applicable state and federal law.

B. Suspensions in Excess of Ten Days or Expulsion

1. If, after the student has had an opportunity to explain his/her version of what occurred, a principal or his or her designee determines a suspension in excess of ten (10) school days or expulsion is appropriate, he/she shall immediately notify the student's parent(s), in writing, of the following:
   a. the proposed action and the reasons therefore;
   b. that the decision to suspend the student in excess of ten (10) days shall be determined through a hearing before the superintendent or his or her designee, during which they may be represented by counsel and/or present evidence, and a copy of the procedures for this hearing;
   c. the availability of community-based educational, alternative education, or intervention programs that the student may attend during his or her suspension, and that the costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student;

2. Within 10 days of receiving notice, the superintendent or his or her designee shall determine whether a suspension in excess of ten (10) school days or expulsion is appropriate and shall immediately notify the student's parent(s) in writing. In the event that the superintendent or his or her designee determines that suspension in excess of ten (10) school days is appropriate, he/she shall immediately notify the student's parent(s), in writing, of the following:
   a. the proposed action and the reasons therefore;
   b. the length of the suspension; and
   c. the availability of community-based educational, alternative education, or intervention programs that the student may attend during his or her suspension, and that the costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student;

   A decision to impose a long-term suspension may be appealed to a committee of the School Board, which shall be composed of at least three members. This committee may confirm or disapprove the suspension of a student. If the committee's decision is not unanimous, the pupil or his parent may appeal the committee's decision to the full School Board. Such appeal shall be decided by the school board within thirty (30) days.

   The School Board may permit or require students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

C. Expulsions

1. If, after the student has had an opportunity to explain his/her version of what

occurred, a principal or his or her designee determines that a recommendation of expulsion of the student is appropriate he/she shall immediately notify the student's parent(s), in writing, of the following:

a. the proposed action and the reasons therefore;

b. that a hearing before the superintendent or his or her designee will occur within 10 days of the notice to determine whether expulsion of the student will be recommended to the School Board, or whether another disciplinary action is more appropriate, during which hearing they may be represented by counsel and/or present evidence, and a copy of the procedures for this hearing; and

c. the availability of community-based educational, alternative education, or intervention programs that the student may attend during his or her suspension, and that the costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student;

2. Within 10 days of receiving notice, the superintendent or his or her designee shall determine whether an expulsion of the student or another disciplinary action is appropriate and shall immediately notify the student's parent(s)/guardian(s) in writing. In the event that the superintendent or his or her designee determines that expulsion is appropriate he/she shall immediately notify the student's parent(s), in writing, of the following:

   a. the proposed action and the reasons therefore;

   b. the length of the expulsion;

   c. information concerning the availability of community-based educational, alternative education, or intervention programs that the student may attend during his or her suspension, and that the costs of any community-based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student;

   d. whether or not the student is eligible to return to regular school attendance, or to attend appropriate alternative education program by the School Board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission;

   e. that the costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student; and

   f. if the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

A decision to confirm or disapprove the expulsion of a student may be made by a committee of the School Board, which shall be composed of at least three members. If the committee's decision is not unanimous, the pupil or his or her parent may appeal

the committee's decision to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The School Board may permit or require students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension.

D. Procedures for a Hearing Before the Superintendent or His or Her Designee

1. The hearing shall be held within ten (10) school days from the date of the notice unless the student and/or the parent(s), as appropriate, ask for a continuance and the continuance is granted by the hearing officer.
2. At the hearing, which shall be audio recorded, a principal or his or her designee shall present any evidence he/she wishes in support of the recommendation and the student, the parent(s), or a representative may be represented by counsel and may present evidence. Both parties may cross-examine witnesses, and the hearing officer shall be free to ask questions at any time. The hearing office may continue the hearing when he or she deems such action necessary for the full development of facts.
3. The hearing officer may recommend to the Superintendent that he or she uphold the recommendation of the principal in whole or in part, or to deny it entirely.
4. A letter shall be sent to the parent(s) informing them of the Superintendent's decision and of their right to appeal to the School Board in the case of suspension and to a further hearing before the School Board in the case of a recommended expulsion. The letter shall contain all required notice provisions. A copy of this letter shall be sent to the assistant superintendent, principal and coordinator of pupil personnel services.
5. In the case of a long-term suspension, the student or his or her parent(s) may appeal the decision of the Superintendent to the School Board by notifying the Superintendent in writing of their intent to appeal within seven (7) calendar days from the receipt of the 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 upon the record of the suspension hearing within thirty (30) calendar days of the appeal. The student will remain suspended pending the disposition of the appeal.
6. The student or his or her parent(s) may request a hearing before the School Board, (or, at the School Board's discretion, a committee thereof), regarding the decision of the Superintendent to recommend expulsion by notifying the Superintendent in writing of their request within seven (7) calendar days from the receipt of the decision. Failure to file a written request within the specified time will constitute a wavier of the right to a hearing before a committee of the School Board. A hearing shall be held at the next regularly scheduled meeting unless the request for a hearing is received less than five (5) days prior to a meeting, in which case the hearing shall be set by the Chairman as soon as practicable. The student shall remain suspended pending the School Board committee hearing. The School Board has the authority to overrule the Superintendent or amend the Superintendent's decision in any respect. Any decision to expel the student requires School Board action before it becomes effective.
7. A decision made by the School Board, or a committee thereof, shall be communicated to the student and parent(s) in writing, and shall comply with the applicable notice provisions.
8. Nothing in this subsection shall be construed to prohibit the School Board from permitting or requiring students expelled pursuant to this subsection to attend an alternative education program provided by the School Board.

E. Students With Disabilities Under the Individuals With Disabilities Education Improvement Act of 2004 (IDEA), Students With Disabilities Qualified Under Section 504 of the Rehabilitation Act of 1973, and Students Who Are Suspected of Having a Disability But Are Not Yet Determined Eligible or Qualified

This section is intended as an application and summary of federal law and regulations as found in the Individuals with Disabilities Education Improvement Act of 2004 (IDEA). The federal law and regulations take precedence over this document.

1. Student Population

For the purpose of student suspensions and expulsions, certain special education due process procedures are accorded to the following students:

(a) a student who has been identified as having a disability under IDEA or under Section 504;

(b) a student who is suspected as having a disability, but not yet determined eligible or qualified.

(1) Students who have not been determined eligible for special education and related services under IDEA or qualified for special education or related services under Section 504, and who have engaged in behavior that violated any rule of conduct may assert any of the protections provided under IDEA if the school division had "a basis of knowledge" that the student was a student with a disability before the behavior that precipitated the disciplinary action occurred. The school division has a "basis of knowledge" that the student is a student with or suspected of having a disability if:

(i) the parent of the student has expressed a concern in writing (or orally if the parent does not write or has a disability that prevents a written statement) to school personnel, that the student is in need of special education and related services;

(ii) the parent has requested an evaluation of the child to be determined eligible for special education and related services; or

(iii) the teacher of the student, or school personnel expressed concern about a pattern of behavior demonstrated by the child directly to the Director of Exceptional Education of Richmond Public Schools or to other supervisory personnel of Richmond Public Schools.

(2) Exceptions to this "basis of knowledge" in the above section occur if:

(i) the parent has not allowed an evaluation of the student or has refused special education and related services; or

(ii) an evaluation was conducted and it was determined that the student is not a student with a disability

2. Removal Procedures

(a) Removals of Ten School Days or less in a School Year (Short-Term Removals)

(1) School personnel may short-term remove a student with a disability from the student's current educational setting to an appropriate interim alternative education setting, another setting, or suspension; to the extent those alternatives are applied to a student without disabilities.

(2) Additional short-term removals may apply to a student with a disability within a school year for separate incidents of misconduct as long as the removals do not constitute a pattern.

(3) Richmond Public Schools is not required to provide services during the first ten school days in a school year that a student with a disability is removed from their current educational setting.

(4) For additional short-term removals, which do not constitute a pattern, Richmond Public Schools shall provide services to the extent determined necessary to enable the student to continue to participate in the general education curriculum and to progress toward meeting the goals of the student's IEP. School personnel in consultation with the student's special education teacher, make the service determinations.

(5) If the number of school days a student is removed from school approaches ten days, the building administrator or designee may convene an IEP team to review and revise the IEP. This meeting may address any needed changes in services or placement. The IEP team may develop and complete a Functional Behavioral Assessment (FBA), and may develop and implement a Behavioral Intervention Plan (BIP). If a BIP exists, the IEP team shall review and modify the BIP as needed.

(b) Removals of More Than Ten School Days in a School Year (Long-Term Removals)

(1) Students may be removed for more than ten cumulative school days without limit during the school year, if the removal is not a change of placement.

(2) A change of placement occurs if: (a) the student's removal is for more than 10 consecutive days; or (b) the student receives a series of short-term removals within a school year that constitute a pattern. School personnel will determine if the series of removals constitutes a change of placement. To determine this, the following factors must be considered:
   (i) the length of each removal;
   (ii) the proximity of the removals to one another;
   (iii) if the child's behavior is substantially similar to the child's behavior in previous incidents that result in a series of removals; and
   (iv) the total amount of time the student has been excluded from the classroom. The parent must be notified in writing of the results of this determination.

(3) When the removal does not constitute a change of placement, the student may be removed from their current educational placement in accordance

with procedures for suspensions of students without disabilities. However, the following procedures must also be implemented:

(i) provide, if any, services that will enable the student to appropriately progress in the general curriculum and appropriately advance towards achieving IEP goals. These services are determined by the student's IEP team.

(ii) if appropriate convene an IEP team before or within 5 business days after first removing the student for more than 10 school days in a year to conduct a functional behavioral assessment, and determine necessary behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur.

(4) When the removal constitutes a change of placement, the following procedures must be implemented:

(i) notice of the intent to remove must be given to the parent.

(ii) immediately, but not later than 5 school days after the date on which the decision to take the action is made, convene the parent and relevant members of the child's IEP team with other qualified personnel for a manifestation determination. The IEP team shall review all relevant information in the child's file, including the child's IEP, any teacher observations, and any relevant information provided by the parents(s).

(iii) the IEP team must also answer the following questions:

(a) was the student's conduct caused by, or in direct and substantial relationship to, the child's disability; or

(b) was the student's conduct a direct result of the school division's failure to implement the IEP .

In cases where the IEP team determines that the behavior was a manifestation of the student's disability, a removal or expulsion may not occur and the IEP team shall:

(i) conduct a FBA and develop a BIP for the child;

(ii) if a BIP already exists, review the existing plan and modify it as necessary to address the behavior;

(iii) return the student to the educational placement from which he or she was removed, unless the parent and school personnel agree to a change of placement as part of the modification of the behavioral intervention plan; and

(iv) review and revise the IEP as needed to address the behaviors which may include changes and/or additions in goals, services and placement.

For subsequent removals, when a change of placement has occurred, a manifestation determination must be made by the parent and relevant IEP team members, within 5 business days of the suspension decision.

(c) Weapons/Drugs/Controlled Substances/Serious Bodily Injury

The following provisions apply to any student who: (a) carries a weapon to or possesses a weapon at school, on school property or a school function; (b) knowingly possesses or uses illegal drugs or sells or solicits the sale of a

controlled substance while at school, on school property or a school function; or (c) has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function:

(1) a school administrator, along with representatives of the Office of Exceptional Education and Student Services may assign the student to an interim alternative educational setting (IAES) for a maximum of 45 school days. Parental permission is not required. While the student is in an IAES placement, school personnel:

(i) must enable the student to continue to progress in the general curriculum although in another setting;

(ii) must provide services and modifications described in the current IEP which will enable the student to meet IEP goals; and

(iii) conduct as appropriate, a functional behavioral assessment, and determine necessary behavioral intervention services and modifications that are designed to address the behavior violation so that it does not recur provided in Procedures for Long-term Removals 2b above.

(2) when the IAES expires, the student returns to his/her prior educational placement, unless the parent and the LEA agree otherwise through an IEP meeting. Also, a hearing officer or court order can extend the IAES.

(d) Miscellaneous

(1) Schools may report a crime to the police, even if the student involved in the violation is considered to have or suspected to have a disability.

(2) A student with a disability is entitled to the same due process rights that all students are entitled to under Richmond Public School's disciplinary policies and procedures.

(3) If during the course of reviewing the student's IEP relevant to disciplinary action, the IEP team determine deficiencies in the student's IEP or placement, the IEP team, will take immediate steps to remedy those deficiencies.

(4) A student may not be removed from the school for more than 10 school days while the IEP team processes are initiated and completed, unless the parent gives permission for a change of placement through the IEP team meeting. This does not apply to incidents involving weapons, drugs, controlled substances, serious bodily injury. These incidents may necessitate immediate removal to an IAES for 45 school days.

(5) A copy of the procedural safeguards must be available to the parent(s)/guardian(s) of a child with a disability on the date on which the decision is made to make a disciplinary removal that constitutes a change in placement because of a violation of a code of student conduct.

(6) If a student is currently under evaluation for IDEA or Section 504, the evaluation shall be expedited.

(7) During the pendency of any proceedings to contest the imposition of discipline, the student shall remain in his/her current educational placement, which may be the IAES.

3. Expedited Hearings

Richmond Public Schools may request an expedited due process hearing if it maintains that it is dangerous for the child to be in the current educational placement (the educational placement prior to removal to the interim alternative setting) while due process proceedings are pending. Parents may request an expedited hearing if they disagree with:

(a) the determination that the student's behavior was not a manifestation of the student's disability; or

(b) any decision regarding educational placement under the disciplinary procedures.

Note: Each time the terms IEP or IEP team are used in this document, they also apply to 504 plans or 504 teams.

4. Definition of Terms

Pattern: a series of removals of unrelated instances cumulating more than 10 school days in a school year because of factors, e.g., length of each removal, total time removed, and proximity of the removals to each other.

IAES: an Interim Alternative Educational Setting which enables the student to progress in the general curriculum in a different setting and receive the services and modification in the IEP. This placement will also enable the student to meet his/her IEP goals and the services are designed to prevent the behavior from recurring.

Other qualified persons: included to ensure that diagnostic and other persons are present at the IEP meeting for expertise in assessing the issues that are being reviewed by the IEP team.

Serious bodily injury: a bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ or faculty.

Note: Each time the terms IEP or IEP team are used in this document, they also apply to 504 plans or 504 teams.

Promoting Positive Student Behavior on School Buses

All students will be governed by the tenets of this section while traveling by school buses to and from school or school-related activities, such as field trips, conferences, or athletic events. The school administration and Safety and Security personnel have the right to conduct random searches of school buses; and where there is probable cause, students can be searched.

Consequences involving students with disabilities, those who have accommodations under Section 504, and those students currently under child study or eligibility processes will be imposed in accordance with their rights under federal and state laws.

The following misconduct shall result in disciplinary action. This list is not exhaustive and shall not be a limitation upon the authority of the School Board or school officials to deal with other types of conduct which interfere with the proper functioning of the school. While suspended from the bus, a student shall not be allowed to participate in any extracurricular activities, including attendance at and/or participation in such activities.

Consequences for Inappropriate School Bus Behavior

A. Threatening Behavior

Threatening behavior exhibited toward other students as well as adult school personnel is addressed in **Standards of Student Conduct No. 9 - Fighting, Assault & Battery, Bullying;** and any student violating this Standard on the school bus shall be disciplined in accordance with that Standard. There shall be a concurrent consequence on the school bus for the student as a result of his/her behavior.

B. Fighting

Fighting is addressed in **Standards of Student Conduct No. 9 - Fighting, Assault & Battery, Bullying;** and any student fighting on the bus shall be disciplined in accordance with that Standard. There shall be concurrent consequence on the school bus for the student as a result of his behavior.

C. Weapons

Weapons are addressed in **Standards of Student Conduct No. 18 - Possession or Use of Weapons;** and any student having possession of a weapon on the school bus or at the bus stop shall be disciplined in accordance with this Standard. There shall be concurrent consequences on the school bus for this offense.

D. Disruptive Behavior

Disruptive behavior includes, but is not limited to, making inappropriate comments to another student or about another student, improper boarding/departing the bus, refusing to obey the bus driver, excessive noise, eating or drinking on the bus, and use of profanity. If any of these behaviors are done in a threatening manner, they are to be addressed in accordance with **Standard No. 4 - Disruptive Conduct**. Unless a consequence for disruptive behavior is specifically stated, the principal/designee may (1) conference/counsel the student with or without the parent(s) and bus driver where practical; (2) execute a student-behavior contract; (3) suspend the student from the bus for one to three days; suspend the student for 3-5 days from the bus and a parental

conference; suspend the student for more than five days (4) a disciplinary hearing at the school level for suspensions off the bus in excess of ten (10) days (except as noted in the section regarding students with disabilities).

E. Vandalism

Destruction of school property should be handled in accordance with existing **Standards of Student Conduct No. 15 - Vandalism** (which requires that students/parents make restitution for damage resulting from vandalism) as well as existing Department of Safety and Security procedures for prosecuting incidents of vandalism. Under an existing Department of Transportation policy, students and parents are given the option of cleaning the bus in lieu of payment for damages. Juvenile authorities shall be notified (Intake Officer).

F. Safety

Safety offenses include, but are not limited to, failure to obey the bus driver, putting a part of one's body (or that of another individual) outside a window, throwing objects on, at or into a school bus, failure to remain seated, tampering with school bus equipment, lighting of matches or a lighter and possession of contraband on the school bus. (If any of these behaviors are done in a defiant manner, they are addressed by **Standards of Student Conduct No. 17 – Defiance of School Personnel's Authority**). Consequences for safety offenses include, but are not limited to, (1) student counseling; (2) 2-5 days, suspension off the bus, attendance at a conference with the student, his/her parent(s), the principal and the bus driver before the student may return to the bus, and execution of behavior contract; (3) attendance at a bus safety class;
(4) a disciplinary hearing at the school level for suspensions off the bus in excess of ten (10) days; except in the case of certain protected students where cessation of services excluding transportation and related services is not permitted, and (5) appropriate notification of legal authorities.

G. Possession or Use of Tobacco or Tobacco Products (*see Standard No.7)*

H. Possession or Use of Illegal Drugs or Alcohol (*see Standard Nos. 12 & 13)*

I. Distribution or Sale of Alcohol or Illegal Drugs or Possession with Intent to Sell or Distribute *(see Standard Nos. 12 & 13)*

J. Possession or Use of Medication and Prescription Drugs (*see Standard No. 14)*

K. Sexual Assault and Harassment (*see Standard No.11)*

Student Attendance Policy

A. Why is Attendance Important?

Section 22.1-254 of the Code of Virginia requires that all school divisions inform parents of compulsory attendance requirements and enforcement procedures within 30 days of the beginning of each school year. Regular school attendance is important to the academic progress of students and the development of a healthy school environment. For this reason, parental support of school attendance is both expected and required.

The Richmond Public Schools is expected to undertake several actions in support of attendance monitoring and enforcement:

- identify and develop a list of all school-age children and youth who are not enrolled in an approved educational program;
- investigate apparent violations of the compulsory attendance requirements; and
- enforce attendance requirements.

Under the direction of the Superintendent, the Richmond Public Schools Attendance Officer(s), in collaboration with school principals, will enforce compulsory attendance requirements, including failure to attend summer school when required. Priority attention will be given to non-enrolled children and youth between the ages of 5 and 18. Options for enforcement include the following:

- filing a Child-In-Need-of-Supervision (CHINS) petition with the juvenile court:
- filing criminal charges (Class 3 misdemeanor) against the parents of truant or non-enrolled students; and/or
- enforcing compulsory attendance requirements during the summer session if the superintendent determines that such attendance is necessary for the student(s) to be promoted, pass the Standards of Learning (SOL) tests, or otherwise achieve appropriately in school.

In addition to these enforcement options, the Richmond Public Schools is required to report all TANF recipients violating compulsory school attendance and truancy provisions to the Department of Social Services for further investigation and a potential reduction in benefits.

Please make your family members aware of these requirements. It is important that we all work together in fostering regular school attendance, which is critical to student success. Please contact School Social Work Services at 780-4517 if you have any questions.

B. Under What Circumstances May Older Students Attend School?

As a general rule, a person who has reached 20 years of age on or before August 1 of the school year shall be permitted to attend school only with special permission of the Superintendent. The School Board, in its discretion, may charge tuition to such students.

The School Board may accept and provide programs for students for whom English is a second language who entered school in Virginia for the first time after reaching their twelfth birthday, and who have not reached 22 years of age on or before August 1 of the school year. No tuition shall be charged to such students if state funding is provided for such programs.

Exceptional education students who are in need of special education and related services (1) whose second birthday falls on or before September 30 and have not reached their 22nd birthday on or before September 30; and (2) have not already graduated with a standard or advanced studies diploma shall be eligible to attend school free of charge.

C. What are Excused Absences?

Excused absences are classified as those that have resulted from conditions beyond the control of students, parent(s)/guardians, or the school, and will be counted in the tally of absences. The only excuses for absence that shall be deemed acceptable are:

1. Personal Illness (if over three days, the school will require a note from the doctor)
2. Personal Court appearance
3. Death in the family (mother, father, spouse, son, daughter, sister, brother, grandparent, aunt, uncle, nephew, or niece)
4. Religious holidays regularly observed by the student
5. Extenuating circumstances as approved by the school administration

D. When are Students Considered Present Although Not in School?

Students are considered present when participating in field trips, athletic events, student government activities, and other functions sanctioned by the school. The students are marked present on all school records.

E. Tardiness/Leaving School Without Permission

Truancy is usually a symptom of personal or family problems. The school division will make a reasonable effort to help resolve the underlying problems that affect the student's regular attendance. Referrals to outside agencies and other departments in Richmond Public Schools will be utilized to assist in resolution and reducing truancy.

1. Tardiness - Students must arrive on time and be picked up at the scheduled dismissal time. Students attending schools outside of their neighborhood zones with special permission (where parents are responsible for providing transportation) will be required to attend school on a regular basis or be withdrawn from the school by

   notifying the parent and Office of Pupil Personnel Services. Provisions of the Compulsory School Law of Virginia are in effect for all schools.
2. Leaving school without permission - Once a student arrives on school property, he/she may not leave without administrative permission.

F. Parental Responsibilities

1. The parent(s)/guardian(s) must send a note providing reasons and dates for any absence from school, on the day of the student's return to school.
2. The parent(s)/guardian(s) may request approval of absences by filing a request in advance with the principal or designee. Such requests will be signed by the principal or designee and returned to the parent, with a copy filed for reference.

G. Can Make-up Work Be Requested?

For excused absences, students are required to request make-up work upon return to school. Teachers shall assign and schedule appropriate make-up work to be completed within five (5) days following the student's return from absences. Make-up work assigned but not completed within the established time period shall be recorded as a failing grade for the assignment unless an extension is granted by the teacher.

Make-up work for excused absences will be supplied by the teacher. Requests for makeup work for unexcused absences will be the responsibility of the parent(s) or guardian(s).

Students who are suspended from school shall receive and complete all academic assignments (class work and homework) during the period of suspension and submit the completed work to his or her classroom teacher(s) upon his or her return to school.

Note: Parent(s)/guardians and students must understand that certain subject matter cannot be assigned as make-up work to be completed out of class, especially if the student is absent when certain concepts are taught.

H. What is the School's Responsibility When a Student is Absent?

The Code of Virginia requires that, "Every teacher in every school in the Commonwealth shall keep an accurate daily record of attendance of all children...". The student attendance card and the teacher's class record are the official records of student absences.

The school will contact the home on each day of a child's absence from school. If a student accumulates four (4) unexcused absences, written notification will be sent to the parent(s) or guardian. If a student accumulates five (5) unexcused absences, the 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 the attendance officer to obtain an explanation for the pupil's absence and to explain to the parent the consequences of continued nonattendance. The attendance officer, the pupil and the pupil's parent(s) shall jointly develop a plan to resolve the pupil's nonattendance. Such plan shall include documentation of the reason for the pupil's nonattendance.

If the pupil is absent an additional day without an excuse the attendance officer shall schedule a conference within ten (10) days with the pupil, his parent(s), and school personnel which conference may include other community service providers to resolve issues related to the pupil's nonattendance. The conference shall be held no later than fifteen (15) school days after the sixth absence.

Upon the next unexcused absence, the school principal or his designee shall notify the attendance officer, who shall enforce the provisions of the compulsory attendance laws by either or both of the following: (I) filing a complaint with the Juvenile and Domestic Relations Court alleging the pupil is a child in need of supervision as defined in §16.1-228 of the Code of Virginia, or (2) instituting proceedings against the parent(s) pursuant to §18.2-371 or §22.1-262 of the Code of Virginia.

I. Can the Attendance Decision Be Appealed?

The parent(s) / guardian(s) may appeal the designation of absences as unexcused if evidence is provided to verify absences under this policy. Reasons for absences considered in the appeal must be documented by the parent(s)/guardian(s) and verified by the principal or designee. The parent(s)/guardian(s) may also request a waiver of these attendance policies due to medical hardship extenuating educational circumstances of transfer situations.

J. Steps of Appeal

1. Parent(s)/guardian(s) appeals must be communicated in writing to the principal, or the decision becomes final.
2. The principal will make a ruling of the appeal based on policy. A written copy of the ruling will be sent to the parent(s)/guardian(s), student, and the teacher(s).

Appeal to the Superintendent or Designee

1. Parent(s)/guardian(s) appeals must be communicated in writing to the superintendent or designee, or the decision of the principal becomes final.
2. Based on policy guidelines, a finding will be made affirming or is approving the principal's decision. A written copy of the finding will be sent to the parent(s)/guardian(s), student, and principal.

K. Removal of Students from Class

Policy

Pursuant to the Code of Virginia, Section §22.1-276.2, a teacher shall have the initial authority to remove a student from class for disruptive behavior. Disruptive behavior is defined as a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

Criteria for Removal

Acute: When the student's behavior is so unruly, disruptive, or abusive that it seriously interferes with the teacher's ability to communicate effectively with the students or the ability of the student's classmates to learn.

Chronic: When a student has been documented by a teacher to have repeatedly interfered with the ability of the teacher to communicate effectively with the students, or the ability of the students classmates to learn. Prior to the removal of a student from class for chronic behavior problems, the following criteria must be met:

1. The student’s behavior is disruptive as defined above.
2. Removal of the student from the class is necessary to restore a learning environment free from interruptions and obstructions caused by the student’s behavior.
3. Teacher and/or administrative interventions have been attempted and failed to end the student’s disruptive behavior.
4. Notice of the student’s disruptive behavior and the opportunity to meet with the teacher and/or school administrators have been provided to the student’s parents as described below.
5. Two prior written discipline referrals of disruptive behavior have been processed by school administrators.

When all of the above have been satisfied, teacher removal of a student from class shall be deemed appropriate. Removal of the disruptive student shall be facilitated by the principal or his/her designee.

Requirements for Discipline Referrals/Student Removal Form

No removal under this policy shall occur in the case of chronic behavior unless two prior written discipline referrals of disruptive behavior have been processed by school administrators. Upon removal the teacher shall file with school administration a "Student

Removal Form" and any other documentation to support the removal including, but not limited to, the previous two discipline referrals.

Procedures for Written Notification of Student and Parents

The teacher shall provide copies of any discipline referral form to the student and his/her parents and notify them of the opportunity to meet with the teacher and/or school administrators to discuss the behavior and the possible consequences if the behavior continues.

The teacher shall document, in writing, his or her attempts to request and encourage the parents to meet with school administrators and/or teacher. If the student is removed from the classroom, the school administration shall provide a copy of the "Student Removal Form" accompanied by copies of discipline referrals and any other documentation to the student and mail (via regular and certified U.S. mail) copies to the parents within 24 hours of each incident. Such notice and documentation shall be required for each discipline referral and student removal.

Guidelines for Alternative Assignment and Instruction of Removed Students

The Principal shall determine the appropriate placement of the student. The principal has several options regarding the placement of a removed student including, but not limited to:

1. Assigning the student to an alternative placement or program within the school setting.
2. Sending the student to the Principal's office or other designated area. If the Principal chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student.
3. Suspending or recommending expulsion of the student for violations of the Standards of Student Conduct that warrant suspensions or expulsions. If the Principal chooses this option, alternative instruction and assignment, if any, shall be provided according to school board policy, and in the case of students with disabilities, in accordance with federal and state law, and regulations.
4. Returning the student to class (see procedures below).

Procedure for the Student's Return to Class

The principal shall determine, after consultation with the teacher, the duration of the student's removal from class. The principal shall notify the teacher of the decision to return the student to class. The following procedure shall apply if the teacher disagrees with the principal's decision to return a student to the class.

1. The teacher and principal shall discuss the teacher's objection to returning the student to class and the Principal's reason for returning the student.
2. The teacher, after meeting with the Principal may appeal the Principal's decision to the appropriate Executive Director of Elementary Education or designee within one school day. The discipline referrals and removal form must accompany the appeal.

   After discussion with the Principal and teacher or receiving their written comments, the decision of the Executive Director or designee shall be final. The decision shall be made within 48 hours of the teacher's appeal. During the appeal process, the student shall not be returned to class and the Principal will determine an appropriate placement for the student.

Other Provisions

The Principal shall ensure that a student removed from class under this policy continues to receive an education in accordance with School Board policies. Application of this policy to a student with a disability shall be consistent with federal and state law and regulations as well as School Board policy regarding students with disabilities.

Richmond Public Schools Correlation to ***Character Education: Lessons in Living***

Offense / Character Trait	Referral Code	Definition
Disrespect **Respect/Courtesy**	D1C	Using inappropriate comments, talking back, using physical gestures or walking away.
Defiance/Insubordination **Respect/Politeness**	D2C	Refusing to comply with directives.
Disruptive Demonstrations **Respect/Responsibility**	D03	Engaging in behavior that interferes with the learning of others.
Possession/Distribution of Obscene Literature **Respect/Responsibility**	D4C	Possessing inappropriate materials
Classroom/Campus Disruption **Respect/Responsibility**	D5C	Engaging in behavior that interferes with the learning of others or safe and orderly instructional environment.
Obscene/Inappropriate Language/ Gestures **Respect/Citizenship**	D6C	Using vulgar or abusive spoken or written language, such as cursing.
Bullying **Respect/Self-control**	BU1	Displaying behavior that continues to make a person feel uncomfortable or unsafe, including put downs, teasing, threats, spreading rumors, hazing, and/or intimidation.
Minor Insubordination **Respect/Empathy**	D8C	Refusing to follow reasonable directions of an adult, or school rules/expectations/policies.
Fighting/No or Minor Injuries **Respect**	FA2	Engaging in a voluntary incident involving two or more students with physical contact, such as hitting, kicking, punching, and slapping.
Setting Off a False Fire Alarm **Responsibility**	D07	Falsely reporting a fire or other dangerous situation.
Minor Physical Altercation **Respect**	F1T	Angry altercation with minor contact.
Theft of Staff Property **Honesty/Integrity**	TF2	Taking or attempting to take property of another without permission or knowledge of the owner.
Threatening a Student **Compassion/Caring**	TI1	Making statements or gestures of intent to do physical harm to a student.
Threatening Staff **Compassion/Caring**	TI2	Making statements or gestures of intent to do physical harm to a faculty or staff member.
Trespassing **Responsibility/Citizenship**	TR1	Entering school property without authorization.
Possession of Toy/Look Alike Gun **Respect for Self and Others**	WP3	Having a real or look a-like gun at school.
Theft of Student Property **Honesty/Empathy**	TF3	Intentionally taking the personal property of a student.

Battery W/Staff with No Weapon Battery W/Student **Respect /Self Control**	BA2 BA4	Voluntarily engaging in an aggravated assault.
Attendance Violation **Honesty/Commitment** **Trustworthiness**	A1T	Not coming to school or reporting late without parental permission, consent, or a valid excuse.
Beepers Cellular Phone Other Electronic Devices **Responsibility**	C1M C2M C3M	Possessing portable communication devices.
Theft of School Property **Honesty/Gratitude**	TF1	Taking or attempting to take property of the school without permission.
Violation of Acceptable Internet Usage **Honesty/Commitment** **Trustworthiness**	T3C	Not using the system responsibly.
Possession of Stolen Property **Honesty/Truthfulness**	TF4	Possessing property that was taken without permission.
Vandalism of School Property **Honesty/Respect**	VN1	Damaging, defacing, or destroying school property.
Inappropriate Personal Property **Acceptance** **Respect for Self/Responsibility**	S1V	Wearing clothes that are not appropriate for elementary school or possessing items that do not belong at school.
Knife to School/Event **Responsibility**	WP5	Having a knife longer than 3 inches at a school event.
Harassment **Compassion/Respect/Acceptance**	HR1	A behavior continuing over a period of time that makes a person feel uncomfortable or unsafe.
Offensive Sexual Touching: ST **Respect**	SX2	Exhibiting inappropriate sexual behavior.
Other Code of Conduct Violations **Citizenship**	S3V	Refusing to obey the bus driver.

Richmond Public Schools Internet Acceptable Use Procedures

Appropriate student use of the Internet is addressed in the Standards of Student Conduct. This standard recognizes the role of students as responsible users of the Internet. Students in Richmond Public Schools will be provided access to the Internet via the Netscape graphical World Wide Web browser only. They will NOT be provided with individual electronic mail accounts or unsupervised access to other tools for traveling the Internet. As such, the Standards of Student Conduct shall serve as the definitive guide for acceptable uses of the Internet in the Richmond Public Schools. The information below is provided for faculty and administration as a supplement to share with students in preparation for their use of the Internet.

Richmond Public Schools Instructional Use of the Internet

Richmond Public Schools students will follow a structured approach to gaining skills which will allow them to become independent, responsible users of the Internet. This approach addresses Internet use based on an age and topic appropriate standpoint.

In elementary schools (K-5), faculty will actively supervise student use of the Internet. Students will access Internet resources that the teacher has previously explored and selected. Faculty will make every effort to ensure that students are directed to sites with only age- and topic-appropriate material and resources.

Richmond Public Schools Internet Acceptable Use Procedures

The intent of the Richmond Public Schools Internet Acceptable Use Procedures is to ensure that all uses involving access to Internet resources are consistent with Richmond Public Schools stated mission and goals and Standards of Student Conduct. With this opportunity, comes the responsibility for appropriate use. It is expected that all computers within the division accessing the Internet be used in a responsible, efficient, ethical and legal manner.

Richmond Public Schools will provide access to the Internet for all students, faculty and administration. Student acceptance of these procedures is guided by their incorporation into the Standards of Student Conduct. Faculty and administration must acknowledge acceptance of these procedures prior to being provided individual accounts for accessing Internet resources.

The use of Internet resources is a privilege, not a right, and inappropriate use will result in the cancellation of those privileges and/or disciplinary action by school officials. All activities by all persons while using the Internet in Richmond Public Schools must be in support of education and research, and be consistent with the educational objectives of Richmond Public Schools. All persons accessing the Internet from a school site are responsible for all on-line activities, which take place through that access. When using another organization's network or computing resources, all persons must comply with the rules appropriate for that network.

Acceptable Uses

The following actions (which are not exhaustive) constitute acceptable use of the Internet, whether that use is initiated from a school or any other site:

1. Research assigned classroom projects.
2. Send electronic mail to other users.
3. Access and exchange information.
4. Use the Internet solely for educational purposes.

Unacceptable Uses

The following actions (which are not exhaustive) constitute unacceptable use of the Internet, whether that use is initiated from a school or any other site:

1. Using impolite, abusive, or otherwise objectionable language in either public or private messages.
2. Placing unlawful information on the Internet.
3. Using the Internet illegally in ways that violate federal, state, or local laws or statutes.
4. Using the Internet at school for non-school related activities.
5. Sending messages that are likely to result in the loss of the recipient's work or systems.
6. Sending chain letters or pyramid schemes to lists or individuals, and any other types of use which would cause congestion of the Internet or otherwise interfere with the work of others.
7. Using the Internet for commercial purposes.
8. Using the Internet for political lobbying.
9. Changing any computer file that does not belong to the user.
10. Posting, sending or receiving copyrighted materials without permission.
11. Knowingly giving one's password to others.
12. Using another person's password.
13. Using Internet access for sending or retrieving pornographic material.
14. Posting inappropriate text files or files dangerous to the integrity of any network.
15. Circumventing security measures on school or remote computers or networks.
16. Attempting to gain access to another's resources, programs, or data.
17. Vandalizing, which is defined as any malicious attempt to harm or destroy data of another user on the Internet, and includes the uploading or creation of computer viruses.
18. Falsifying one's identity to others while using the Internet.

Student's Agreement

I have read the information above. If I did not understand the meaning of part of it, I asked an adult to explain it to me. I agree to follow these rules at all times when I use the internet at school.

_____ _____

Student's Name **Date**

Parent or Guardian

My son or daughter, whose name is above, understands the rules that he or she is to follow in using the internet at school. I have talked to him or her to make sure that these rules are understood. I realize that teachers and other school officials will try their best to provide only educationally-sound material from the internet to my child and that, should objectionable pictures or information appear by accident, they will take immediate action to correct that situation.. I give my permission to Richmond Public Schools for my son or daughter to appropriately use the internet while on school property.

_____ _____

Signature Date

PARENTAL RESPONSIBILITY AND INVOLVEMENT

Each parent of a student enrolled in Richmond Public Schools has a duty to assist the school in enforcing these Standards of Student Conduct and compulsory school attendance in order that each student may be educated in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

To that end, Section §22.1-279.3 of the Code of Virginia requires that the parents of each enrolled student shall sign and return a Statement of Parental Responsibility to the school in which the student is enrolled.

Statement of Parental Responsibility

I, _____, parent/legal guardian of _____, a student enrolled at_____, acknowledge that I have received the Richmond Public Schools *Standards of Student Conduct* and a copy of the compulsory school attendance law. I understand that I must sign and date this statement and return it to my child's school.

I understand that my acknowledgment of the receipt of these *Standards of Student Conduct* and the compulsory school attendance law does not waive, and I expressly reserve, any parental rights protected by federal or state constitutions or laws, including my right to appeal suspension or expulsion as provided in §22.1-277.04 and §22.1-277.05 of the Code of Virginia, and that I have the right to express disagreement with the school's or school division's policies or decisions.

_____ _____

Name of Parent/Legal Guardian Signature

_____ _____

Name of Student Date

Please detach this page and return to your child's school by Friday, September 20, 2010.

FREQUENTLY DIALED NUMBERS

GENERAL INFORMATION.....**780-7710**

Exceptional Education and Student Services 780-7911

Department of Instruction.....780-7751

Pupil Personnel Services/Pupil Placement 780-7811

Department of Pupil Transportation 674-1234

School Board Office 780-7716

School Board Office Fax 780-8133

SCHOOL BOARD MEMBERS

District 1 .....Mrs. Kimberly Bridges, Chairman
kbridges@richmond.k12.va.us / 908-4230

District 2 ..... Mrs. Kimberly B. Gray
kgray@richmond.k12.va.us / 908-4233

District 3 .....Dr. Norma H. Murdoch-Kitt
nmurdochkitt@richmond.k12.va.us / 321-5400

District 4 .....Mrs. Adria A. Graham Scott
ascott4@richmond.k12.va.us / 382-4031

District 5 .....Mr. Maurice Henderson
mhenderson3@richmond.k12.va.us / 908-4591

District 6 .....Mrs. Chandra Smith
csmith12@richmond.k12.va.us / 908-4588

District 7 ..... …..Mr. Donald Coleman
dcoleman2@richmond.k12.va.us / 339-0745

District 8 .....Mrs. Dawn C. Page, Vice-Chairman
dpage2@richmond.k12.va.us / 908-4590

District 9 .....Mrs. Evette L. Wilson
ewilson@richmond.k12.va.us / 908-0887

APPENDIX E

HOMEWORK POLICY

AND

ADMINISTRATIVE REGULATIONS

5. There shall be a cooperative effort on the part of teachers to coordinate homework assignments so that students are not overburdened with excessive quantities of homework. The following time allotments shall serve as a guide to the frequency and length of homework assignments:

Primary Level	(grades 1-3)	1/2 hour per day
Intermediate Level	(grades 4-5)	1 hour per day
Middle School	(grades 6-8)	1 1/2 hours per day
Senior High	(grades 9-12)	2-2 1/2 hours per day

6. Homework assignments shall be at a level which allows the student to function independently.

7. Homework assignments shall be reviewed/evaluated by the teacher with comments wherever appropriate or possible.

8. Homework shall be an integral part of classroom activities; it should never be assigned as busywork nor construed as punishment.

9. Homework activities should be creative; they should include a variety of experiences such as individual explorations, the making of collections, viewing educational television programs, making models, conducting research, or any assignment that could supplement regular classroom activities and experiences.

10. Parents shall be informed of the purpose of homework and the way in which they can assist their children. Parents should see that children take responsibility for their own homework and not do their children's work for them.

11. Parents shall be expected to provide satisfactory homework conditions--work space, good lighting, materials, and regular scheduling of study time.

12. Homework assignments shall be signed by the parents.

RICHMOND PUBLIC SCHOOLS
HOMEWORK POLICY
AND
ADMINISTRATIVE REGULATIONS

POLICY

Homework, designed to increase pupil achievement, is a vital means of supplementing, reinforcing and enriching the formal instructional program. Teachers shall assign homework tailored to the specific interests and capabilities of each student. Teachers shall plan homework assignments which foster independence and creativity while increasing growth in academic skills, promoting responsibility, and developing good work habits.

ADMINISTRATIVE REGULATIONS

The following homework guidelines reflect the individualization, humanizations, and accountability which are essential to the attainment of desirable outcomes:

1. Homework shall serve a valid purpose with measurable outcomes; to provide the practice of a principle or skill already taught; to provide real-life applications; to develop appreciation for or knowledge of community resources; or to develop the personal culture of the student.

2. Homework assignments shall be specific and fully understood by students.

3. Assignments shall be geared to the individual student's needs, interests, and personal situation.

4. Homework assignments shall be designed to promote:

   a. growth in responsibility,

   b. positive attitudes toward subject matter,

   c. feelings of personal worth,

   d. increasing independence,

   e. creativity,

   f. the development of good work habits, and

   g. skill in the ability to budget the use of time.

APPENDIX F

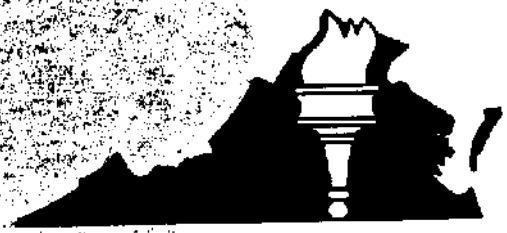
MANAGEMENT OF STUDENT'S SCHOLASTIC RECORDS

Guidelines for the Management of the

Student's Scholastic Record

in Virginia Public Schools

Revised July 1998



Virginia Department of Education
P. O. Box 2120
Richmond, Virginia 23218-2120

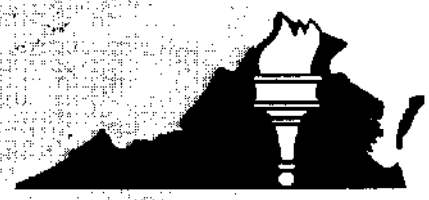
Guidelines for the Management of the

Student's Scholastic Record

in Virginia Public Schools

Revised July 1998

These guidelines are not regulatory and are not intended as legal advice or interpretation of the cited laws and regulations.



Virginia Department of Education
P. O. Box 2120
Richmond, Virginia 23218-2120

FOREWORD

The Board of Education adopted, effective September 1, 1995, a new regulation governing the management of the student's scholastic record in the public schools of Virginia. The guidelines in this publication were developed by the Department of Education to assist school officials with the implementation of the new regulation.

These guidelines are not intended to be regulations or to establish state policies displacing local decisions, nor are they intended to provide legal advice or interpretation of the laws and regulations cited. Instead, these guidelines are designed to provide technical assistance to administrators, teachers and parents as they make their own decisions in accordance with the Board's regulation governing the management of the student's scholastic record in the public schools. These guidelines offer school divisions suggested practices to ensure protection of private information from unauthorized disclosure.

A copy of the Board of Education's regulation on the management of the student's scholastic record, along with a directory of the applicable laws and regulations cited in the Board's regulation, may be found in the Appendices to the Guidelines. A copy of the Family Educational Rights and Privacy Act and an outline referencing pertinent laws and regulations are also included in the Appendices.

TABLE OF CONTENTS

Part I: LEA Management Policy 2

Part II: Content of Scholastic Records 3
Data Collected for All Students 3
Specialized Information 4
Directory Information 7

Part III: Maintenance of Scholastic Records 8
Protection of Confidentiality 8
Access and Disclosure 8
Redisclosure of Information 12
Refusal to Consent 12
Retention 13
Destruction 13
Transfer 14
Children Reported Missing 15
Types and Location of Records 15

Part IV: Parent and Student Rights 16
Notice 16
Consent 17
Record Review 17
Record Amendment 19

GLOSSARY 21

INDEX 27

APPENDICES 29

APPENDIX A: Virginia Board of Education Regulation
Directory of Applicable Laws and Regulations

APPENDIX B: Model Management of Student Records Notification
A Guide to the Family Educational Rights and Privacy Act and
Participation in Juvenile Justice Programs (Questions and Answers)

APPENDIX C: Student Records and Confidentiality Considerations for Public
Elementary and Secondary Schools (An Outline of Applicable Laws
and Regulations)

PART I
LEA MANAGEMENT POLICY

The Family Educational Rights and Privacy Act (FERPA) is designed to assert and protect the rights of students and their parents. The purpose of the Act is two-fold, to assure parents (including guardians or individuals acting as parents in the absence of a parent or grandparent) and eligible students (students who have reached 18 years of age or are attending an institution of postsecondary education) access to their scholastic records, and to protect their individual rights to privacy by limiting the transferability of their records without their consent.

FERPA applies to a local educational agency (LEA) or institution that receives federal funds under any program administered by the Secretary of Education. Thus, entities such as service providers who have possession of education records, but are not educational agencies or institutions may not be bound by FERPA. All K-12 public schools are covered by FERPA, as well as some preschool programs and private schools, and virtually all colleges and universities.

There are three basic rights granted to parents and eligible students under FERPA. These rights are as follows:

- the right to inspect and review the education records relating to the student maintained by the school(s) the child attends or has attended;
- the right to challenge and require the school to amend any portion of the education records concerning the student that are inaccurate, misleading or otherwise in violation of the student's privacy rights; and
- the right to require the school to obtain written consent prior to the disclosure of personally identifiable information, except in those instances specifically noted in the statute.

Two key definitions undergird the parents' FERPA rights: "education records" and "personally identifiable information." Both terms are defined in the Glossary and further explained in Part II of these Guidelines.

In the Federal Register of November 21, 1996, the Secretary of Education announced amendments and clarification to the FERPA regulations to implement changes made in the FERPA statute by the Improving America's Schools Act of 1994. These regulations took effect December 23, 1996. The amended FERPA regulations give educational agencies greater flexibility by removing a previous regulatory provision requiring schools to adopt a formal written students records policy and, instead, requiring schools to include additional information in the annual notification of rights. Further explanation of parent and student rights is in Part IV. The amended FERPA regulation can be found in the Appendices along with a model Notification of Rights Under FERPA for Elementary and Secondary Institutions.

PART II
CONTENT OF SCHOLASTIC RECORDS

Student scholastic records are those records collected orally, in writing, or by electronic means that are (1) directly related to a student; and (2) maintained by an educational agency or institution or by a party acting for the agency or institution. The content of the scholastic record should be limited to data needed by the LEA to assist the student in his or her personal, social, educational, and career development and educational and vocational placement. For the purposes of this document, the terms scholastic record and education record are used interchangeably.

Certain records not considered scholastic records and should not be maintained in the student's file are: (1) records of instructional, supervisory, administrative and ancillary educational personnel which are in the sole possession of the maker and are not accessible or revealed to any other person except a temporary substitute for the maker of the record; (2) the notice of court disposition if no disciplinary action is taken by the LEA or the adjudication or conviction is related to an incident which did not occur on school property or during a school-sponsored activity; or (3) records of law enforcement created by a law enforcement unit, within the LEA, for purposes of law enforcement.

Effective July 1, 1994, LEAs are required to maintain a complete scholastic record for each student rather than dividing the materials into Category I and II files. How LEAs merge student records is determined by the LEAs so that they may develop a system most beneficial to their needs.

Data Collected for All Students

Certain data must be collected and maintained for all students in the LEA. These data are listed below.

1. Record data disclosure form
2. Name and address of student
3. Birth date and number
4. Name and address of parent
5. Program of studies plan
6. Scholastic work completed
7. Level of achievement, including grades and grade point average
8. Type of diploma (or certificate)
9. Attendance
10. Test data, including results of normative tests, such as achievement batteries and inventories, and the Virginia State Assessment Program
11. Literacy Development Plan, if needed
12. Cumulative health record, including pre-school physical examination report and school entrance examination report
13. Certificate of immunization
14. Social security number (unless waiver is granted)
15. Notice of school status
16. Student conduct statement
17. All other information required by the Virginia Board Regulations Governing Secondary School Transcripts

Specialized Information

In addition to the information that must be collected and maintained in every student's scholastic record, certain specialized information may be collected and maintained for some students in the LEA. This list is not exhaustive in nature. Other information, not listed above or below, may be collected and maintained, if necessary. Specialized information may also be collected by the State Education Agency (SEA). The following serves only to provide information about the required management of information in student scholastic records.

1. Special Education Information

   LEAs must maintain information and documentation relative to student eligibility and special education and related services in the student's scholastic record in order to provide appropriate services and for auditing purposes. (See page 13.)

This documentation includes, but is not limited to, the following information:

a. Records of referral;
b. Reports of assessment, including educational, physiological (medical, speech, hearing, vision), psychological, sociological;
c. Permission for initial testing;
d. Permission for initial placement;
e. Summary of eligibility minutes; and
f. IEPs.

2. 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 an LEA maintain complete custody or adoption papers in the student's scholastic 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 record will contain only the information necessary for school officials to protect the student.

3. Disciplinary Records

Disciplinary records are defined in the glossary of these guidelines 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 scholastic record. Law enforcement unit records, as defined in the glossary of these guidelines, are not considered disciplinary records. These records are generally not maintained as part of the student's scholastic record.

4. Notices of Court Disposition

Beginning July 1, 1994, Virginia courts were required to send notices of adjudication or 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. The management of these notices is governed by Virginia Code §§22.1-288.2, 22.1-289 and 16.1-305.1.

Under these Code sections, notifications which are not disciplinary records must be maintained separately from all other records concerning the student. However, if the LEA takes disciplinary action against the student based upon the incident which formed the basis for the adjudication or conviction, the notice must become a part of the student's disciplinary record. If no disciplinary action is taken or the incident underlying the adjudication or conviction did not occur on school property or during a school-sponsored activity, the notice does not become a part of the student's scholastic record. The location of the notice, if it is not part of the scholastic record, is at the discretion of the LEA.

The Virginia Code sets the retention schedule for these notices at §22.1-289C. It states that any notice of disposition or adjudication shall not be retained after the student has been awarded a diploma or certificate.

5. Notices of the Filing of a Petition

Beginning July 1, 1995, Virginia Code §16.1-260 requires that Virginia courts notify LEA superintendents whenever a petition is filed alleging that a juvenile has committed one of several enumerated crimes.

Virginia Code §16.1-305.2 governs the management of that notice. It requires that LEA superintendents not disclose the information in the notice unless they believe that it is necessary to ensure the physical safety of the juvenile, other students or school personnel within the division. The division superintendent may, at any time prior to notice of the disposition in the case, notify the principal of the school in which the juvenile is enrolled of the filing of the petition and the nature of the offense. After the juvenile has been taken into custody, the principal may then further disseminate the information only to those students and school personnel who have direct contact with the juvenile and need the information to ensure physical safety or an appropriate educational placement or services.

The Virginia Code does not prescribe how long these notices should be retained. Therefore, it would be reasonable to maintain these notices in the same manner as that prescribed for notices of adjudication or disposition.

6. HIV Records

Virginia Code §32.1-36.1 specifically provides for the confidentiality of test results regarding human immunodeficiency virus (HIV/AIDS). Information regarding these test results is extremely sensitive and requires careful

management. If an LEA has such information regarding a student, it may be beneficial to review this Code section with the school division's attorney in order to determine whether it may be released.

7. Drug/Alcohol Records

Federal law prescribes the maintenance of drug and alcohol records. Since the application of this law depends upon the structure of drug and alcohol programs, it has not been included in the management of student records regulation. It is recommended, however, that LEAs consult with their school division attorneys to determine whether the federal statute applies to their particular program.

Directory Information

Personally identifiable information in a student's scholastic record may be classified as Directory Information. Directory information is defined as information contained in the scholastic record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. If data is classified as Directory Information, it must be managed according to state and federal requirements. Data classified as Directory Information is retained permanently. Directory Information includes, but is not limited to, the following data:

1. name of student in attendance or no longer in attendance;
2. address;
3. date and place of birth;
4. birth certificate serial number;
5. telephone listing;
6. dates of attendance;
7. participation in officially recognized activities and sports;
8. height and weight, if member of athletic team;
9. awards and honors received; and
10. other similar information.

The LEA 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 students to object to disclosure.

While FERPA requires that the notice specify the period of time a parent or eligible student has to notify the LEA in writing regarding the designation of directory information, it does not prescribe a precise number of days. A reasonableness

standard should be applied to this requirement, however, permitting a sufficient amount of time for parents/students to receive and respond to the notice, i.e., fifteen (15) administrative days.

If the LEA does not receive a request for non-disclosure from a parent or eligible student, the LEA may disclose directory information in accordance with its local policy and procedures. The LEA is not required to maintain a record of the disclosure of directory information.

PART III
MAINTENANCE OF SCHOLASTIC RECORDS

Protection of Confidentiality

Federal requirements, which have been adopted by the state as a condition for receipt of federal special education funds, require additional "confidentiality" provisions for students receiving special education. These requirements include:

a) protection of confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages;

b) one official responsible for ensuring this confidentiality;

c) training of all persons collecting or using personally identifiable information; and

d) a list, available for public inspection, of agency employees allowed access to personally identifiable information.

It is recommended that school divisions extend these provisions to all students and all scholastic records.

Access and Disclosure

A parent, guardian or eligible student is entitled to access the student's scholastic record. A parent of a child with a disability must be afforded an opportunity to

examine all records relating to such child. [IDEA 1997 §615(b)(1)] For more information concerning specific parent and student rights, see page 16. LEAs may charge a fee for copies of records that are made for parents so long as the fee does not prevent the parents from exercising their right to inspect and review records. A fee may not be charged for a copy of the IEP, a verbatim record of a hearing conducted in accordance with the Regulations Governing Special Education Programs for Children with Disabilities in Virginia or for search and retrieval of information.

LEAs must maintain a record of all parties obtaining access to or requesting disclosure of personally identifiable information from a student's scholastic record, unless they are: (1) parents or eligible students; (2) school officials, including teachers, whom the LEA has determined to have legitimate educational interests; (3) parties with written consent from the parent or eligible student; and (4) parties seeking directory information.

The record must indicate: (1) the name of the party who has requested or received personally identifiable information; (2) the agency or institution represented; (3) the legitimate interest of the party in requesting or obtaining the information; (4) the date of the disclosure; and (5) the purpose for which the party is authorized to use the records. If the LEA discloses personally identifiable information with the understanding that it may be redisclosed, the access record must also include the name of any additional party to whom the information may be redisclosed and the legitimate interests the additional party has in requesting or obtaining the information. For additional information regarding redisclosure, see page 12.

The record data disclosure form must be available to the parent or eligible student, to school officials responsible for record maintenance, and to authorized parties and must be maintained with the student's scholastic records as long as the records are maintained.

Prior Parental or Eligible Student Consent

Except as provided in the next section, LEAs must obtain parental or eligible student consent in order to release personally identifiable information from a student's scholastic record. Prior consent must be in writing and must specify the records to be disclosed, the reason for the disclosure and the party or class of parties to whom the information is being released. Additionally, a copy of the records must be made available, upon request, to the parent or eligible student, and to the student who is not eligible, if requested by the student's parents.

Eligible students are students who have reached 18 years of age or are attending an institution of postsecondary education, with the exception of a child with a disability who has been determined to be incompetent. If a child with a disability who has reached 18 years of age and has not been determined to be incompetent, but who is determined not to have the ability to provide informed consent with respect to the educational program of the child, the LEA shall establish procedures for appointing the parent of the child, or appropriate individual to represent the educational interest of the child throughout the eligibility of the child.

Release Without Prior Consent

An LEA may disclose personally identifiable information from a student's scholastic record without parental or eligible student consent if the disclosure is to the following individuals under the specified conditions:

1. Other school officials, including teachers, within the LEA whom the LEA has determined to have legitimate educational interests. This includes adult clerical personnel employed by the LEA.

2. Officials of another school or school division, both within and outside the state, or institution of postsecondary education, in which the student seeks or intends to enroll. For further information regarding transfer students, see page 14.

3. Certain officials of the U. S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs. This includes the Superintendent of Public Instruction or member of his or her staff.

4. The disclosure is in connection with the request or receipt of financial aid. The information must be necessary for such purposes as the determination of eligibility, amount and conditions of the aid and for the enforcement of the terms and conditions of the aid.

5. The disclosure is to state and local officials and authorities, if a State statute adopted prior to November 19, 1974, specifically requires disclosures to them.

6. Organizations and agencies conducting studies for or on behalf of educational or institutions to develop, validate or administer predictive tests, administer student aid programs or improve instruction. The study must be conducted in a manner that does not permit personal identification of parents and students

by individuals other than representatives of the organization and the information is destroyed when no longer needed for the purposes for which the study was conducted.

7. Accrediting organizations to carry out their accrediting functions.

8. Parents of a dependent student as defined by the Internal Revenue Code of 1986.

9. To comply with a judicial order or a lawfully issued subpoena. In order to release information under this provision, LEAs must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action. An LEA is not required to notify a parent or eligible student of a subpoena if it receives a Federal grand jury subpoena and the court has ordered the school not to disclose to any person the existence or contents of the subpoena. An LEA is also not required to notify a parent or eligible student of a subpoena if a court or other issuing agency issues a subpoena for a law enforcement purpose and orders the school not to disclose the existence or contents of the subpoena to the parent or student.

10. In connection with a health or safety emergency. Knowledge of the information must be necessary to protect the health or safety of the student or other individuals.

11. The disclosure is information that has been designated as directory information, unless a request for non-disclosure has been received by the parent or eligible student.

12. 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 educational agency or institution reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of said child are transmitted for consideration by the appropriate authorities to whom it reports the crime. {IDEA 1997 §615(K)(9)}

13. Employees or officials of a protective services agency regarding a pupil referred to that agency as a minor requiring investigation or supervision by that agency.

14. At the discretion of the LEA Superintendent, to the staff of a college,

university or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information provided for research.

15. Data about a student who is a veteran of U. S. military service, or an orphan or dependent of such veteran, or an alien may be disclosed to an officer or employee of the U. S. government seeking the information in the course of his or her duties. The LEA may only furnish the following information about the student: name and address; daily attendance record; grades received in school subjects; parent's name; date and place of birth; and names and addresses of other schools attended.

16. A student's pre-school physical examination report, immunization record and school entrance health examination form may be released to employees or officials of a state or local health department.

17. A student's daily attendance record may be released to an employee of a local social services department for the purpose of determining eligibility for public assistance.

18. Names and addresses of present and former students may be disclosed for the purpose of informing students and former students of available educational and career opportunities to any officer or employee of a public or private school, college or university; an official of a private business or professional school or college; and any military recruiter.

Redisclosure of Information

Personally identifiable information from scholastic records, with the exception of directory information, may be disclosed to a third party only on the condition that the third party will not redisclose such information without the written consent of the parent or eligible student. Except for disclosures to comply with a judicial order or a lawfully issued subpoena, the disclosure to the third party must be accompanied by a written statement explaining the condition stated above. If the third party is an institution, agency, or organization, the disclosed personal information may be used by its officers, employees and agents, but only for purposes for which the disclosure was made.

Refusal to Consent

When consent is required in order to release a student's records, and the parent or eligible student refuses to give such consent, the LEA must use informal means to secure consent. If the parent or eligible student continues to refuse to give consent, the LEA must provide written notification to the person, agency or institution requesting the information that parental or student consent is required and has been refused. If the LEA wishes to disclose information and has been unable to secure the necessary consent through informal means, the LEA may use formal measures, as appropriate, to secure release of the information.

Retention

While FERPA does not contain information regarding the length of time records must be retained, requirements in other federal laws provide a guide. The Education Division General Administrative Regulations (EDGAR), a federal law regarding grants and subgrants, requires states and LEAs receiving federal education funds to keep records for five years which show the amount of funds they received under a grant or subgrant, how they were used, other records to facilitate an effective audit, as well as records demonstrating compliance with program requirements. IEPs and eligibility minutes are examples of documents that may be used to demonstrate compliance with the Individuals with Disabilities Education Act (IDEA), a federal law governing special education programs. The United States Department of Education has interpreted this to mean that state education agencies must develop record retention policies and procedures which ensure that sufficient information is maintained to meet federal requirements.

The retention schedule which was included in the former management of student records regulation has been deleted. The State Library of Virginia is responsible for managing the retention and destruction of all public agency records and has developed schedules applicable to each agency. That schedule must be followed by LEAs in both the retention and destruction of student scholastic records.

Destruction

Prior to the destruction of data in an education record, LEAs must (1) consult Records Retention and Disposition Schedule No. 21 for Public School Records; and (2) make a reasonable effort to notify parents or eligible students. This records retention schedule and others are issued by the Records Management and Imaging Services Division of the Library of Virginia (LVA) under the mandate of the Virginia Public Records Act of the *Code of Virginia* (Section 42.1-76 et. Seq.). Records destruction must be documented by completing the *Certificate of Records*

Destruction (Form RM-3). To document destruction, ensure that the stated retention period for the records has elapsed. List the schedule number, records series number, date range and volume of records on the RM-3 form. Obtain the signature of the school's designated Records Officer, which constitutes official approval to destroy the records. Once the records are destroyed, the original completed RM-3 form is submitted to the LVA as verification of compliance with the *Virginia Public Records Act*. For copies of records retention and disposition schedules and forms, as well as advice on records management for schools, contact the Records Management and Imaging Services Division, Library of Virginia, 800 East Broad Street, Richmond, VA 23219; (804) 692-3600; www.vsla.edu/records/;recman@vsla.edu.

Prior to destruction of data, a reasonable effort must be made by the LEA to notify parents or eligible students that they have a right to be provided with a copy of the information that will be destroyed. LEAs may not destroy any scholastic records if there is an outstanding request to inspect and review the records.

Destruction of scholastic records is the best protection against improper and unauthorized disclosure; however, the scholastic records may be needed for other purposes. When informing parents or eligible students about their rights under this section, the LEA should remind them that the scholastic records may be needed by the student or the parents for social security benefits or other purposes. When personally identifiable information regarding students with disabilities is no longer required, it must be destroyed upon parental request.

Transfer

Virginia state law provides for the transfer of student records between LEAs. It is very important for an LEA to receive the student's scholastic record (or copy of the record) when that student transfers into the school division. This information is needed to determine the student's placement and, in some cases, to alert the receiving school division to disciplinary problems the student had in a previous placement. Therefore, it is critical that LEAs transfer complete scholastic records as soon as they are requested.

Permission is not required for transfer of the scholastic record. However, a school responding to a request for the transfer of the scholastic record from another school division must provide written notice of the transfer, including the identity of the requester, to the eligible student, parent, guardian or other person having control or charge of the student within five days of the date on which the record was transferred. These requirements regarding transfer also apply to students who enter educational programs operated by the Division of Youth and Family Services, the Department of Correctional Education, local jails or detention homes.

Scholastic Records of Children Reported Missing

Upon notification by a local law-enforcement agency of a child's disappearance, the *Virginia Code* states that the principal of any school in which the child was enrolled at the time of the disappearance shall indicate in the child's scholastic record that the child has been reported as missing. Upon receiving a request from any school or person for copies of the missing child's scholastic record and birth certificate, the school being requested to make copies or transfer the records, shall immediately notify the law-enforcement agency, which provided the report to the school, of the school or person requesting the scholastic records and birth certificate of the child.

Any newly enrolled student whose scholastic record is unable to be obtained within sixty days or sooner, the LEA superintendent or designee shall, if they have reason to suspect that the pupil is a missing child, notify the local law-enforcement agency for investigation as a possible missing child.

Types and Location of Records

Under the Individuals with Disabilities Act (IDEA), a federal law governing special education programs, each LEA is required to provide parents on request a list of the types and locations of education records collected, maintained or used by the agency. One way to accomplish this is to provide this information in the annual notice described in Part IV.

PART IV
PARENT AND STUDENT RIGHTS

FERPA requires that parents be informed of their rights, and how they may exercise these rights. Rights conferred to parents automatically transfer to students when they reach the age of 18 or are attending an institution of postsecondary education. These students are termed "eligible students." A child with a disability who has reached 18 years of age and has been determined to be incompetent, or has been determined not to have the ability to provide informed consent with respect to the educational program, is not considered an "eligible student." [IDEA 1997 §615(m)(2)]

Notice

Each LEA must annually notify parents and eligible students of their rights. Additionally, notice is required when a student's record is transferred to another LEA and when destruction of information from the student's record is proposed.

The annual notice, required by FERPA, must include a statement that the parent or eligible student has a right to:

1. Inspect and review scholastic records, including:

    a. the procedure the parent or eligible student must follow to inspect and review records;

    b. the procedure for requesting an amendment of the student's scholastic records;

    c. if the LEA has a policy of disclosing scholastic records without prior consent, the LEA will specify the criteria for determining which parties are school officials and what the LEA considers to be a legitimate educational interest.

2. Request an amendment of the student's scholastic records including that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy.

3. Consent to disclosures of personally identifiable information contained in the

student's scholastic record, except under the conditions prescribed by law.

4. File a complaint with the United States Department of Education, Family Compliance Office, concerning alleged failures of the LEA to comply with FERPA.

In addition, if the LEA wishes to release Directory Information, it should include in its public notice the categories of information designated as Directory Information. The LEA should also allow a reasonable period of time after notice has been disseminated for parents and eligible students to object to such disclosure. The LEA may provide annual notice by any means that are reasonably likely to inform parents and eligible students of their rights, including letter, publication in the student handbook, parent handbook or by any other means which will assure notification to the student's home. An agency or institution of elementary or secondary education shall effectively notify parents of students who have a primary or home language other than English. A model FERPA notice can be found in the Appendices.

Consent

Parents and eligible students have the right to consent to the release of certain records, including directory information. Parents and eligible students must be notified of this right through the required annual notice. See Part III regarding access and disclosure for specific provisions.

Record Review

LEAs must permit parents or eligible students to inspect and review scholastic records relating to the student which are collected, maintained or used by the LEA. The LEA must comply with such requests for access to records within a reasonable period of time, i.e., fourteen (14) calendar days.

This right includes:

1. The right to inspect and review scholastic records before any meeting regarding an IEP or hearing related to the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education. In addition, the LEA must comply with other requests for parental or eligible student access to records within a reasonable period of time not to exceed 45 days from receipt of the request.

2. The right to a response from the LEA to reasonable requests for explanations and interpretations of the scholastic records.

3. The right to request that the LEA provide copies of the scholastic records containing the information, if failure to provide the copies would effectively prevent the parent from exercising the right to inspect and review the scholastic records. The LEA may charge a fee for a copy of the scholastic record so long as it does not prevent a parent or eligible student from exercising their right to inspect and review the student's record. An LEA may not charge a fee for search and retrieval of the record, however. No fee shall be charged to a parent requesting a copy of their child's IEP.

4. The right to have a representative of the parent inspect and review the scholastic records.

5. An LEA may not withhold scholastic records, including report cards, because of nonpayment of fees.

Review by Parents

In the absence of a court order to the contrary, or the notation in the scholastic record that such a court order exists, all parents, even those not having custody of their children, have the right to see their child's scholastic record.

If parents have signed a waiver of their right to access confidential letters and statements of recommendation, they may not see those documents concerning their child. They may, however, be notified of the names of those who made the confidential recommendations. Parents may revoke the waiver at any time, but letters and statements submitted in reliance on the waiver must remain confidential.

Additionally, parents may only access the records of their own children. If any record includes data on more than one student, the parent only has the right to inspect and review data relating to his or her child, or to be informed of that specific data.

Review by Eligible Students

All rights accorded to parents regarding educational records are transferred to eligible students. Therefore, all of the above information applies to eligible students. These students are bound by the same limitations noted above, regarding confidential letters and recommendations.

Review by Students Under 18 Years of Age

Information from a scholastic record may be disclosed to a student who is under the age of 18 under certain conditions:

1. Written consent of the parent may be required by the LEA unless the student is an emancipated minor or enrolled in an institution of higher education.

2. Students, including those enrolled in institutions of postsecondary education, may not have access to financial records of their parents.

3. The student may waive the right to inspect and review confidential letters and confidential statements for admission. If they waive this right, they are bound by the same limitations as noted for parents and eligible students.

Record Amendment

If a parent or eligible student believes the student's record contains information that is inaccurate, misleading or violates the privacy or other rights of the student, he or she may ask that the student's record be amended. The LEA must decide, within a reasonable time, whether to amend the record as requested. If the LEA decides not to amend the record, it must notify the parent or student of the decision and of their right to a hearing to challenge the content of the record.

If, as a result of the hearing, the LEA determines that the information should be amended, the LEA must amend the record accordingly and inform the parent and or student of the amendment in writing. If the LEA determines that the information should not be amended, it must inform the parent or eligible student of the right to place a statement in the record commenting on the information or explaining why they disagree with it. If a statement is placed in the record, the LEA must maintain the statement with the record for as long as the record is retained and disclose the statement whenever the contested information is disclosed.

If the record is amended by either a statement or purging of information, the LEA must furnish past recipients of the information notification that an item has been purged or corrected.

The LEA may utilize informal attempts to reconcile differences; however, the parent or eligible student may exercise the right to a hearing without benefit of the decision from any informal proceeding.

FERPA prescribes minimum requirements for the hearing. These are that:

1. The hearing must be held within a reasonable time after the request is received.

2. The LEA must provide the parent or eligible student with notice of the date, time and place within a reasonable time in advance of the hearing.
3. The hearing may be conducted by any party, including an official of the LEA who does not have a direct interest in the outcome of the hearing.

4. The parent or the eligible student must be afforded a full and fair opportunity to present evidence relevant to the issues. The parent or eligible student may, at their own expense, be assisted by another, including an attorney.

5. The LEA must make its decision in writing within a reasonable period of time after the hearing.

6. The decision of the LEA must be based solely upon the evidence presented at the hearing and must include a summary of the evidence and the reasons for the decision.

GLOSSARY

The following words and terms, when used in these guidelines, shall have the following meaning, unless the context clearly indicates otherwise:

Access to Records: see definition of Disclosure

Attendance includes, but is not limited to:

(a) Attendance in person or by correspondence; and

(b) The period during which a person is working under a work-study program.

Days are specified as either "calendar days" or "administrative working days". "Administrative Working Days" means days other than Saturdays, Sundays, and officially designated holidays for all local school division personnel. "Calendar Days" means consecutive days, including Saturdays, Sundays, and officially designated holidays at the local school division level. Whenever any specified period of time expires on a Saturday, Sunday or school holiday, the period of time is extended to the next day that is not a Saturday, Sunday or school holiday.

Destruction means physical destruction or the removal of personal identifiers from information so that information is no longer personally identifiable.

Directory Information means information contained in a scholastic record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended. Directory information is retained permanently.

Disciplinary Action or Proceeding means the investigation, adjudication, or imposition of sanctions by a local school division or school with respect to an infraction or violation of the internal rules of conduct applicable to students of the local school division or school. The written record of the disciplinary action or proceeding is part

of the scholastic record.

Disciplinary Records are records which are directly related to a student and any disciplinary action taken against that student, by the local school division or school, for violation of school rules or policies occurring on school property or at school-sponsored events.

Disclosure means permitting access or the release, transfer, or other communication of scholastic records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

(a) Disclosure, through access, means the right to inspect, review and copy.

(b) Disclosure, through release, means the surrender of specific information, orally or in writing, or electronically, upon receipt of a proper request.

(c) Disclosure, through transfer, means the surrender of the entire record when transfer occurs within a local school division. It may also mean the surrender of a transcript or copy of the record when transfer occurs between local school divisions or between a local school division and a postsecondary institution or another educational agency or institution.

EDGAR means the Education Division General Administrative Regulations.

Education Records: see definition of ***Scholastic Records***.

Educational Agency or Institution means any authority legally constituted within a state to direct, provide administrative control of, or perform a service function for the education of students. The education agency serves a state, city, county, township, school district, or other political subdivision of the state, or such combination of school districts or counties as are recognized in a state as an administrative agency. These entities focus on early childhood, elementary, and/or secondary level instruction and other programs which are not primarily higher education and include education programs in alternative settings (i.e., detention homes, jails, and juvenile learning centers.)

Educationally Useful means information that relates to student learning and achievement and is needed by the LEA in order to provide services.

Eligible Student means a student who is 18 years of age or is attending an institution of postsecondary education and who has not been determined to be incompetent or incapable of providing informed consent.

FERPA means the Family Educational Rights and Privacy Act.

Financial Aid means payment of funds provided to an individual, or a payment in kind of tangible or intangible property to the individual, which is conditioned on the individual's attendance at an educational agency or institution.

Institution of Postsecondary Education means an institution that provides education to students beyond the secondary level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.

Law Enforcement Unit (for purposes of FERPA and the *Management of the Student's Scholastic Record Guidelines*) means a designated entity (individual, office, division, etc.) within the school or LEA, charged with the mission of maintaining a safe and orderly school environment by monitoring and enforcing local, State, or Federal laws within the school community.

Law Enforcement Unit Record means a record created by a designated law enforcement unit, solely for enforcement of local, State, or Federal law, and maintained by the law enforcement unit. FERPA does not consider this type of record to be an education record, hence, it is not protected under the act.

Local Education Agency or LEA means the local school division or other public agency responsible for providing educational services to students.

Notice of Court Disposition means the written notice of disposition sent by the clerk of a court to a school division superintendent regarding a student who has been adjudicated delinquent or convicted of certain crimes.

Notice of School Status means the sworn statement or affirmation by a parent, guardian, or other person having control or charge of a student, indicating whether a student has been expelled from school attendance at a public or private school for an offense in violation of school board policies relating to weapons, alcohol or drugs, or the willful infliction of injury to another person. (Virginia Code §22.1-3.2)

Parent means a biological or adoptive parent, a guardian or a person acting as a parent of a child. This term also includes a surrogate parent who has been appointed pursuant to Virginia Special Education Regulations. The term means either parent, unless the LEA has been provided with evidence that there is a legally binding instrument or any state law or court order to the contrary. The term also includes persons acting in the place of a parent, such as a grandparent or stepparent with whom the child lives. A child 18 years or older may assert any rights under these regulations in his own name.

Participating Agency means any agency or institution which collects, maintains, or uses personally identifiable information or from which information is obtained.

Party means an individual, agency, institution or organization.

Personally Identifiable Data means (i) name of student, the student's parent(s), or other family member, (ii) the address of the student or student's family; (iii) personal identifier, such as the student's social security number or student number; (iv) a list of personal characteristics which would make it possible to identify the student with reasonable certainty; or (v) other information which would permit reasonably certain identification of the student.

Public Notice means the process by which certain information is made available to the general public. Public notice procedures may include, but not be limited to, newspaper advertisements, radio announcements, television features and announcements, handbills, brochures and other methods which are likely to succeed in providing information to the public.

Record means any information recorded in any way, including but not limited to, handwriting, print, tape, film, microfilm, and microfiche.

Record Data Disclosure Form means a record of access to a student's scholastic record.

Release of Data from Records: see definition of Disclosure.

Scholastic Records are those records collected orally, in writing, or by electronic means, that are:

(1) Directly related to a student; and

(2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessment for eligibility for special education services, and Individualized Education Programs.

The term Scholastic Records does not include:

(1) records of instructional, supervisory, administrative personnel and ancillary

educational personnel that are kept in the sole possession of the maker of the record; and, are not accessible or revealed to any other person except a temporary substitute for the maker of the record. Such information or data may be recorded in any medium including, but not limited to, handwriting, print, tapes, film, microfilm, and microfiche.

(2) records on a student who is 18 years of age or older, or is enrolled in an institution of postsecondary education, that are:

(i) made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity.

(ii) made, maintained, or used in connection with treatment of the student; and

(iii) disclosed only to individuals providing the treatment. For the purposes of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the educational agency or institution.

(3) Records that only contain information about an individual after he or she is no longer a student at that educational agency or institution.

(4) Data or information prohibited from being included by the Family Educational Rights and Privacy Act, federal regulations governing the confidentiality of alcohol and drug records, and state laws regarding records of child abuse.

(5) The notice of court disposition if no disciplinary action is taken or the adjudication or conviction was for an incident which did not occur on school property or during a school-sponsored activity.

(6) Law enforcement unit records if created by a designated law enforcement unit, solely for enforcement of local, State, or Federal law, and maintained by the law enforcement unit.

Student means any individual for whom the LEA maintains scholastic records. The term does not include an individual who has not been in attendance at an LEA.

Student Conduct Statement means the statement that must be signed by parents within one month of the opening of school acknowledging the requirements of the school board's standards of student conduct. (Virginia Code §22.1-279.3)

Substitute means an individual who performs on a temporary basis the duties of the individual who made the record.

Third Party means any person other than the first party (subject of the record) or the second party (custodian of the record).

Transfer of Record Data: see definition of Disclosure.

Written Notice means direct communication to the student's home in the form of written statements in English and in the primary language of the home. This notice may be provided by letter, publication in the student handbook, parent handbook or by any other means which will assure notification to the student's home.

INDEX

Access 8, 21
Annual Notice 16
Attendance 21
Children Reported Missing 15
Consent 9, 10, 12, 17
Days 21
Destruction 13, 21
Directory Information 7, 17, 21
Disciplinary Action 21
Disciplinary Records 5, 22
Disclosure 8, 9, 22
Drug/Alcohol Records 7
Education Division General Administrative Regulations (EDGAR) 13, 22
Education Records 22
Educational Agency 22
Educationally Useful 22
Eligible Student 2, 9, 16, 22
Family Educational Rights and Privacy Act (FERPA) 2, 3, 13, 16, 17, 19, 23
Financial Aid 23
Hearing 19
HIV Records 6
Individuals with Disabilities Education Act (IDEA) 9, 11, 13, 15, 16
Institution of Postsecondary Education 23
Law Enforcement Unit 3, 5, 22
Law Enforcement Unit Record 23
Legal Documents 5
Library of Virginia 13, 14
Local Education Agency 23
Notice 16
Notices of Court Disposition 5
Notices of the Filing of a Petition 6
Notices of School Status 23
Parent 5, 9, 10, 11, 16, 18, 19, 23
Participating Agency 24
Party 24
Personally Identifiable Data 24

Public Notice 24
Record Amendment 18
Record Data Disclosure Form 24
Record Review 17
Redisclosure 12
Retention 6, 13
Retention Schedule 6, 13
State Education Agency (SEA) 4
Scholastic Records 24
Scholastic Records of Children Reported Missing 15
Special Education 4
Student 16, 24, 25
Student Conduct Statement 25
Subpoena 11
Substitute 26
Third Party 26
Transfer 14, 26
Written Notice 26

APPENDICES

APPENDIX A

MANAGEMENT OF THE STUDENT'S SCHOLASTIC RECORD IN THE PUBLIC SCHOOLS OF VIRGINIA.

8 VAC 20-150-10. Definitions.
8 VAC 20-150-20. Management of scholastic record.
8 VAC 20-150-30. Access.

Editor's Note
The August 23, 1995 amendment substantially revised this chapter, effectively repealing former 8 VAC 20-150-10 through 8 VAC 20-150-400, effective April 7, 1994.

8 VAC 20-150-10. Definitions.

The terms used in this chapter, except as otherwise defined herein, shall be in accord with the definitions contained in the Family Educational Rights and Privacy Act, 20 USC § 1232g, 34 CFR 99; the Individuals with Disabilities Education Act, 20 USC §§ 1400-1485, 34 CFR 300; and § 22.1-289 of the Code of Virginia.

8 VAC 20-150-20. Management of scholastic record.

A. Local education agencies shall manage the scholastic records of all students in compliance with applicable law, including the Family Educational Rights and Privacy Act of 1974, 20 USC § 1232g, 34 CFR 99; the Individuals with Disabilities Education Act, 20 USC §§ 1400-1485, 34 CFR 300; and §§ 2.1-377 through 2.1-386, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-3.1, 22.1-270, 22.1-271.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.2, 22.1-289, 32.1-36.1 and 42.1-76 through 42.1-91.

B. Every notice of adjudication or conviction received by a local superintendent, and information contained in the notice, which is not a disciplinary record, shall be maintained by him and by any others to whom he disseminates it, separately from all other records concerning the student. However, if the school administrators or the school board takes disciplinary action against the student based upon an incident which formed the basis for the adjudication or conviction, the notice shall become a part of the student's disciplinary record. As used herein, *"disciplinary record"* means a record which is 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.

Statutory Authority
§ 4 of Article VIII of the Constitution of Virginia and §§ 22.1-16, 22.1-287.1, 22.1-288.2 and 22.1-289 of the Code of Virginia.

Historical Notes
Amended, Virginia Register Volume II, Issue 22, eff. August 23, 1995.

8 VAC 20-150-30. Access.

A parent, guardian or other persons having control or charge of a student shall be notified of his right to review, and to request an amendment of, the student's scholastic record in accordance with the procedures set forth in 34 CFR 99.

Statutory Authority
§ 4 of Article VIII of the Constitution of Virginia and §§ 22.1-16, 22.1-287.1, 22.1-288.2 and 22.1-289 of the Code of Virginia.

Historical Notes
Amended, Virginia Register Volume II, Issue 22, eff. August 23, 1995.

APPLICABLE LAWS AND REGULATIONS

Code of Virginia

§2.1-377-386	Privacy Protection Act of 1976
§22.1-3.1	Birth certificates required upon admission; required notice to the local law-enforcement agency
§22.1-3.2	Notice of student's school status required as condition of admission
§22.1-270	Preschool physical examinations
§22.1-271.2	Immunization requirements
§22.1-287	Limitations on access to records
§22.1-287.1	Directory information
§22.1-288	Furnishing information to public or private school, college, or university, or private business or professional school or college or military force
§22.1-288.2	Receipt, dissemination and maintenance of records of certain adjudications or convictions
§22.1-289	Transfer and management of scholastic records; disclosure of information in court notices; penalty
§16.1-260	Intake; petition; investigation
§16.1-305.1	Disclosure of disposition in certain delinquency cases
§16.1-305.2	Disclosure of notice of the filing of a petition by division superintendent
§32.1-36.1	Confidentiality of test for human immunodeficiency virus; civil penalty; individual action for damages or penalty
§42.1-76-91	Virginia Public Records Act and the Records Retention and Disposition Schedule

Federal Regulations

§34 CFR Part 99	Family Educational Rights and Privacy Act
§34 CFR Part 300	Individuals with Disabilities Education Act

APPENDIX B

MODEL MANAGEMENT OF STUDENT RECORDS NOTICE

The Family Educational Rights and Privacy Act (FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the school division receives a request for access.

Parents or eligible students should submit to the _____ a written request that identifies the record(s) they wish to inspect. The _____ will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading.

Parents or eligible students may ask _____ Public Schools to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading.

If the school division decides not to amend the record as requested by the parent or eligible student, the school division will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) The right to consent to disclosures of personally identifiable information contained in the student's education record, except to the extent that FERPA authorizes disclosure without consent.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the division as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the division has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[**Optional**] Upon request, the school division discloses education records without consent to officials of another school division in which a student seeks or intends to enroll. [Note: FERPA requires a school division to make a reasonable attempt to notify the student of the records request unless it states in its annual notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the school division to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-4605.

[**NOTE: In addition, a school division may want to include its directory information public notice, as required by Section 99.37 of the regulations, with its annual notification of rights under FERPA.**]

Family Policy Compliance Office

MENU TITLE: A Guide to FERPA

Sharing Information: A Guide to the Family Educational Rights and Privacy Act and Participation in Juvenile Justice Programs

Appendixes

Appendix A: Family Educational Rights and Privacy Act Regulations

34 CFR Part 99

Subpart A - General

Section

99.1 To which educational agencies or institutions do these regulations apply?

99.2 What is the purpose of these regulations?

99.3 What definitions apply to these regulations?

99.4 What are the rights of parents?

99.5 What are the rights of students?

99.7 What must an educational agency or institution include in its annual notification?

99.8 What provisions apply to records of a law enforcement unit?

Subpart B -- What Are the Rights of Inspection and Review of Education Records?

Section

99.10 What rights exist for a parent or eligible Student to inspect and review education records?

99.11 May an educational agency or institution charge a fee for copies of education records?

99.12 What limitations exist on the right to inspect and review records?

Subpart C -- What Are the Procedures for Amending Educating Records?

Section

99.20 How can a parent or eligible student request amendment of the student's education records?

99.21 Under what conditions does a parent or eligible student have the right to a hearing?

99.22 What minimum requirements exist for the conduct of a hearing?

Subpart D -- May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

Section

99.30 Under what conditions is prior consent required to disclose information?

99.31 Under what conditions is prior consent not required to disclose information?

99.32 What record keeping requirements exist concerning requests and disclosures?

99.33 What limitations apply to the re-disclosure of information?

99.34 What conditions apply to disclosure of information to other educational agencies or institutions?

99.35 What conditions apply to disclosure of information for Federal or State program purposes?

99.36 What conditions apply to disclosure of information in health and safety emergencies?

99.37 What conditions apply to disclosing directory information?

99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

Subpart E -- What Are the Enforcement Procedures?

Section

99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?

99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?

99.62 What information must an educational agency or institution submit to the Office?

99.63 Where are complaints filed?

99.64 What is the complaint procedure?

99.65 What is the content of the notice of complaint issued by the Office?

99.66 What are the responsibilities of the Office in the enforcement process?

99.67 How does the Secretary enforce decisions?

Appendix A: Family Educational Rights and Privacy Act Regulations

Subpart A-General

Section 99.1 To which educational agencies or institutions do these regulations apply?

(a) Except as otherwise noted in section 99.10, this part applies to an educational agency or institution to which funds have been made available under any program administered by the Secretary, if --

(1) The educational institution provides educational services or instruction, or both, to students; or

(2) The educational agency provides administrative control of or direction of, or performs service functions for, public elementary or secondary schools or postsecondary institutions.

(b)This part does not apply to an educational agency or institution solely because students attending that agency or institution receive non-monetary benefits under a program referenced in paragraph (a) of this section, if no funds under that program are made available to the agency or institution.

(c)The Secretary considers funds to be made available to an educational agency or institution if funds under one or more of the programs referenced in paragraph (a) of this section --

(1) Are provided to the agency or institution by grant, cooperative agreement, contract, subgrant, or subcontract; or

(2) Are provided to students attending the agency or institution and the funds may be paid to the agency or institution by those students for educational purposes, such as under the Pell Grant Program and the Guaranteed Student Loan Program (Titles IV-A-1 and IV-B, respectively, of the Higher Education Act of 1965, as amended).

(d) If an educational agency or institution receives funds under one or more of the programs covered by this section, the regulations in this part apply to the recipient as a whole, including each of its components (such as a department within a university).
(Authority: 20 U.S.C. 1232g)

Section 99.2 What is the purpose of these regulations?

The purpose of this part is to set out requirements for the protection of privacy of parents and students under section 444 of the General Education provisions Act, as amended.
(Authority: 20 U.S.C. 1232g)

NOTE: 34 CFR 300.560-300.576 contain requirements regarding confidentiality of information relating to handicapped children who receive benefits under the Education of the Handicapped Act.

Section 99.3 What definitions apply to these regulations?

The Following definitions apply to this part: "Act" means the Family Educational Rights and Privacy Act of 1974, as amended, enacted as section 444 of the General Education Provisions Act.
(Authority: 20 U.S.C. 1232g)

"Attendance" includes, but is not limited to:

(a) Attendance in person or by correspondence; and

(b)The period during which a person is working under a work-study program.
(Authority: 20 U.S.C. 1232g)

"Directory information" means information contained in an education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to the student's name, address, telephone listing, date and place of birth, major field of

study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended.
(Authority: 20 U.S.C. 1232g(a)(5)(A))

"Disciplinary action or proceeding" means the investigation, adjudication, or imposition of sanctions by an educational agency or institution with respect to an infraction or violation of the internal rules of conduct applicable to students of the agency or institution.

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records to any party, by any means, including oral, written, or electronic means.
(Authority: 20 U.S.C. 1232g(b)(1))

"Educational agency or institution" means any public or private agency or institution to which this part applies under section 99.1(a).
(Authority: 20 U.S.C. 1232g(a)(3))

"Education records"

(a) The term means those records that are:

(1) Directly related to a student; and

(2) Maintained by an educational agency or institution or by a party acting for the agency or institution.

(b) The term does not include:

(1) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary to those persons that are kept in the sole possession of the maker of the record, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record;

(2) Records of the law enforcement unit of an educational agency or institution, subject to the provisions of section 99.8.

(3)

(i) Records relating to an individual who is employed by an educational agency or institution, that:

(A) Are made and maintained in the normal course of business;

(B) Relate exclusively to the individual in that individual's capacity as an employee; and

(C) Are not available for use for any other purpose.

(ii) Records relating to an individual in attendance at the agency or institution who is employed as a result of his or her status as a student are education records and not excepted under paragraph (b)(3)(i) of this definition.

(4) Records on a student who is 18 years of age or older, or is attending an institution of postsecondary education, that are:

(i) Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in

a paraprofessional capacity;

(ii) Made, maintained, or used only in connection with treatment of the student; and

(iii) Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution; and

(5) Records that only contain information about an individual after he or she is no longer a student at that agency or institution.
(Authority: 20 U.S.C. 1232g(a)(4))

"Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education.
(Authority: 20 U.S.C. 1232g(d))

"Institution of postsecondary education" means an institution that provides education to students beyond the secondary school level; "secondary school level" means the educational level (not beyond grade 12) at which secondary education is provided as determined under State law.
(Authority: 20 U.S.C. 1232g(d))

"Parent" means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian.
(Authority: 20 U.S.C. 1232g)

"Party" means an individual, agency, institution, or organization.
(Authority: 20 U.S.C. 1232g(b)(4)(A))

"Personally identifiable information" includes, but is not limited to:

(a) The student's name;

(b)The name of the student's parent or other family member;

(c)The address of the student or student's family;

(d) A personal identifier, such as the student's social security number or student number;

(e) A list of personal characteristics that would make the student's identity easily traceable; or

(f) Other information that would make the student's identity easily traceable.
(Authority: 20 U.S.C. 1232g)

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, Microfilm, and microfiche.
(Authority: 20 U.S.C. 1232g)

"Secretary" means the Secretary of the U.S. Department of Education or an official or employee of the Department of Education acting for the Secretary under a delegation of authority.
(Authority: 20 U.S.C. 1232g)

"Student," except as otherwise specifically provided in this part, means any individual who is or has been in attendance at an educational agency or institution and regarding whom the agency or institution maintains education records.
(Authority: 20 U.S.C. 1232g(a)(6))

Section 99.4 What are the rights of parents?

An educational agency or institution shall give full rights under the Act to either parent, unless the agency or institution has been provided with evidence that there is a court order, State statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights.
(Authority: 20 U.S.C. 1232g)

Section 99.5 What are the rights of students?

(a) When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student.

(b) The Act and this part do not prevent educational agencies or institutions from giving students rights in addition to those given to parents.

(c) If an individual is or has been in attendance at one component of an educational agency or institution, that attendance does not give the individual rights as a student in other components of the agency or institution to which the individual has applied for admission, but has never been in attendance.
(Authority: 20 U.S.C. 1232g(d))

Section 99.7 What must an educational agency or institution include in its annual notification?

(a)

(1) Each educational agency or institution shall annually notify parents of students currently in attendance, or eligible students currently in attendance, of their rights under the Act and this part.

(2) The notice must inform parents or eligible students that they have the right to --

(i) Inspect and review the student's education records;

(ii) Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

(iii) Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and section 99.31 authorize disclosure without consent; and

(iv) File with the Department a complaint under sections 99.63 and 99.64 concerning alleged failures by the educational agency or institution to comply with the requirements of the act and this part.

(3) The notice must include all of the following:

(i) The procedure for exercising the right to inspect and review education records.

(ii) The procedure for requesting amendment of records under section 99.20.

(iii) If the educational agency or institution has a policy of disclosing education records under section 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

(b) An educational agency or institution may provide this notice by any means that are

reasonably likely to inform the parents or eligible students of their rights.

(1) An educational agency or institution shall effectively notify parents or eligible students who are disabled.

(2) An agency or institution of elementary or secondary education shall effectively notify parents who have a primary or home language other than English.
(Approved by the Office of Management and Budget under control number 1880-0508)
(Authority 20 U.S.C. 1232g(e) and (f).

Section 99.8 What provisions apply to records of a law enforcement unit?

(a)

(1) "Law enforcement unit" means any individual, office, department, division, or other component of an educational agency or institution, such as a unit of commissioned police officers or non-commissioned security guards, that is officially authorized or designated by that agency or institution to --

(i) Enforce any local, State, or Federal law, or refer to appropriate authorities a matter for enforcement of any local, State, or Federal law against any individual or organization other than the agency or institution itself; or

(ii) Maintain the physical security and safety of the agency or institution.

(2) A component of an educational agency or institution does not lose its status as a "law enforcement unit" if it also performs other, non-law enforcement functions for the agency or institution, including investigation of incidents or conduct that constitutes or leads to a disciplinary action or proceedings against the student.

(b)

(1) Records of law enforcement unit means those records, files, documents, and other materials that are --

(i) Created by a law enforcement unit;

(ii) Created for a law enforcement purpose; and

(iii) Maintained by the law enforcement unit.

(2) Records of law enforcement unit does not mean--

(i) Records created by a law enforcement unit for a law enforcement purpose that are maintained by a component of the educational agency or institution other than the law enforcement unit; or

(ii) Records created and maintained by a law enforcement unit exclusively for a non-law enforcement purpose, such as a disciplinary action or proceeding conducted by the educational agency or institution.

(c)

(1) Nothing in the Act prohibits an educational agency or institution from contacting its law enforcement unit, orally or in writing, for the purpose of asking that unit to investigate a possible violation of, or to enforce, any local, State, or Federal law.

(2) Education records, and personally identifiable information contained in education records, do not lose their status as education records and remain subject to the Act, including the disclosure provisions of section 99.30, while in possession of the law enforcement unit.

(d) The Act neither requires nor prohibits the disclosure by any educational agency or institution of its law enforcement unit records.
(Authority: 20 U.S.C. 1232g(a)(4) (B) (ii))

Subpart B -- What Are the Rights of Inspection and Review of Education Records?

Section 99.10 What rights exist for a parent or eligible student to inspect and review education records?

(a) Except as limited under section 99.12, a parent or eligible student must be given the opportunity to inspect and review the student's education records.

This provision applies to --

(1) Any educational agency or institution; and

(2) Any State educational agency (SEA) and its components.

(i) For the purposes of subpart B of this part, an SEA and its components constitute an educational agency or institution.

(ii) An SEA and its components are subject to subpart B of this part if the SEA maintains education records on students who are or have been in attendance at any school of an educational agency or institution subject to the Act and this part.

(b) The educational agency or institution, or SEA or its component, shall comply with a request for access to records within a reasonable period of time, but not more than 45 days after it has received the request.

(c) The educational agency or institution, or SEA or its component, shall respond to reasonable requests for explanations and interpretations of the records.

(d) If circumstances effectively prevent the parent or eligible student from exercising the right to inspect and review the student's education records, the educational agency or institution, or SEA or its component, shall --

(1) Provide the parent or eligible student with a copy of the records requested; or

(2) Make other arrangements for the parent or eligible student to inspect and review the requested records.

(e) The educational agency or institution, or SEA or its component, shall not destroy any education records if there is an outstanding request to inspect and review the records under this section.

(f) While an education agency or institution is not required to give an eligible student access to treatment records under paragraph (b)(4) of the definition of "Education records" in section 99.3, the student may have those records reviewed by a physician or other appropriate professional of the student's choice.
Authority: 20 U.S.C. 1232g(a)(1)(A) and (B))

Section 99.11 May an educational agency or institution charge a fee for copies of education records?

(a) Unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review the student's education records, an educational agency or institution may charge a fee for a copy of an education record which is made for the parent or eligible student.

(b) An educational agency or institution may not charge a fee to search for or to retrieve the education records of a student.
(Authority: 20 U.S.C. 1232g(a)(1))

Section 99.12 What limitations exist on the right to inspect and review records?

(a) If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student.

(b) A postsecondary institution does not have to permit a student to inspect and review education records that are:

(1) Financial records, including any information those records contain, of his or her parents;

(2) Confidential letters and confidential statements of recommendation placed in the education records of the student before January 1, 1975, as long as the statements are used only for the purposes for which they were specifically intended; and

(3) Confidential letters and confidential statements of recommendation placed in the student's education records after January 1, 1975, if:

(i) The student has waived his or her right to inspect and review those letters and statements; and

(ii) Those letters and statements are related to the student's:

(A) Admission to an educational institution;

(B) Application for employment; or

(C) Receipt of an honor or honorary recognition.

(c)

(1) A waiver under paragraph (b)(3)(i) of this section is valid only if:

(i) The educational agency or institution does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and

(ii) The waiver is made in writing and signed by the student, regardless of age.

(2) If a student has waived his or her rights under paragraph (b)(3)(i) of this section, the educational institution shall:

(i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and

(ii) Use the letters and statements of recommendation only for the purpose for which they were intended.

(3)

(i) A waiver under paragraph (b)(3)(i) of this section may be revoked with respect to any actions occurring after the revocation.

(ii) A revocation under paragraph (c)(3)(i) of this Section must be in writing.
Authority: 20 U.S.C. 1232g(a)(1)(A), (B), (C), and (D))

Subpart C--What Are the Procedures for Amending Education Records?

Section 99.20 How can a parent or eligible student request amendment of the student's education records?

(a) If a parent or eligible student believes the education records relating to the student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy, he or she may ask the educational agency or institution to amend the record.

(b) The educational agency or institution shall decide whether to amend the record as requested within a reasonable time after the agency or institution receives the request.

(c) If the educational agency or institution decides not to amend the record as requested, it shall inform the parent or eligible student of its decision and of his or her right to a hearing under section 99.21.
(Authority: 20 U.S.C. 1232g(a)(2))

Section 99.21 Under what conditions does a parent or eligible student have the right to a hearing?

(a) An educational agency or institution shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in the education records is inaccurate, misleading, or in violation of the privacy rights of the student.

(b)

(1) If, as a result of the hearing, the educational agency or institution decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall:

(i) Amend the record accordingly; and

(ii) Inform the parent or eligible student of the amendment in writing.

(2) If, as a result of the hearing, the educational agency or institution decides that the information in the education record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, it shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the agency or institution, or both.

(c) If an educational agency or institution places a statement in the education records of a student under paragraph (b)(2) of this section, the agency or institution shall:

(1) Maintain the statement with the contested part of the record for as long as the record is maintained; and

(2) Disclose the statement whenever it discloses the portion of the record to which the statement relates.
(Authority: 20 U.S.C. 1232g(a)(2))

Section 99.22 What minimum requirements exist for the conduct of a hearing?

The hearing required by section 99.21 must meet, at a minimum, the following requirements:

(a) The educational agency or institution shall hold the hearing within a reasonable time after it has received the request for the hearing from the parent or eligible student.

(b) The educational agency or institution shall give the parent or eligible student notice of the date, time, and place, reasonably in advance of the hearing.

(c) The hearing may be conducted by any individual, including an official of the educational agency or institution, who does not have a direct interest in the outcome of the hearing.

(d) The educational agency or institution shall give the parent or eligible student a full and fair opportunity to present evidence relevant to the issues raised under section 99.21. The parent or eligible student may, at their own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.

(e) The educational agency or institution shall make its decision in writing within a reasonable period of time after the hearing.

(f) The decision must be based solely on the evidence presented at the hearing, and must include a summary of the evidence and the reasons for the decision.
(Authority: 20 U.S.C. 1232g(a)(2))

Subpart D--May an Educational Agency or Institution Disclose Personally Identifiable Information From Education Records?

Section 99.30 Under what conditions is prior consent required to disclose information?

(a) The parent or eligible student shall provide a signed and dated written consent before an educational agency or institution discloses personally identifiable information from the student's education records, except as provided in section 99.31.

(b) The written consent must:

(1) Specify the records that may be disclosed;

(2) State the purpose of the disclosure; and

(3) Identify the party or class of parties to whom the disclosure may be made.

(c) When a disclosure is made under paragraph (a) of this section:

(1) If a parent or eligible student so requests, the educational agency or institution shall provide him or her with a copy of the records disclosed; and

(2) If the parent of a student who is not an eligible student so requests, the agency or institution shall provide the student with a copy of the records disclosed.
(Authority: 20 U.S.C. 1232g(b)(1) and (b)(2)(A))

Section 99.31 Under what conditions is prior consent not required to disclose information?

(a) An educational agency or institution may disclose personally identifiable information from an education record of a student without the consent required by section 99.30 if the disclosure meets one or more of the following conditions:

(1) The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests.

(2) The disclosure is, subject to the requirements of section 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll.

(3) The disclosure is, subject to the requirements of section 99.35, to authorized representatives of:

(i) The Comptroller General of the United States;

(ii) The Secretary; or

(iii) State and local educational authorities.

(4)

(i) The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes as to:

(A) Determine eligibility for the aid;

(B) Determine the amount of the aid;

(C) Determine the conditions for the aid; or

(D) Enforce the terms and conditions of the aid.

(ii) As used in paragraph (a)(4)(i) of this section, "financial aid" means a payment of funds provided to an individual (or a payment in kind of tangible or intangible property to the individual) that is conditioned on the individual's attendanceat an educational agency or institution.
Authority: 20 U.S.C. 1232g(b)(1)(D))

(5)

(i) The disclosure is to State and local officials or authorities to whom this information is specifically --

(A) Allowed to be reported or disclosed pursuant to a State statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or

(B) Allowed to be reported or disclosed pursuant to a State statute adopted after November 19, 1974, subject to the requirements of section 99.38.

Paragraph (a)(5)(1) of this section does not prevent a State from further limiting the number or type of State or local officials to whom disclosures may be made under that paragraph.

(6)

(i) The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions to:

(A) Develop, validate, or administer predictive tests;

(B) Administer student aid programs; or

(C) Improve instruction.

(ii) The agency or institution may disclose information under paragraph (a)(6)(i) of this section only if:

(A) The study is conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization; and

(B) The information is destroyed when no longer needed for the purposes for which the study was conducted.

(iii) If this Office determines that a third party outside the educational agency or institution to whom information is disclosed under this paragraph (a)(6) violates paragraph (a)(6)(ii)(B) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.

(iv) For the purposes of paragraph (a)(6) of this section, the term "organization" includes, but is not limited to, Federal, State, and local agencies, and independent organizations.

(7) The disclosure is to accrediting organizations to carry out their accrediting functions.

(8) The disclosure is to parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.

(9)

(i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with –

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.

(iii) If the educational agency or institution initiates legal action against a parent or student and has complied with paragraph (a)(9)(ii) of this section, it may disclose the student's education records that are relevant to the action to the court without a court

order or subpoena.

(10) The disclosure is in connection with a health or safety emergency, under the conditions described in section 99.36.

(11) The disclosure is information the educational agency or institution has designated as "directory information," under the conditions described in section 99.37.

(12) The disclosure is to the parent of a student who is not an eligible student or to the student.

(13) The disclosure is to an alleged victim of any crime of violence, as that term is defined in Section 16 of title 18, United States Code, of the results of any disciplinary proceeding conducted by an institution of postsecondary education against the alleged perpetrator of that crime with respect to that crime.

(b) This section does not forbid an educational agency or institution to disclose, nor does it require an educational agency or institution to disclose, personally identifiable information from the education records of a student to any parties under paragraphs (a)(1) through (11) and (13) of this section.
Authority: 20 U.S.C. 1232g(a)(5)(A), (b)(1), (b)(2)(B), and (b)(6))

Section 99.32 What record keeping requirements exist concerning requests and disclosures?

(a)

(1) An educational agency or institution shall maintain a record of each request for access to and each disclosure of personally identifiable information from the education records of each student.

(2) The agency or institution shall maintain the record with the education records of the student as long as the records are maintained.

(3) For each request or disclosure the record must include:

(i) The parties who have requested or received personally identifiable information from the education records; and

(ii) The legitimate interests the parties had in requesting or obtaining the information.

(b) If an educational agency or institution discloses personally identifiable information from an education record with the understanding authorized under section 99.33(b), the record of the disclosure required under this section must include:

(1) The names of the additional parties to which the receiving party may disclose the information on behalf of the educational agency or institution; and

(2) The legitimate interests under section 99.31 which each of the additional parties has in requesting or obtaining the information.

(c) The following parties may inspect the record relating to each student:

(1) The parent or eligible student.

(2) The school official or his or her assistants who are responsible for the custody of the records.

(3) Those parties authorized in section 99.3 1 (a)(1) and (3) for the purposes of auditing the record keeping procedures of the educational agency or institution.

(d) Paragraph (a) of this section does not apply if the request was from, or the disclosure was to:

(1) The parent or eligible student;

(2) A school official under section 99.3 1 (a)(1);

(3) A party with written consent from the parent or eligible student;

(4) A party seeking directory information; or

(5) A party seeking or receiving the records as directed by a Federal grand jury or other law enforcement subpoena and the issuing court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed.
(Approved by the Office of Management and Budget under control number 1880-0508)
(Authority: 20 U.S.C. 1232g(b)(1) and (b)(4)(A))

Section 99.33 What limitations apply to the re-disclosure of information?

(a)

(1) An educational agency or institution may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent or eligible student.

(2) The officers, employees, and agents of a party that receives information under paragraph (a)(1) of this section may use the information, but only for the purposes for which the disclosure was made.

(b) Paragraph (a) of this section does not prevent an educational agency or institution from disclosing personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the educational agency or institution if:

(1) The disclosures meet the requirements of section 99.31; and

(2) The educational agency or institution has complied with the requirements of section 99.32(b).

(c) Paragraph (a) of this section does not apply to disclosures made pursuant to court orders or to lawfully issued subpoenas under section 99.31(a)(9), to disclosures of directory information under section 99.31(a) (11), or to disclosures to a parent or student under section 99.31 (a)(12).

(d) Except for disclosures under section 99.31(a)(9), (11) and (12), an educational agency or institution shall inform a party to whom disclosure is made of the requirements of this section.

(e) If this Office determines that a third party improperly re-discloses personally identifiable information from education records in violation of section 99.33(a) of this section, the educational agency or institution may not allow that third party access to personally identifiable information from education records for at least five years.
Authority: 20 U.S.C. 1232g(b)(4)(B))

Section 99.34 What conditions apply to disclosure of information to other educational agencies or institutions?

(a) An educational agency or institution that discloses an education record under section 99.31(a)

(2) shall:

(1) Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:

(i) The disclosure is initiated by the parent or eligible student; or

(ii) The annual notification of the agency or institution under section 99.7 includes a notice that the agency or institution forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll:

(2) Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

(3) Give the parent or eligible student, upon request, an opportunity for a hearing under Subpart C.

(b) An educational agency or institution may disclose an education record of a student in attendance to another educational agency or institution if:

(1) The student is enrolled in or receives services from the other agency or institution; and

(2) The disclosure meets the requirements of paragraph (a) of this section.
Authority: 20 U.S.C. 1232g(b)(1)(B))

Section 99.35 What conditions apply to disclosure of information for Federal or State program purposes?

(a) The officials listed in section 99.31(a)(3) may have access to education records in connection with an audit or evaluation of Federal or State supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.

(b) Information that is collected under paragraph (a) of this section must:

(1) Be protected in a manner that does not permit personal identification of individuals by anyone except the officials referred to in paragraph (a) of this section; and

(2) Be destroyed when no longer needed for the purposes listed in paragraph (a) of this section.

(c) Paragraph (b) of this section does not apply if:

(1) The parent or eligible student has given written consent for the disclosure under section 99.30; or

(2) The collection of personally identifiable information is specifically authorized by Federal law.
(Authority: 20 U.S.C. 1232g(b)(3))

Section 99.36 What conditions apply to disclosure of information in health and safety emergencies?

(a) An educational agency or institution may disclose personally identifiable information from an education record 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.

(b) Nothing in the Act or this part shall prevent an educational agency or institution from --

(1) Including in the education records of a student appropriate information concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, or other members of the school community;

(2) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials within the agency or institution who the agency or institution has determined have legitimate educational interests in the behavior of the student; or

(3) Disclosing appropriate information maintained under paragraph (b)(1) of this section to teachers and school officials in other schools who have been determined to have legitimate educational interests in the behavior of the student.

(c) Paragraphs (a) and (b) of this section will be strictly construed.
Authority: 20 U.S.C. 1232g(b)(1)(I) and (h))

Section 99.37 What conditions apply to disclosing directory information?

(a) An educational agency or institution may disclose directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the agency or institution of:

(1) The types of personally identifiable information that the agency or institution has designated as directory information;

(2) A parent's or eligible student's right to refuse to let the agency or institution designate any or all of those types of information about the student as directory information; and

(3) The period of time within which a parent or eligible student has to notify the agency or institution in writing that he or she does not want any or all of those types of information about the student designated as directory information.

(b) An educational agency or institution may disclose directory information about former students without meeting the conditions in paragraph (a) of this section.
(Authority: 20 U.S.C. 1232g(a)(5)(A) and (B))

Section 99.38 What conditions apply to disclosure of information as permitted by State statute adopted after November 19, 1974 concerning the juvenile justice system?

(a) If reporting or disclosure allowed by State statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose education records under section 99.31(a)(5)(i)(B).

(b) The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution 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 student.

Authority: 20 U.S.C. 1232g(b)(1)(J))

Subpart E -- What Are the Enforcement Procedures?

Section 99.60 What functions has the Secretary delegated to the Office and to the Office of Administrative Law Judges?

(a) For the purposes of this subpart, "Office means the Family Policy Compliance Office, U.S. Department of Education.

(b)The Secretary designates the Office to:

(1) Investigate, process, and review complaints and violations under the Act and this part; and

(2) Provide technical assistance to ensure compliance with the Act and this part.

(c) The Secretary designates the Office of Administrative Law Judges to act as the Review Board required under the Act to enforce the Act with respect to all applicable programs. The term "applicable program" is defined in section 400 of the General Education Provisions Act.
Authority: 20 U.S.C. 1232g(f) and (g), 1234)

Section 99.61 What responsibility does an educational agency or institution have concerning conflict with State or local laws?

If an educational agency or institution determines that it cannot comply with the Act or this part due to a conflict with State or local law, it shall notify the Office within 45 days, giving the text and citation of the conflicting law.
(Authority: 20 U.S.C. 1232g(f))

Section 99.62 What information must an educational agency or institution submit to the Office?

The Office may require an educational agency or institution to submit reports containing information necessary to resolve complaints under the Act and the regulations in this part.
(Authority: 20 U.S.C. 1232g(f) and (g))

Section 99.63 Where are complaints filed?

A parent or eligible student may file a written complaint with the Office regarding an alleged violation under the Act and this part. The Office's address is:

Family Policy Compliance Office,
U.S. Department of Education,
Washington, D.C. 20202-4605.

(Authority: 20 U.S.C. 1232g(g))

Section 99.64 What is the complaint procedure?

(a) A complaint filed under section 99.63 must contain specific allegations of fact giving reasonable cause to believe that a violation of the Act or this part has occurred.

(b) The Office investigates each timely complaint to determine whether the educational agency or institution has failed to comply with the provisions of the Act or this part.

(c) A timely complaint is defined as an allegation of a violation of the Act that is submitted to the Office within 180 days of the date of the alleged violation or of the date that the complainant knew or reasonably should have known of the alleged violation.

(d) The Office extends the time limit in this section if the complainant shows that he or she was prevented by circumstances beyond the complainant's control from submitting the matter within the time limit, or for other reasons considered sufficient by the Office.
(Authority: 20 U.S.C. 1232g(f))

Section 99.65 What is the content of the notice of complaint issued by the Office?

(a) The Office notifies the complainant and the educational agency or institution in writing if it initiates an investigation of a complaint under section 99.64(b). The notice to the educational agency or institution --

(1) Includes the substance of the alleged violation; and

(2) Asks the agency or institution to submit a written response to the complaint.

(b) The Office notifies the complainant if it does not initiate an investigation of a complaint because the complaint fails to meet the requirements of section 99.64.
Authority:20 U.S.C. 1232g(g))

Section 99.66 What are the responsibilities of the Office in the enforcement process?

(a) The Office reviews the complaint and response and may permit the parties to submit further written or oral arguments or information.

(b) Following its investigation, the Office provides to the complainant and the educational agency or institution written notice of its findings and the basis for its findings.

(c) If the Office finds that the educational agency or institution has not complied with the Act or this part, the notice under paragraph (b) of this section:

(1) Includes a statement of the specific steps that the agency or institution must take to comply; and

(2) Provides a reasonable period of time, given all of the circumstances of the case, during which the educational agency or institution may comply voluntarily.
(Authority: 20 U.S.C. 1232g(f))

Section 99.67 How does the Secretary enforce decisions?

(a) If the educational agency or institution does not comply during the period of time set under section 99.66(c), the Secretary may, in accordance with part E of the General Education Provisions Act --

(1) Withhold further payments under any applicable program;

(2) Issue a compliant to compel compliance through a cease-and-desist order; or

(3) Terminate eligibility to receive funding under any applicable program.

(b) If, after an investigation under section 99.66, the Secretary finds that an educational agency or institution has complied voluntarily with the Act or this part, the Secretary provides the complainant and the agency or institution written notice of the decision and the basis for the decision.

(Note: 34 CFR Part 78 contains the regulations of the Education Appeal Board.) [Please note that Part 78 has been removed from the CFR and has been replaced with 34 CFR Part 81.]

Authority: 20 U.S.C. 1232g(f); 20 U.S.C. 1234)

[These regulations are codified in 34 CFR Part 99 as amended on November 21, 1996 (61 FR 59292).]

Appendix B: Model Notification of Rights Under FERPA for Elementary and Secondary Institutions

The Family Educational Rights and Privacy Act(FERPA) affords parents and students over 18 years of age ("eligible students") certain rights with respect to the student's education records. They are:

(1) The right to inspect and review the student's education records within 45 days of the day the District receives a request for access.

Parents or eligible students should submit to the school principal [or appropriate school official] a written request that identifies the record(s) they wish to inspect. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected.

(2) The right to request the amendment of the student's education records that the parent or eligible student believes are inaccurate or misleading. Parents or eligible students may ask Alpha School District to amend a record that they believe is inaccurate or misleading. They should write the school principal, clearly identify the part of the record they want changed, and specify why it is in accurate or misleading. If the District decides not to amend the record as requested by the parent or eligible student, the District will notify the parent or eligible student of the decision and advise them of their right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the parent or eligible student when notified of the right to a hearing.

(3) 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.

One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the District as an administrator, supervisor, instructor, or support staff member (including health or medical staff and law enforcement unit personnel); a person serving on the School Board; a person or company with whom the District has contracted to perform a special task (such as an attorney, auditor, medical consultant, or therapist); or a parent or student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

[Optional] Upon request, the District discloses education records without consent to officials of another school district in which a student seeks or intends to enroll.

[NOTE: FERPA requires a school district to make a reasonable attempt to notify the student of the records request unless it states in its annual

notification that it intends to forward records on request.]

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the District to comply with the requirements of FERPA. The Office that administers FERPA is:

. Family Policy Compliance Office
U.S. Department of Education
600 Independence Avenue SW.
Washington, DC 20202-4605

[NOTE: In addition, a school may want to include its directory information public notice, as required by section 99.37 of the regulations, with its annual notification of rights under FERPA.]

Appendix C: Sample Court Orders

Notice of Juvenile Court Disposition
(On Agency Letterhead)

Superintendent, Date:

School District RE: _____
Birthdate: _____
Last school: _____

In accordance with *(Code, Sections)*
and with the Order of the Juvenile Court, you are hereby notified that the above-named minor was found by the juvenile court to have:

- Used, possessed, or sold a controlled substance

Committed:

- Murder
- Arson
- Robbery
- Rape or another serious sex offense
- Kidnaping
- Attempted murder
- serious assault
- Use or possession of a deadly or dangerous weapon
- Another offense that may be significant to school safety, specifically:

_____
_____
_____

On , the minor was placed

_____
_____

with specific terms of probation to

_____
_____

Sincerely yours,

_____
Deputy Probation Officer

Phone: _____

CONFIDENTIAL INFORMATION

Court Order Authorizing School-Probation Information Exchange

STATE OF _____, SUPERIOR COURT

COUNTY OF _____, JUVENILE COURT

ORDER OF THE JUVENILE COURT AUTHORIZING RELEASE AND EXCHANGE OF INFOR-MATION BETWEEN SCHOOL DISTRICTS AND PROBATION OFFICIALS

Pursuant to the authority vested in the Court by
_____ *(Code, Sections)*
_____

IT IS HEREBY ORDERED that the Probation Department of
_____ _____ County and all school districts in _____
County shall release information to each other regarding all minors and students under their supervision. In-formation that may be helpful in providing services, supervision, progress reports, advice to the juvenile court, and educational placements, as well as in increasing school safety and other legitimate official concerns of both agencies shall be shared by both agencies. Such information shall include, but is not limited to, academic, at-tendance, and disciplinary records; arrest and dispositional data; names of minors on probation and their as-signed probation officers; and names of minors attending individual schools and their assigned teacher, counselor, or other appropriate adult contact at the school site.

_____
DATE, PRESIDING JUDGE, JUVENILE COURT

Court Order Allowing Interagency Information Exchange

STATE OF _____, SUPERIOR COURT

COUNTY OF _____, JUVENILE COURT

Order Of The Juvenile Court Authorizing Release And Exchange Of Information Between School Districts, Law Enforcement, Prosecutors, County Counsels, Child Protective Services, And Probation Department Of _____
County

Pursuant to the authority vested in the court by *(Code, Sections)*
IT IS HEREBY ORDERED that juvenile court records and any other information that may be in the possession of school districts, law enforcement, prosecutors, county counsels, child protective

services, and pro-bation departments regarding minors may be released, for governmental purposes only, to the following persons who have a legitimate and official interest in the information:
1. The minor
2. The minor's attorney
3. The minor's parents or guardians
4. Foster parents
5. All district attorneys offices
6. All law enforcement agencies
7. All county attorneys
8. All school districts
9. All probation departments
10. All public welfare agencies
11. All youth detention facilities
12. All corrections departments
13. Authorized court personnel
14. All courts
15. All treatment or placement programs that require the information for placement, treatment, or rehabilita-tion of the minor
16. All multidisciplinary teams for abuse, neglect, or delinquency
17. All juvenile justice citizens advisory boards
18. All State central information registries
19. All coroners
20. All victims may receive information from law enforcement, probation or the prosecutor to enable them to pursue civil remedies. These same agencies may release information to identifiable potential victims that a minor constitutes as a threat to their person or property. They may release the name, description, and whereabouts of the minor and the nature of the threat toward the potential victim. All information received by authorized recipients listed above may be further disseminated only to other authorized recipients without further order of this court.

IT IS FURTHER ORDERED that the release of information to the media regarding minors shall be as follows:
1. District attorneys, probation and law enforcement officials may divulge whether or not an arrest has been made, the arresting offenses, and disposition of the arrest.
2. District attorneys, county counsels, law enforcement, child protective services, and probation officials may divulge whether or not they plan to file a petition and the charges alleged therein, the detention or release status of the minor, the date and location of hearings, the names of the judge or referee who will hear the matter, and the finding and disposition of the court.
3. In the event of runaways or escapes from juvenile placements or institutions, district attorneys, law en-forcement, child protective services, and probation officials may confirm the fact of the runaway or escape to the media and the name of the juvenile, the general type of record of the juvenile, and the city of resi-dence of the juvenile.
IT IS FURTHER ORDERED that this order does not prohibit release of information by law enforcement, probation officials, or district attorneys about crimes or the contents of arrest reports except insofar as they disclose the identity of the juvenile. This order supersedes the previous order of the Court concerning release of information dated _____ .

_____ _____
DATE, PRESIDING JUDGE, JUVENILE COURT

Appendix D: Model Interagency Agreement

This Agreement made and entered into as of the date set forth below, by and between the *[List Agencies Here]*

WITNESSETH:

WHEREAS, all parties are committed to providing appropriate programs and services to prevent children from becoming at risk and to intervene with children already involved in the juvenile justice system; and

WHEREAS, the parties to this agreement desire a maximum degree of long range cooperation and administrative planning in order to provide for the safety and security of the community and its children; and

WHEREAS, all parties are committed to improving services to children in the juvenile justice system through sharing information, eliminating duplication of services and coordinating efforts; and

WHEREAS, all parties mutually agree that sharing resources, where feasible, and in particular, training efforts, may result in improved coordination; and

WHEREAS, it is the understanding by all parties that certain roles in serving children and youth are required by law, and that these laws serve as the foundation for defining the role and responsibility of each participating agency; and

WHEREAS, all parties mutually agree that all obligations stated or implied in this agreement shall be interpreted in light of, and consistent with governing State and Federal laws;

NOW, THEREFORE in consideration of the following agreements, the parties do hereby convenant and agree to do the following:

Each Of The Parties Agree To:

1. Promote a coordinated effort among agencies and staff to achieve maximum public safety with the goal of reducing juvenile crime.
2. Participate in interagency planning meetings, as appropriate.
3. Assign staff, as appropriate, to participate in a consolidated case management system, reentry into school of children returning from detention or commitment program, and other information-sharing activities to assess and develop plans for at-risk youth and those involved in the juvenile justice system.
4. If applicable, participate in the planning and implementation of a juvenile assessment, receiving, and truancy center to the extent feasible for each party.
5. Jointly plan, and/or provide information and access to, training opportunities, when feasible.
6. Develop internal policies and cooperative procedures, as needed, to implement this agreement to the maximum extent possible.
7. Comply with relevant State and Federal law and other applicable local rules which relate to records use, security, dissemination, and retention/destruction.

The Juvenile Court Agrees To:

1. Notify the Superintendent, or designee, of the name and address of any student found to have committed a delinquent act or who has had adjudication withheld. Notification shall be within 48 hours and shall include the specific delinquent act found to have been committed or for which adjudication was withheld, or the specific felony for which the student was found guilty.

2. Identify sanctions for youth who are in contempt of court due to violation of a court order on school attendance.

3. Upon request by the school district, share dispositional information with the Superintendent or his designee regarding juveniles who are students within the educational system for purposes of assessment, placement, or security of persons and property.

4. Consider the issuance of court orders necessary to promote the goals of this agreement, particularly information sharing between the agencies involved.

5. Develop, in cooperation with School and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.

6. Develop appropriate internal written policies to insure that confidential education record information is disseminated only to appropriate personnel.

The Department Of Probation Agrees To:

1. Notify the Sheriff and Superintendent of Schools or designees, immediately upon learning of the move or other relocation of a juvenile offender into, out of, or within the jurisdiction, who has been adjudicated, or had adjudication withheld for a violent misdemeanor or felony.

2. Share dispositional, placement, and case management information with other agencies as appropriate for purposes of assessment, placement, and enhanced supervision of juveniles.

3. Develop, in cooperation with School and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.

4. Develop appropriate internal written policies to insure that confidential education record information is disseminated only to appropriate personnel.

The Department Of Health [Or Social Services Or Similar Agency] Agrees To:

1. Provide notice to the Superintendent of Schools or a designee, immediately upon the initiation of planning efforts with private nonprofit entities or governmental entities, including agencies part of this Agreement, which could result in the creation, relocation, or expansion of youth services programs and which may impact the school district.

2. Develop, in cooperation with School and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.

3. Develop appropriate internal written policies to insure that confidential education record information is disseminated only to appropriate personnel.

The School Superintendent Agrees To:

1. Notify, within 24 hours, the child's principal of juveniles arrested for crimes of violence or violation of law upon receipt of such information from law enforcement or the court system or probation department. The principal, within 24 hours of such notice, shall provide such information to student service personnel, the school resource officer, the student assistance coordinator, and the student's immediate teachers.

2. Designate the contact person to be responsible for receiving juvenile arrest information and inform all parties as to the Superintendent's designee.

3. Request criminal history information only for the purposes of assessment, placement, or security of persons and property.
4. Designate the contact person(s) to be responsible for receiving confidential criminal history information and inform all parties as to the names of those individuals.

5. Develop appropriate internal written policies to insure that confidential criminal history information is disseminated only to appropriate school personnel.

6. Share information on student achievement, and behavioral and attendance history on juvenile offenders and juveniles at risk of becoming offenders with the parties to this agreement, for the purpose of assessment and treatment.

7. Develop, in cooperation with School and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.

8. Notify the appropriate law enforcement agency when an adult or a student commits any of the following offenses on school property, on school sponsored transportation, or at school sponsored activities: Homicide; Sexual Battery; Armed Robbery; Aggravated Battery on a teacher or other school personnel; Kidnapping or abduction; Arson; Possession, use, or sale of any firearm; Possession, use, or sale of any explosive device; Possession, use, or sale of any controlled substance; or any act that compromises school or community safety. Additionally, if the offense involves a victim, school officials shall notify the victim and the victim's parents of the offense and the victim's right to press charges against the offender. School personnel shall cooperate in any investigation or other proceedings leading to the victim's exercise of right as provided by law.

Each Law Enforcement Chief [Or Sheriff] Agrees To:

1. Notify the Superintendent, or designee, of the name and address of any student arrested for crimes. Notification shall be within 24 hours and shall include the specific delinquent which led to the arrest.

2. Upon request by the school district, share summary criminal history information with the Superintendent or his designee regarding juveniles who are students within the educational system for purposes of assessment, placement, or security of persons and property.

3. Develop appropriate internal written policies to insure that confidential education record information is disseminated only to appropriate personnel.

4. Develop, in cooperation with School and law enforcement, and local service providers, a written plan to determine the procedures to take when a child is identified as being truant from school.

5. Notify the Superintendent, or designee, of the name and address of any employee of the school district who is charged with a felony or with a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance.

   Notification shall be within 24 hours and shall include the specific act which led to the arrest.

The State Attorney [Or District Attorney] Agrees To:

1. Notify the Superintendent or designee when a student is formally charged with a felony, or with a delinquent act which would be a felony if committed by an adult in a timely manner.

2. Provide copies to the Superintendent or designee of all Petitions, Information, or No File

decisions, as to students for violent misdemeanors and felonies or delinquent acts which would be a felony if committed by an adult in a timely manner.

Administrative Term Of Agreement:

This agreement shall be in effect as of the date the agreement is signed by the majority of the initiating parties and shall renew automatically unless otherwise modified. All parties are signatory to this agreement when signing or when the majority of the initiating parties signs, whichever is later. Any party signatory to this agreement may terminate participation upon thirty days notice to all other signed parties to the agreement.

Agency Representatives:

The parties will develop procedures for ongoing meetings and will, at least annually review and if necessary, recommend any changes.

Modification Of Agreement:

Modification of this agreement shall be made only by consent of the majority of the initiating parties. Such shall be made with the same formalities as were followed in this agreement and shall include a written document setting forth the modifications, signed by all the consenting parties.

Other Interagency Agreements:

All parties to this agreement acknowledge that this agreement does not preclude or preempt each of the agencies individually entering into an agreement with one or more parties to this agreement. Such agreements shall not nullify the force and effect of this agreement. This agreement does not remove any other obligations imposed by law to share information with other agencies.

Signatures Of Parties To This Agreement:

Upon signing this agreement, the original agreement and signature shall be filed with the clerk of the court and placed in the public records of the jurisdiction. A certified copy of the agreement and the signatures shall be provided to each signatory to the agreement.

Cautions for Model Interagency Agreement

As educators and juvenile justice professionals work on developing interagency information sharing agreements, they should ensure that the laws of their State permit information and record sharing. Further, the interagency agreement should contain a clause prohibiting the release of information to third parties not covered by the agreement.

Appendix E: Model State Statutes Illinois

West's Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 75. Courts

Juvenile Courts, Act 405. Juvenile Court Act Of 1987

Article I. General Provisions

COPR. ' WEST 1994 No Claim to Orig. U.S. Govt. Works 405/1-8.1. Legislative findings . 1-8.1. Legislative findings.

(a) The General Assembly finds that a substantial and disproportionate amount of serious

crime is committed by a relatively small number of juvenile offenders, otherwise known as serious habitual offenders. By this amendatory Act of 1992, the General Assembly intends to support the efforts of the juvenile justice system comprised of law enforcement, state's attorneys, probation departments, juvenile courts, social service providers, and schools in the early identification and treatment of habitual juvenile offenders. The General Assembly further supports increased interagency efforts to gather comprehensive data and actively disseminate the data to the agencies in the juvenile justice system to produce more informed decisions by all entities in that system.

(b)The General Assembly finds that the establishment of a Serious Habitual Offender Comprehensive Action Program throughout the State of Illinois is necessary to effectively intensify the supervision of serious habitual juvenile offenders in the community and to enhance current rehabilitative efforts. A cooperative and coordinated multi-disciplinary approach will increase the opportunity for success with juvenile offenders and assist in the development of early intervention strategies.

Chapter 75. Courts

Juvenile Courts, Act 405. Juvenile Court Act Of 1987

Article I. General Provisions

COPR. ' WEST 1994 No Claim to Orig. U.S. Govt. Works 405/1-8.2. Cooperation of agencies; Serious Habitual Offender Comprehensive Action Program s. 1-8.2. Cooperation of agencies; Serious Habitual Offender Comprehensive Action Program.

(a) The Serious Habitual Offender Comprehensive Action Program (SHOCAP) is a multi-disciplinary interagency case management and information sharing system that enables the juvenile justice system, schools, and social service agencies to make more informed decisions regarding a small number of juveniles who repeatedly commit serious delinquent acts.

(b) Each county in the State of Illinois may establish a multi-disciplinary agency (SHOCAP) committee. The committee shall consist of representatives from the following agencies: local law enforcement, area school district, state's attorney's office, and court services (probation). The chairman may appoint additional members to the committee as deemed appropriate to accomplish the goals of this program, including, but not limited to, representatives from the juvenile detention center, mental health, the Illinois Department of Children and Family Services, and community representatives at large.

(c) The SHOCAP committee shall adopt, by a majority of the members:

(1) criteria that will identify those who qualify as a serious habitual juvenile offender; and

(2) a written interagency information sharing agreement to be signed by the chief executive officer of each of the agencies represented on the committee. The interagency information sharing agreement shall include a provision that requires that all records pertaining to a serious habitual offender (SHO) shall be confidential. Disclosure of information may be made to other staff from member agencies as authorized by the SHOCAP committee for the furtherance of case management and tracking of the SHO. Staff from the member agencies who receive this information shall be governed by the confidentiality provisions of this Act. The staff from the member agencies who will qualify to have access to the SHOCAP information must be limited to those individuals who provide direct services to the SHO or who provide supervision of the SHO.

(d) The Chief Juvenile Circuit Judge, or the Chief Circuit Judge, or his designee, may issue a

comprehensive information sharing court order. The court order shall allow agencies who are represented on the SHOCAP committee and whose chief executive officer has signed the interagency information sharing agreement to provide and disclose information to the SHOCAP committee. The sharing of information will ensure the coordination and cooperation of all agencies represented in providing case management and enhancing the effectiveness of the SHOCAP efforts.

(e) Any person or agency who is participating in good faith in the sharing of SHOCAP information under this Act shall have immunity from any liability, civil, criminal, or otherwise, that might result by reason of the type of information exchanged. For the purpose of any proceedings, civil or criminal, the good faith of any person or agency permitted to share SHOCAP information under this Act shall be presumed.

(f) All reports concerning SHOCAP clients made available to members of the SHOCAP committee and all records generated from these reports shall be confidential and shall not be disclosed, except as specifically authorized by this Act or other applicable law. It is a Class A misdemeanor to permit, assist, or encourage the unauthorized release of any information contained in SHOCAP reports or records.

Florida

Florida Statutes Title V Judicial Branch

Chapter 39 Proceedings Relating To Juveniles

Part II Delinquency Cases Fla. Stat. @ 39.045 (1995) 39.045 Oaths; records; confidential information.

(1) Authorized agents of the Department of Juvenile Justice may administer oaths and affirmations.

(2) The clerk of the court shall make and keep records of all cases brought before it pursuant to this part. The court shall preserve the records pertaining to a child charged with committing a delinquent act or violation of law until the child reaches 24 years of age or reaches 26 years of age if he or she is a serious or habitual delinquent child, until 5 years after the last entry was made, or until 3 years after the death of the child, whichever is earlier, and may then destroy them, except that records made of traffic offenses in which there is no allegation of delinquency may be destroyed as soon as this can be reasonably accomplished. The court shall make official records of all petitions and orders filed in a case arising pursuant to this part and of any other pleadings, certificates, proofs of publication, summonses, warrants, and writs that are filed pursuant to the case.

(3) Records maintained by the Department of Juvenile Justice, including copies of records maintained by the court, which pertain to a child found to have committed a delinquent act which, if committed by an adult, would be a crime specified in ss. 110.1127, 393.0655, 394.457, 397.451, n1 402.305(1), 409.175, and 409.176 may not be destroyed pursuant to this section, except in cases of the death of the child. Such records, however, shall be sealed by the court for use only in meeting the screening requirements for personnel in s.402.3055 and the other sections cited above, or pursuant to departmental rule. The information shall be released to those persons specified in the above cited sections for the purposes of complying with those sections. The court may punish by contempt any person who releases or uses the records for any unauthorized purpose.

(4) The clerk shall keep all official records required by this section separate from other records of the circuit court, except those records pertaining to motor vehicle violations, which shall be forwarded to the Department of Highway Safety and Motor Vehicles. Except as provided in

subsection (9), official records required by this part are not open to inspection by the public, but may be inspected only upon order of the court by persons deemed by the court to have a proper interest therein, except that a child and the parents, guardians, or legal custodians of the child and their attorneys, law enforcement agencies, the Department of Juvenile Justice and its designees, the Parole Commission, and the Department of Corrections shall always have the right to inspect and copy any official record pertaining to the child. The court may permit authorized representatives of recognized, organizations compiling statistics for proper purposes to inspect, and make abstracts from, official records under whatever conditions upon the use and disposition of such records the court may deem proper and may punish by contempt proceedings any violation of those conditions.

(5) Except as provided in subsections (3) and (8), all information obtained under this part in the discharge of official duty by any judge, any employee of the court, any authorized agent of the Department of Juvenile Justice, the Parole Commission, the Juvenile Justice Advisory Board, the Department of Corrections, the district juvenile justice boards, any law enforcement agent, or any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile is confidential and may be disclosed only to the authorized personnel of the court, the Department of Juvenile Justice and its designees, the Department of Corrections, the Parole Commission, the Juvenile Justice Advisory Board, law enforcement agents, school superintendents and their designees, any licensed professional or licensed community agency representative participating in the assessment or treatment of a juvenile, and others entitled under this part to receive that information, or upon order of the court.

Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07 (1), as provided by law.

(6) All orders of the court entered pursuant to this part must be in writing and signed by the judge, except that the clerk or deputy clerk may sign a summons or notice to appear.

(7) A court record of proceedings under this part is not admissible in evidence in any other civil or criminal proceeding, except that:

(a) Orders transferring a child for trial as an adult are admissible in evidence in the court in which he or she is tried, but create no presumption as to the guilt of the child; nor may such orders be read to, or commented upon in the presence of, the jury in any trial.

(b) Orders binding an adult over for trial on a criminal charge, made by the judge as a committing magistrate, are admissible in evidence in the court to which the adult is bound over.

(c)Records of proceedings under this part forming a part of the record on appeal must be used in the appellate court in the manner provided in s. 39.069 (4).

(d) Records are admissible in evidence in any case in which a person is being tried upon a charge of having committed perjury, to the extent such records are necessary to prove the charge.

(e) Records of proceedings under this part may be used to prove disqualification pursuant to ss. 39.076, 110.1127, 393.0655, 394.457, 397.451, 402.305, 402.313, 409.175, and 409.176, and for proof in a chapter 120 proceeding pursuant to ss. 415.1075 and n2 415.504.

(8)

(a) Records regarding children are not open to inspection by the public. Such records may be inspected only upon order of the Secretary of Juvenile Justice or his or her authorized agent by persons who have sufficient reason and upon such conditions for their use and disposition as the secretary or his or her authorized agent deems proper. The information in such records may be disclosed only to other employees of the Department of Juvenile Justice who have a need therefor in order to perform their official duty; to other persons as authorized by rule of the Department of Juvenile Justice; and, upon request, to the Juvenile Justice Advisory Board and the Department of Corrections. The secretary or his or her authorized agent may permit properly qualified persons to inspect and make abstracts from records for statistical purposes under whatever conditions upon their use and disposition the secretary or his or her authorized agent deems proper, provided adequate assurances are given that children's names and other identifying information will not be disclosed by the applicant.

(b) The destruction of records pertaining to children committed to or supervised by the Department of Juvenile Justice pursuant to a court order, which records are retained until a child reaches the age of 24 years or until a serious or habitual delinquent child reaches the age of 26 years, shall be subject to chapter 943.

(9) Notwithstanding any other provisions of this part, a law enforcement agency may release for publication the name, photograph, and address of a child taken into custody if the child has been taken into custody by a law enforcement officer for a violation of law which, if committed by an adult, would be a felony, or the name, photograph, and address of any child who has been found by a court to have committed three or more violations of law which, if committed by an adult, would be misdemeanors.

(10) This part does not prohibit the release of the juvenile offense report by a law enforcement agency to the victim of the offense.

(11) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 232.26. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers.

Office of Management's Homepage

This page last updated 9/23/97 *(pjh)*
Send questions or comments to: om@ed.gov

APPENDIX C

STUDENT RECORDS AND CONFIDENTIALITY CONSIDERATIONS FOR PUBLIC ELEMENTARY AND SECONDARY SCHOOLS

Joan W. Murphy
Assistant Attorney General
Office of Virginia Attorney General
Richmond, Virginia

I. PRIVACY AND CONFIDENTIALITY REQUIREMENTS

A. Generally, Record Access Is Not Permitted Absent Consent or Judicial Order

1. Virginia statutes generally prohibit the release of information regarding students: No teacher, principal or employee or any school board member can permit access to any written records concerning any particular pupil enrolled in any class to any person except under judicial process. See Va. Code § 22.1-287. (See IV, APPENDIX A)

2. Additionally, federal statutes generally prohibit the release of information regarding students: Educational agencies or institutions receiving federal funds may not have a "policy or practice of permitting the release of education records (or personally identifiable information contained therein other than directory information . . .) of students without the written consent of their parents. See 20 U.S.C. § 1232g(b)(1); 34 C.F.R. §§ 99.30-99.37.

3. Federal requirements, which have been adopted by the state as a condition for receipt of federal special education funds, require additional "confidentiality" provisions for students receiving special education. These require:

   a. protection of confidentiality of personally identifiable information at "collection, storage, disclosure, and destruction stages"

   b. one official responsible for ensuring confidentiality

   c. training of "all persons collecting or using personally identifiable information

   d. list, available for public inspection, of agency employees allowed access to personally identifiable information. See 34 C.F.R. § 300.572.

B. Procedural Protection Also Afforded by Statutes Applicable Beyond the Education Context

1. Virginia Privacy Protection Act of 1976.
See Va. Code § 2.1-377.

Act does not generally prohibit the dissemination of information but requires procedures in the collection, maintenance, use and dissemination of such data.
See Hinderliter v. Humphries, 224 Va. 439, 297 S.E.2d 684 (1982).

2. Federal Privacy Protection Act of 1974 governs records management by federal agencies.
See 5 U.S.C. § 552a)

C. Virginia Freedom of Information Act "FOIA".

1. Scholastic records are not generally and routinely accessible to the general public but are accessible to the subject.

2. "Scholastic records" means those records, files, documents, and other materials containing information about a student and maintained by a public body which is an educational agency or institution or by a person acting for such agency or institution.

3. For purpose of access by a student, the following are not included:

a. financial records of a parent or guardian

b. records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute."
See Va. Code § 2.1-341.

4. "Scholastic records" exemption in FOIA protects disclosure of the total number of votes received by each student candidate in a public high school student election. (Wall v. Fairfax County Sch. Bd., 252 Va. 156, 475 S.E.2d 803 (1996).

II. CATEGORIZATION OF RECORDS DETERMINES ACCESSIBILITY GIVEN

A. Definitions

1. "Directory Information" is not confidential - student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of athletic teem members, dates of attendance, degrees and awards received, other similar information.
See Va. Code § 22.1-287.1., and Reports of the Virginia Attorney General:

1975-76 at 300; 1978-79 at 232.
See also 20 U.S.C. § 1232g(a)(5)(A); 34 C.F.R. § 99.3.

a. Educational agency annually can designate, and give notice of its designation of, items it will include in the disclosure of "directory information" and when it does so it must allow individuals to "opt-out" from such disclosure
See 20 U.S.C. § 1232g(a)(5)(A),(B); 34 C.F.R. 99.31(a)(11).

2. "Scholastic record" - records directly related to a student and maintained by an educational agency or institution or by a party acting for the agency or institution.

a. These include documentation pertinent of educational growth as student progresses through school, disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs.

b. A notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school-sponsored activity shall not be part of a student's scholastic record.

c. "Scholastic record" does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.
See Va. Code § 22.1-289.

3. "Education records" under FERPA generally are records, files, documents and other materials which contain information directly related to a student and are maintained by an educational agency or institution or by a person acting for such agency or institution.
See 20 U.S.C. § 1232g(a)(4); 34 C.F.R. § 99.3.

a. Excluded are "records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute"

b. Also excluded are records of law enforcement unit of educational agency created by that law enforcement unit for purpose of law enforcement
See 20 U.S.C. § 1232g(a)(4)(B)(ii).

4. "Disciplinary action or proceeding" - investigation, adjudication, or imposition of sanctions with respect to an infraction or violation of the internal rules of conduct applicable to students of the educational agency. See 34 C.F.R. § 99.3.

III. FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT ("FERPA" OR "BUCKLEY AMENDMENT") 20 U.S.C. § 1232g; 34 C.F.R. § 99.1 (See IV, APPENDIX B)

A. Educational Agencies or Institutions Receiving Federal Funds are Prohibited from Having Policies Preventing Parents from Gaining Access to their Child's Education Records. See 20 U.S.C. § 1232g(a)(1).

B. Education Agencies and Institutions must have Procedures Governing Access and Release of Records Which Meet Federal Minimum Standards and Are Available in Writing Upon Request. See 20 U.S.C. § 1232g(b).

1. Such procedures minimally must state:

   a. how notification of rights is given

   b. how inspection and review are allowed

   c. procedure to obtain inspection

   d. circumstances wherein agency does not provide copies

   e. fee list for copies

   f. types and locations of records and names and addresses of officials responsible

3. that personally identifiable information will not be released without prior written consent except under 34 C.F.R. § 99.31 circumstances

4. criteria for deciding "legitimate educational interest" of persons to whom personally identifiable information is disclosed

5. record of disclosures to be made and to be accessible

6. the personally identifiable information which is categorized as "directory information"

7. methods of obtaining correction, supplementation of records upon parental request

C. Annual Notification of FERPA Rights
See 20 U.S.C. § 1232g(e); 34 C.F.R. § 99.10.

1. School division must notify, in English or home language, by any means "reasonably likely to inform" of rights to:

   a. Inspect and review the student's education record;

   b. Seek amendment of the student's education records that the student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

   c. Consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that FERPA and § 99.31 authorize disclosure without consent; and

   d. File with Department a complaint under §§ 99.63 and 99.64 concerning alleged failures by the institution to comply with the requirements of FERPA and its regulations.

2. The annual notice must also include all of the following:

   a. The procedure for exercising the right to inspect and review education records;

   b. The procedure for requesting amendment of records under § 99.20 (including the actual procedures may be optional if the school provides this information to students seeking to amend education records—see comments to § 99.7, *Federal Register*, November 21, 1996 at 59293); and

   c. If the educational agency or institution has a policy of disclosing education records under § 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

D. Enforcement
See 20 U.S.C. § 1232g(f),(g); 34 C.F.R. §§ 99.60-99.67.

1. Written complaint to Secretary of Education

2. Office of Enforcement with U.S. Department of Education

3. Withholding of federal funds proceeding

4. Cease and desist order to compel compliance

5. Termination of federal program eligibility

E. Education Agencies and Institutions must have Procedures for Parents to Challenge the Accuracy of Education Records. See 20 U.S.C. § 1232g(a)(D)(2); 34 C.F.R. §§ 99.20-99.22.

IV. ACCESS BY PUBLIC, PARENTS AND STUDENTS

A. No Mandatory Public Access to Scholastic Records, Letters of Recommendation or Tests Under Virginia FOIA.

1. "Scholastic records" are excluded from mandatory public access, but are in the class of records which "may be disclosed by the custodian in his discretion" to the extent such disclosure permitted by law. See Va. Code § 2.1-342.B.3.

2. Not accessible to subject or public: Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting

   a. admission to any educational agency or institution,

   b. an application for employment, or

   c. receipt of an honor or honorary recognition. See Va. Code § 2.1-342.B.7.

3. Not accessible to subject or public: Any test or examination used, administered or prepared by any public body for purposes of evaluation of any student or any student's performance. See Va. Code § 2.1-342.B.9.

B. Access Given, Under FOIA, to the Subject of "Scholastic Record".

Under the Virginia FOIA, the "person who is the subject thereof" may not be denied access to his or her "scholastic records." Usually, this access will be afforded to the parent, rather than the student because "where the person who is the subject of scholastic . . . records is under the age of eighteen, his right of access may be asserted only by his guardian, or his parent, including a non-custodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access." See Va. Code § 2.1-342.B.3. (Underlining added.)

C. Under Virginia Education Statutes, Parental Access to Student's Scholastic Records Afforded During the Regular School Day. See Va. Code § 22.1-289.D.

1. Access to be given without unnecessary delay — not more than 14 days from request

2. Right to access includes receipt of explanation and interpretations in response to reasonable requests, receipt of copies, and access by authorized representative

3. Parent may obtain list of records and locations

4. School division must retain list of those obtaining access to scholastic records.

5. Information on other students must be excised.

D. Generally, Fees May Not be Charged for Access but May be Charged for Copies. See 20 U.S.C. § 1232g(a)(1); 34 C.F.R. § 99.11; 34 C.F.R. § 300.566.

V. TRANSFER AND MANAGEMENT OF SCHOLASTIC RECORDS

A. Scholastic Records Should Automatically Follow the Student.

1. Within five days of student's transfer to another school division, the last prior division must send the scholastic record (or copy) to new school division.
See Va. Code § 22.1-289.B.

Parent receives notice, but parental consent for transfer not required.
See Va. Code §§ 22.1-289.B, 22.1-289.D.

2. If scholastic records is not available to the receiving school division within 60 days and superintendent suspects the child is a "missing child," law enforcement notification is required and superintendent immune from civil or criminal liability.
See Va. Code §§ 22.1-289.F, 22.1-289.G.

3. Records of students going into or coming out of jail or detention center must be transferred upon notification of the division superintendent or the superintendent of the Department of Correctional Education of the student's release from one entity to the other.
See Va. Code § 22.1-289.E.

VI. AMENDMENT OF RECORDS

A. Processing Requests for Amendment Under Virginia Law.

1. Parent or student may request when they believe that information in scholastic record is "inaccurate or misleading or violates the privacy or other rights of the student" — regardless of when the information was entered in the record.
See Va. Code § 22.1-289.

2. School division response — 15 days

   Amendment, if made, must be in writing and placed in record

3. If amendment refused, hearing rights apply and notice of those must be given.

4. Hearing, held within 45 days, gives parent or student opportunity to present evidence before hearing officer. Evidence becomes part of scholastic record.

B. Processing Requests for Amendment Under FERPA.

   See 34 C.F.R. § 99.20 through § 99.22
   See also Lewin v. Medical College of Hampton Roads, 931 F. Supp. (E.D. Va. 1996) (FERPA hearing is not a forum to re-decide substantive decisions, but is merely an opportunity to question the accuracy of the record to assure that it accurately reflects the substantive decision itself.)

C. Processing Requests for Amendment and Requests for Hearings Involving Records of Students With Disabilities. See 34 C.F.R. §§ 300.567 - 300.571.

   Parent may request amendment of record. School division must respond within reasonable time. If school division refuses amendment, must afford hearing to challenge accuracy or violative nature of records. After hearing records may be amended, or parent may places explanation in records which must be disclosed with any regular record disclosure.

VII. SHARING RECORDED INFORMATION WITH COURTS AND AGENCIES (Recording that access has been afforded is required.)

A. Juvenile and Domestic Relations Court

1. When a delinquency or other form of petition involving a juvenile is filed in Juvenile and Domestic Relations Court under Va. Code § 16.1-260, notice of the petition must be given to the superintendent of the school division where the child is enrolled. If the child is not enrolled there, the superintendent must immediately notify the intake officer of the juvenile court where the petition was filed.

   a. The superintendent shall not disclose information contained in or derived from a notice of petition received under Va. Code § 16.1-305.2.

b. The school superintendent may disclose the information only to school personnel responsible for management of a student's scholastic record and to other relevant school personnel and only (i) if the student poses a danger to himself or other or (ii) to facilitate educational services for the student.
See Va. Code §§ 16.1-305.2, 22.1-288.2.A

2. Va. Code § 16.1-305.1 requires the juvenile court to disclose the disposition of certain delinquency cases (assault, weapon or drug possession, burglary) to the superintendent of the school division in which the child is or was enrolled.

a. The school superintendent may disclose the information only to school personnel responsible for management of a student's scholastic record and to other relevant school personnel and only (i) if the student poses a danger to himself or other or (ii) to facilitate educational services for the student.
See Va. Code § 22.1-288.2.A.

3. Information from Courts Is Not Routinely Included in Student's Scholastic Record.

a. Every notice of adjudication or conviction received by superintendent (and those to whom he disseminates it), which is not a "disciplinary record" shall be kept separate from student's record (Va. Code § 22.1-288.2.B) and stricken when student graduates or receives certificate.
See Va. Code § 22.1-289.C.

b. If school disciplinary action was taken on basis of incident which also was basis of adjudication or conviction, then information on the adjudication or conviction may be put into student record.
See Va. Code § 22.1-288.2.B.

4. The student's parents, and the adjudicating court must be notified of school disciplinary action regarding an incident upon which an adjudication or conviction was based.
See Va. Code § 22.1-288.2.B.

Parents notified of right to review and request amendment of scholastic record.
See Va. Code § 22.1-288.2.B.

5. Social, medical, psychiatric or psychological records in the juvenile courts are open to inspection only to certain persons, among whom are: representatives of agencies or departments "furnishing evaluation or treatment of the child ordered or requested by the court (Va. Code § 16.1-305.A.2.), and those, by court order "having a legitimate interest in the case or in the work of the court.

B. Release Pursuant to Subpoena or Court Order

1. Notice Requirements

a. Amendments to FERPA, made by P.L. 103-382, permit release of student records pursuant to subpoena or court order without notice to students if subpoena is for federal grand jury or other law enforcement purposes and directs that no disclosure be made to the student. *§ 1232g(b)(1)(J)(I) and (ii).*

b. DOE regulations were amended at 34 C.F.R. § 99.31(a)(9) to reflect statutory changes. Regulations now state:

(9)(i) The disclosure is to comply with a judicial order or lawfully issued subpoena.

(ii) The educational agency or institution may disclose information under paragraph (a)(9)(i) of this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with –

(A) A Federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

(B) Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contests of the subpoena or the information furnished in response to the subpoena not be disclosed.

c. Note that the "no notice" provision applies only to federal grand jury and other law enforcement subpoenas and only if the subpoena directs that there be no disclosure to the student.

C. Educational use disclosures

1. A teacher, principal, employee of school board member may permit access to student records without judicial process to:

a. Principal or principal's designee of school where pupil attends or intends to enroll
See 20 U.S.C. § 1232G(b)(1)(B); 34 C.F.R. § 99.31(a)(2); Va. Code § 22.1-287.A.3.

b. State or local law-enforcement officer, probation officer, parole officer, administrator, parole board officer seeking information in the course of duties

c. Superintendent of Public Instruction
See 20 U.S.C. § 1232g(b)(1)(c); Va. Code §§ 22.1-287.A.6, 22.1-287.D.2.

d. Controller General, Secretary of Education See 20 U.S.C. § 1232g(b)(5).

e. Protective Services officers if pupil is referred for investigation or services, Welfare or Social Services for determination of eligibility.
See Va. Code §22.1-287(D)(3); 34 C.F.R. § 99.31 (3).

D. Surveys and/or research

School officials may make information available, if no pupil is identifies, for the purpose of academic research, survey or study.
See Va. Code § 22.1-287(D)(1), 20 U.S.C. § 1232g (c) (authorization required for surveys by Secretary of Education); 34 C.F.R. § 99.31 (a)(6) (academic research, testing, curriculum development).

VIII. RETENTION AND DESTRUCTION OF RECORDS

A. Destruction of Records Must Safeguard Their Confidentiality

1. Before destruction or records parents must be notified and advised of their right to copies. Parents should also be advised of continuing value of records.

2. When personally identifiable information regarding student with disabilities is no longer required it must be destroyed upon parental request.
See 34 C.F.R. § 300.573.

IX. REGULATORY CHANGES

A. In the *Federal Register* of November 21, 1996 the Secretary of Education announced amendments and clarification to the FERPA regulations (34 CFR Part 99) to implement changes made in the FERPA statute by the Improving American's Schools Act of 1994 (P.L. 103-382). These regulations took effect December 23, 1996. According to the summary provided by the Family Policy Compliance Office, the amended FERPA regulations:

1. Give educational agencies greater flexibility by removing a previous regulatory provision requiring schools to adopt a formal written students records policy and, instead, requiring schools to include additional information in the annual notification of rights. A model notification in

included in the appendix of the regulations or may be obtained from the Department's Family Policy Compliance Office.

2. Require State educational agencies (SEAs) to afford parents and eligible students access to education records maintained by the SEA. The right of access is the only right parents and eligible students are afforded at the SEA level.

3. Clarify that, if an educational agency initiates legal action against a parent or eligible student, it must make a reasonable effort to notify in advance the parent or student of its intent to disclose the information from education records to a court of law.

4. Amend FERPA so that a school is not required to notify a parent or eligible student, before complying with certain subpoenas. A school does not have to notify the parent or student of the existence of a subpoena if it receives a Federal grand jury subpoena and the court has ordered that the school not disclose to any person the existence or contents of the subpoena. Additionally, if courts or other issuing agency issues a subpoena for a law enforcement purpose and orders the school not to disclose the existence or contents of the subpoena to the parent or student, FERPA does not require notification before compliance with the subpoena.

5. Amend FERPA to allow disclosures of education records, without prior consent, to certain State and local officials, pursuant to a State statute that allows the disclosure in connection with a juvenile justice system. The disclosure of information must relate to the system's ability to effectively serve, prior to adjudication, the student whose records are being released and may not be redisclosed to any other party, except as provided under the State law.

6. Clarify that an educational agency or institution may include information in a student's education records concerning disciplinary action taken against the student for conduct that posed a significant risk to the safety or well-being of that student, other students, other members of the school community.

7. Clarify that an educational agency or institution may disclose, without prior consent, information contained in a student's education records concerning disciplinary action taken against the student, described above, to teachers and school officials who have legitimate educational interests in the behavior of the student. FERPA was amended to allow this type disclosure to teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

8. Add a provision that, if a third party rediscloses personally identifiable student information in violation of FERPA, the educational agency or institution which disclosed the information to the third party shall be prohibited from permitting access to education records to that third party for a period of not less than five years.

9. Clarify that persons filing complaints: with the Department under FERPA must have legal standing. That is, a complainant must be a parent of eligible student affected by an alleged violation. This is consistent with other laws affording specific rights to persons.

X. RESOURCES:

The Family Compliance Office
U.S. Department of Education
600 Independence Avenue, SW
Washington, DC 20202-4605
(202) 260-3887

Office of Management's Homepage:
http://inet.ed.gov/offices/OM/apndx.html

Daggett, "Bucking Up Buckley I: Making the Federal Student Records Statute Work", 46 Cath. U.L.Rev. 617 (Spring, 1997)

Daggett, "Bucking Up Buckley II: Using Civil Rights Claims to Enforce the Federal Student Records Statutes", 21 Puget Sound L. Rev 29 (Summer, 1997)

Ralph D. Mawdsley, "Litigation Involving FERPA", 110 WELR 897, 110 Ed. Law Rep. 897 (West Publishing Co.) (1996)

Theuman, "Validity, Construction and Application of Family Educational Rights and Privacy Act of 1974", 112 ALR Fed 1

ARTICLE 5.

Pupil Records.

§ 22.1-287. Limitations on access to records. — A. No teacher, principal or employee of any public school nor any school board member shall permit access to any records concerning any particular pupil enrolled in the school in any class to any person except under judicial process unless the person is one of the following:

1. Either parent of such pupil or such pupil; provided that a school board may require that such pupil, if he be less than eighteen years of age, as a condition precedent to access to such records, furnish written consent of his or her parent for such access;

2. A person designated in writing by such pupil if the pupil is eighteen years of age or older or by either parent of such pupil if the pupil is less than eighteen years of age;

3. The principal, or someone designated by him, of a school where the pupil attends, has attended, or intends to enroll;

4. The current teachers of such pupil;

5. 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;

6. The Superintendent of Public Instruction, a member of his staff, the division superintendent of schools where the pupil attends, has attended, or intends to enroll or a member of his staff;

7. 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.

B. A parent or pupil entitled to see the records pursuant to subdivision A 1 of this section shall have access to all records relating to such pupil maintained by the school except as otherwise provided by law and need only appear in person during regular hours of the school day and request to see such records. No material concerning such pupil shall be edited or withheld except as otherwise provided by law, and the parent or pupil shall be entitled to read such material personally.

C. The restrictions imposed by this section shall not apply to the giving of information by school personnel concerning participation in athletics and other school activities, the winning of scholastic or other honors and awards, and other like information.

D. Notwithstanding the restrictions imposed by this section:

1. A division superintendent of schools may, in his discretion, provide information to the staff of a college, university, or educational research and development organization or laboratory if such information is necessary to a research project or study conducted, sponsored, or approved by the college, university, or educational research and development organization or laboratory and if no pupil will be identified by name in the information provided for research;

2. The name and address of a pupil, the record of a pupil's daily attendance, a pupil's scholastic record in the form of grades received in school subjects, the names of a pupil's parents, a pupil's date and place of birth, and the names and addresses of other schools a pupil has attended may be released to an officer or employee of the United States government seeking this information in the course of his duties when the pupil is a veteran of military service with the United States, an orphan or dependent of such veteran, or an alien;

3. The record of a pupil's daily attendance shall be open for inspection and reproduction to an employee of a local department of welfare or social services

who needs the record to determine the eligibility of the pupil's family for public assistance.

§ 22.1-287.1. Directory information. — Notwithstanding §§ 22.1-287 and 22.1-288, directory information may be publicly released in accordance with federal law and regulations and the regulations of the Board of Education. Such directory information may include the student's name, sex, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and other similar information.

§ 22.1-288. Furnishing information to public or private school, college, or university, or private business or professional school or college or military force. — Notwithstanding § 22.1-287, the principal of any public school may permit the furnishing of or may furnish the names and addresses of pupils presently enrolled or pupils who have terminated their enrollment to any officer or employee of a public or private school, college, or university or any official of a private business or professional school or college or any official recruiting representative of the military forces of the Commonwealth and the United States. This information shall be furnished for the purpose of informing pupils and former pupils of the educational and career opportunities available in the institutions or the military. No such public or private school, college, or university or private business or professional school or college or official recruiting representative or the military force he represents shall use such information for purposes not directly related to the academic or professional goals of the institution or the military force. If any school, college or university or any official representative or military force violates the provisions of this section, the privilege of the school, college or university or military force to receive the lists shall be suspended for a period of two years from the time of discovery of the misuse of such lists.

§ 22.1-288.1. Cooperation with local law-enforcement agencies; notation in school records of missing children. — Each school board shall develop a cooperative arrangement with the local law-enforcement agencies within its jurisdiction to receive reports of disappearances of any children living within the school division.

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

Upon receiving a request from any school or person for copies of the cumulative records and birth certificate of any child who has been reported by a local law-enforcement agency to be missing, the school being requested to transfer the records shall immediately notify the law-enforcement agency which provided the report to the school of the child's disappearance of the location of the school or person requesting the cumulative records and birth certificate of the child.

§ 22.1-288.2. Receipt, dissemination and maintenance of records of certain adjudications or convictions. — A. A division superintendent shall disseminate the notice or information contained in a notice received by him pursuant to § 16.1-305.1 to school personnal 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, only (i) if the student poses a danger to himself or others or (ii) to facilitate the student's appropriate educational placement or other educational services.

B. A parent, guardian or other person having control or charge of a student in a public school 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 or conviction was based and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record, in accordance with regulations of the Board of Education governing the management of scholastic records.

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

C. When a superintendent receives notice of the filing of a petition from the intake officer in accordance with § 16.1-260, or upon request of a court services unit for information made in conjunction with the preparation of a social history report pursuant to § 16.1-273, the superintendent shall provide information regarding the student's educational and attendance status to the intake officer or court services unit, as the case may be. Whenever a division superintendent receives notice of a student's commitment to the Department of Juvenile Justice, the superintendent or his designee shall participate in the development of a reenrollment plan as provided in § 16.1-293.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty. — A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of

students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. A notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

The term *"scholastic record"* does not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or outside the Commonwealth.

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

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is eighteen years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or without this Commonwealth. However, a school responding to a request for the transfer of the scholastic record from another school division shall provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is eighteen years of age or older, within five days of the date in which the record was transferred.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, the Department of Correctional Education, pursuant to § 22.1-344 of this title, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Correctional Education shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center of the Department of Juvenile Justice to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within sixty days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's depart-

ment of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.

For additional copies (also available in Braille, audiotapes and large print versions), contact the:

Virginia Department of Education
Accountability Services
P. O. Box 2120
Richmond, Virginia 23218-2120

Telephone (804) 225-2038; FAX (804) 225-2831

©Commonwealth of Virginia

The Virginia Department of Education does not unlawfully discriminate
on the basis of sex, race, color, religion, disabilities, or national origin
in employment or in its educational programs and activities.

APPENDIX G

STUDENT PROGRESS POLICY

Appendix G

Student Progress Policy

The Richmond School Board is committed to providing small classes for the purpose of achieving optimal pupil achievement and course enrollment. Beginning in the academic year 2002, the School Board shall require all district pupils complete Algebra I by the end of their ninth grade school year.

- To the extent that it is a budgetary practicality, the School Board also will:

- Reduce class sizes in Algebra I and Earth Science to no more than 20 students per class.

- Reduce class sizes in all other math and sciences to no more than 25 students per class.

- Require elementary and middle school teachers to complete at least two mathematics, two science and one reading development college or university credit or recertification course over a five year period to assure their adequate preparation to help pupils meet increased academic standards.

REVISED
APPENDIX H

REGULATIONS REGARDING THE RECEIPT AND REVIEW OF CHARTER SCHOOL APPLICATIONS

Regulations Regarding the Receipt and Review of Charter School Applications

Pursuant to School Board Policy 8.56, Richmond Public Schools shall receive and consider applications for the establishment of charter schools within the school division. These regulations shall govern the process for receiving, reviewing and ruling on charter school applications. A copy of these regulations shall be made available to any interested party upon request.

A. Submission of Application; Application Fee

Any person group or organization, including any institution of higher education, may submit an application for the formation of a charter school. Each charter school applicant shall submit an original and fifteen (15) copies of the charter school application, which shall be in the format provided in Exhibit A of these regulations, to the Clerk of the School Board between October 1 and January 31 of the school year prior to the anticipated opening of the charter school. The application shall be accompanied by a $75.00 application processing fee.

B. Acknowledgement of Receipt of Application

The School Board Clerk shall, within five (5) working days, acknowledge in writing the receipt of the original and required number of copies of the application, as well as the required filing fee. The Clerk shall also notify the Chairman of the Review Team (described below) in writing of the receipt of the application. The Clerk may contact the applicant to obtain additional copies and/or the filing fee if they are insufficient to meet the requirements of these regulations, and shall provide the applicant with a reasonable deadline for submission.

C. Application Review Team

The School Board shall convene a review team to evaluate charter school applications (the "Review Team"). The Review Team shall consist of a minimum of six (6) and no more than nine (9) members. Among the members of the Review Team shall be the Assistant Superintendent for Finance and Operations, the Associate Superintendent for Instruction and Accountability, a member of the RPS Senior Leadership Team, an RPS principal of a school serving the same grade levels as proposed for the charter school, a local business representative, and a resident charter school proponent. The Clerk of the School Board shall serve in an ex-officio capacity and vote only in the event of a tie. The Assistant Superintendent for Finance and Operations and the Associate Superintendent for Instruction and Accountability shall serve as standing members of the Review Team for a period of time consistent with the holding of their positions. All other members of the Review Team shall serve for a period of not less than two (2)

years and no more than (4) years. The Assistant Superintendent for Finance and Operations shall serve as chairman of the Review Team.

D. Duties of the Review Team

The Review Team shall: (1) work cooperatively with applicants for public charter schools; (2) evaluate all public charter school applications based on the review criteria adopted by the School Board; and (3) recommend one of the following options to the School Board for each application: approve, reject, place on a waiting list or return with suggestions for improvement. The Chairman of the Review Team shall serve as the contact for answering questions about the application process and receiving applications.

E. Application Review Process and Timeline

(1) Within thirty (30) days of the School Board's receipt of the required number of copies of the application and the application fee, the Review Team shall convene to evaluate the application.

(2) If the application is incomplete, the Review Team shall send written notice to the applicant requesting the necessary information and advising the applicant that if the necessary information is not provided within a reasonable timeframe, as established by the Review Team, the application may be denied.

(3) The Review Team shall, within six (6) months of its receipt by the Review Team, review and evaluate the application based on the criteria outlined in these regulations. The Review Team may recommend to the School Board approval or denial of the application, that it be placed on a waiting list or that it be returned the applicant with suggestions for improvement. The applicant shall be notified in writing of the Review Team's recommendation prior to its submission to the School Board for decision.

(4) The Review Team shall convene as often as needed to evaluate fully the application based upon each of the criteria outlined in these regulations. A quorum of no less than a majority of the members of the Review Team shall be required for the conduct of business. The affirmative vote of a majority of members present shall be required to forward a recommendation regarding the application to the School Board.

(5) The failure of either the Review Team or the School Board to adhere to any of the deadlines outlined in these regulations shall not be grounds for the approval of any charter school application.

F. Decision of the School Board

The School Board shall render its decision within thirty (30) days of its receipt of the Review Team's recommendation. Written notice of the School Board's decision shall be sent to the applicant and if the application is denied, the written notice shall include the reasons for the denial. If the application is returned to the applicant, the notice shall include suggestions for improvement of the application. The School Board's decision to grant or deny the application shall be final and is not subject to appeal.

G. Criteria for Review of Charter School Applications

The Review Team shall evaluate charter school applications based upon the following criteria:

(1) the proposed mission of the charter school, including its purpose and core philosophy;

(2) the proposed goals and educational objectives, and whether they meet or exceed the Standards of Learning;

(3) evidence of the level of support for formation of the charter school;

(4) the need for the charter school within the school division;

(5) the curriculum, methods of instruction, teaching materials and innovative techniques to be employed, and whether they meet or exceed the Standards of Learning;

(6) the plan for evaluation of student performance, including any assessments to be used to measure pupil progress towards achievement of the school's performance standards;

(7) the proposed admissions process;

(8) the financial plan, including sources of revenues and expenditures, and audit procedures;

(9) the charter school's plan for addressing the displacement of students and employees when the application proposes the conversion of an existing public school to a charter school, or in the event of termination or revocation of a charter;

(10) the proposed management and operation of the charter school, including the nature and extent of parent, professional educator and community involvement;

(11) the relationship between the charter school and its employees, including the proposed terms and conditions of employment;

(12) the arrangements regarding legal liability and applicable insurance coverage;

(13) the plan for transporting charter school students to and from school;

(14) whether the school shall be nonsectarian and has committed to compliance with all state and federal laws, including those that prohibit discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services, as well as any court-ordered desegregation plan in effect in the school division;

(15) The facility or facilities to be used for the charter school, including any plan for acquisition, if required;

(16) whether students may attend the charter school tuition free;

(17) the procedures to be used to ensure the health and safety of students and employees, including compliance with all applicable state and federal laws; and

(18) any other criteria recommended by the Review Team and approved by the School Board.

H. Charter Schools for At-Risk Students

Priority shall be given to charter school applications designed to increase the educational opportunities of at-risk students, particularly those at-risk students currently served by schools that have not achieved full accreditation. An "at-risk student" is a student having a physical, emotional, intellectual, socioeconomic or cultural risk factor, as defined in Virginia Department of Education criteria, which research indicates may negatively influence educational success.

EXHIBIT A

CHARTER SCHOOL APPLICATION

Any person, group or organization, including any institution of higher education, may submit an application for the formation of a charter school. Applicants must follow state law and School Board policy regarding charter schools. Applications must be received by the Clerk of the School Board between October 1 and January 31 of the school year prior to the anticipated opening of the charter school. An original plus fifteen (15) copies of the application must be submitted. An application processing fee of $75.00 shall be submitted with the application. Applicants must follow the application format provided below.

I. Mission Statement

Describe the mission of the proposed charter school, including any specific area of concentration (i.e. math and science, technology or the arts). This statement should include the core philosophy or purpose of the school as well as the target student population, including whether the school intends to increase the opportunities of educationally at-risk students. **As required by law, the mission must be consistent with the Standards of Quality, the Standards of Accreditation and Standards of Learning.**

II. Goals and Educational Objectives

Describe the goals and educational objectives of the proposed charter school. This section should include broad student achievement goals. The objectives should be expressed as a concrete, measurable statement of what students should know and be able to do at various levels of education and identify practices that will improve teaching and enhance learning. **As required by law, the objectives and goals must meet or exceed the Standards of Learning.**

III. Evidence of Support

Provide tangible evidence of support for the formation of the charter school from an adequate number of parents, teachers, pupils, residents of the school division, or any combination thereof. Such tangible evidence may include a petition, signed letters of support, surveys or minutes of a charter school organizational meeting.

IV. Statement of Need

Describe the need for the charter school and how that need was determined.

V. Description of the Education, Pupil Performance Standards and Curriculum

Describe the curriculum and the methods of instruction, including teaching materials and any innovative techniques to be used. List the pupil performance standards and how they

were established. This section should also provide the school calendar. **As required by law, the elements in this section must meet or exceed applicable Standards of Quality, the Standards of Accreditation and Standards of Learning.**

VI. Pupil Evaluation: Assessments, Timeline and Corrective Action

Describe the plan for evaluating student performance, including any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the Standards of Learning assessments prescribed by Section 22.1-253.13:3 of the Code of Virginia. Include a timeline for the achievement of the stated standards and goals and a procedure for corrective action if student performance falls below the stated standards and goals. For secondary charter schools, describe the method for determining that a student has satisfied the requirements for graduation and how the transfer of credits between schools will be accomplished. This section should demonstrate how the charter school will be accountable to the School Board, parents, the community and the state.

VII. Admissions Process

Describe the student admission policy, including the lottery (random) process to be used if there are more applicants than spaces available. If applicable, the admission policy may be tailored to meet the specific mission and goals of the charter school. **Any admission process must be consistent with federal and state laws, regulations and constitutions regarding discrimination and any court-ordered desegregation plan in effect in the school division.** This section should include a timeframe for registering and admitting students, and how the school will seek a cross section of the community's children, including at-risk students.

Describe how transfers of students between charter schools and noncharter schools will be accomplished and how students enrolled after the start of the school year will be accommodated.

VIII. Financial Plan: Evidence of Economical Soundness, Proposed Budget and Annual Audit

Provide a budget and any other information that illustrates the proposed charter school is economically sound for both the charter school and the school division. Include detailed sources of revenue and expenditures for the proposed term of the charter (at most three years), a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school division, will be conducted and the manner in which the school division can ensure fiscal and administrative compliance with the charter. Anticipated gifts, grants or donations and a student fee schedule should be included.

IX. Displacement Plan: Pupils and Employees

Describe the displacement plan for students and employees who will not attend or be employed in the charter school in instances of the conversion of an existing public school to a public charter school, and for the placement of students and employees upon termination or revocation of the charter. This section should also include a plan for the placement of students and employees if the charter school facility is destroyed (e.g. by flood or fire), unable to be occupied or dissolved for any reason.

X. Management and Operation

Describe the management and operation of the charter school, including the nature and extent of parental, professional educator and community involvement. List the names and addresses of the proposed management committee. This section should include (1) a detailed description of the relationship between the management committee and the local school board, including the charter school spokesperson (i.e. who is accountable to the school board); (2) how the charter school will be accountable to the public, including a plan for compliance with the Virginia Freedom of Information Act and reporting requirements; (3) how the management committee is selected and its relationship to the teachers and administrators; (4) a description of the rules and procedures followed to arrive at policy and operational decisions; and (5) summaries of the job descriptions of key personnel, including the school leader/principal.

XI. Employee Relations

Explain the relationship that will exist between the charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees (e.g. a signed employee handbook or personnel policy).

XII. Legal Liability and Insurance Coverage

Describe the arrangement between the charter school and the School Board regarding their respective legal liability and applicable insurance coverage. Insurance coverage should include health, property and casualty (automobile liability, general liability, property, officer and employee liability) and workers' compensation.

XIII. Transportation

Describe the plan for transporting students to and from school, including arrangements made with the School Board, private providers or parents.

XIV. Assurances

Assure that he charter school is non-sectarian and will not charge tuition by including a statement to that effect.

XV. Residential School for At-Risk Students

If the charter school will serve as a residential school for at-risk students, describe: (1) the residential program, facilities and staffing; (2) any parental education and after-care initiatives; (3) the funding sources for the residential and other services provided and (4) any counseling or other social services to be provided and their coordination with any current state and local initiatives.

XVI. Waivers

Describe and justify any waiver from School Board policies and state regulations that the charter school requests. The Standards of Quality, the Standards of Accreditation and Standards of Learning may not be waived. **Please note that state law only allows waivers of policy and regulation; no waiver of state or federal statutes or regulations is permitted.**

XVII. Discrimination

Assure that the charter school will follow state and federal law prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services and shall be subject to any court-ordered desegregation plan in effect in the school division.

XVIII. Applicant Information

List the name, address, phone number and qualifications of the applicant(s) and designate an applicant contact person.

XIX. Facility

Describe the facility(ies) to be used for the charter school or the plan for the acquisition of a facility. If the facility is not property of the school division, then the following must be provided: (1) a certificate of occupancy; (2) a health inspection certificate; (3) an annual fire certificate of inspection; (4) proof of compliance with federal, state and local health and safety laws and regulations; and (5) a copy of the lease or contract under which the charter school will use the facility. If the facility is the property of the school division, then describe plans, if any, for alteration or renovation.

XX. Health and Safety

Describe the procedures the charter school will implement to ensure health and safety of the students and employees, including how and if the management committee will conduct a state criminal record check on all employees; how the charter school will conduct fingerprinting and federal criminal record checks, if applicable; how the charter school will comply with the requirement to report child abuse; and how the charter school will comply with Occupational Safety & Health Act requirements.

XXI. Indemnity

Assure that the School Board will be defended, held harmless and indemnified against any claim, action, loss, damage, injury, liability, cost or expense of any kind as a result of the operation of the charter school or actions by its agents, employees, invitees or contractors.

XXII. Services

List the services and their estimated costs that the applicant wishes the School Board to provide; for example, food service, payroll or conducting criminal background checks. Also, list services that will be provided by others and their estimated costs.

XXIII. Timeline

Provide a detailed timeline, identifying each step required to establish the charter school, including, but not limited to, staff hiring, location and purchase of materials, implementing the evaluation plan, obtaining necessary services, opening an appropriate facility and consulting with experts, if necessary. **Please note that it will take approximately 8-12 months to implement the proposal.**

XXIV. Renewal

Assure that if the charter school desires to renew its contract, it shall apply at least six (6) months prior to the expiration of the contract.

XXV. Disclosure of Ownership or Financial Interest

Disclose any ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school. The successful applicant and governing body, administrators and other personnel of the public charter school have a continuing duty to disclose such interests during the term of the charter.

XXVI. Board of Education Review

Provide the results of any Board of Education Review of your charter school application.

Adopted June 17, 2002
Revised/Adopted June 21, 2004

NOTICE REGARDING TITLE IX AND SECTION 504 REGULATIONS

The School Board at its August 3, 1998 meeting revised 7.01, B., "Nondiscrimination Policy". The policy became the official notice of nondiscrimination and therefore fulfills the Title IX and Section 504 requirements. It is the following:

"In accordance with federal laws, the laws of the Commonwealth of Virginia and the policies of the School Board of the City of Richmond, the Richmond Public Schools does not discriminate on the basis of sex, race, color, age, religion, disabilities or national origin in the provision of employment and services. The Richmond Public Schools operates equal opportunity and affirmative action programs for students and staff. The Richmond Public Schools is an equal opportunity/affirmative action employer. The Section 504 Coordinator is Mr. Harley Tomey, Richmond Public Schools, 301 North Ninth Street, Richmond, Virginia 23219, (804) 780-7911. The ADA Coordinator is Ms. Valarie Abbott Jones, 2015 Seddon Way, 1st Floor, Richmond, VA 23230-4117 (804) 780-6211 The Title IX Officer is Mrs. Angela C. Lewis, Richmond Public Schools, 301 North Ninth Street, Richmond, Virginia 23219, (804) 780-7716. The United States Department of Education's Office of Civil Rights may also be contacted at P. O. Box 14620, Washington, DC 20044-4620, (202) 208-2545."

Please inform appropriate staff that the above notice should be used in respective bulletins, handbooks, newspapers, application forms, reprinted publications, and any and all materials requiring general distribution. If the notice is not incorporated as part of the text of the above publications, it can be included by use of inserts. Please adhere to the above policy and procedures. They become effective upon adoption.

In addition, please be reminded that the division utilizes a grievance procedure (the State procedure already in effect for which Title IX is applicable). The Procedure for Adjusting Grievances (Employees), Appendix B of the *Bylaws and Policies* (which is already available to staff at respective locations), contains language in Part I: Definitions in the following:

> **"Notwithstanding the forgoing definitions, the term "grievance' shall include a complaint or a dispute by any employee of the school division which arises under or is applicable to Title IX of the Education Amendments of 1972, 20 U.S.C., Section 1681, et. seq., and/or Section 504 of the Rehabilitation Act of 1973."**

NOTICE REGARDING TITLE IX AND SECTION 504 REGULATIONS

The separately devised Student Grievance Procedure is listed below. Inquiries relative to the various concerns should be directed as follows:

General and Student Inquiries
Mrs. Angela C. Lewis, Clerk
Title IX Compliance Officer
Richmond Public Schools
301 North Ninth Street
Richmond, VA 23219-1927
Telephone: (804) 780-7716

Employment Inquiries
Dr. Ronald Carey
Acting Assistant Superintendent for Administrative and Support Services
Richmond Public Schools
301 North Ninth Street
Richmond, VA 23219-1927
Telephone: (804) 780-7866

Section 504 Regulations
Mr. Harley Tomey
Section 504 Coordinator
Richmond Public Schools
301 North Ninth Street
Richmond, VA 233219-1927
Telephone: (804) 780-7911

ADA Coordinator
Ms. Valarie Abbott Jones
2015 Seddon Way, 1st Floor
Richmond, VA 23230
Telephone: (804) 780-6211

NOTICE REGARDING TITLE IX AND SECTION 504 REGULATIONS

STUDENT GRIEVANCE PROCEDURE

Any student in the Richmond Public Schools who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any school education program or activity on the basis of sex in violation of this policy, may resolve his or her grievance through the following channels:

1. Make an appointment with your counselor to discuss your grievance. This meeting should take place immediately following the event which gave rise to the disagreement.

2. If the problem is not resolved, submit in writing, immediately, your grievance along with a request for an appointment to meet with your building principal. This meeting should be held within five days following the receipt by the principal of the written complaint.

3. If, as a result of discussion, the matter is not resolved to your satisfaction, submit in writing your grievance to Mrs. Angela C. Lewis, Clerk, Title IX Compliance Officer. Mrs. Lewis will then make the necessary arrangements for you to present your grievance to a Grievance Committee within five days upon the receipt of your written complaint.

4. You may anticipate a decision of the Grievance Committee within ten days after hearing your grievance.
5. The action of the Grievance Committee may be appealed in writing within ten days to the school superintendent.

Students may (but are not required) be accompanied by parents, guardians or representatives at any stage during the proceedings.

October 6, 2008

Section 6.12

School Board of the City of Richmond, Virginia

Procedures for Implementation of the

Public-Private Education Facilities

and Infrastructure Act of 2002

SCHOOL BOARD OF THE CITY OF RICHMOND, VIRGINIA

PROCEDURES FOR IMPLEMENTATION OF THE PUBLIC-PRIVATE EDUCATION FACILITIES AND INFRASTRUCTURE ACT OF 2002

Table of Contents

I. Introduction 1

II. General Provisions 2

A. Proposal Submission 3

B. Affected Jurisdictions 3

C. Proposal Review Fee 4

D. Virginia Freedom of Information Act 4

E. Use of Public Funds 5

F. Ethics in Public Contracting 5

G. Applicability of Other Laws 6

III. Solicited Proposals 6

IV. Unsolicited Proposals 6

A. Decision to Accept and Consider Unsolicited Proposal; Notice 6

B. Initial Review at Conceptual Stage 7

V. Proposal Preparation and Submission 8

A. Format for Submissions at the Conceptual Stage 8

B. Format for Submissions at the Detailed Stage 13

VI. Proposal Evaluation and Selection Criteria 14

A. Qualifications and Experience 15

B. Project Characteristics 15

C. Project Financing 16

D. Project Benefit and Compatibility 16

VII. Comprehensive Agreement 17

Procedures for Implementation of the

Public-Private Education Facilities and Infrastructure Act of 2002

I. Introduction

The Public-Private Education Facilities and Infrastructure Act of 2002 (the "PPEA")[1] grants the School Board of the City of Richmond, Virginia (the School Board), a responsible public entity as defined in the PPEA, the authority to create public-private partnerships for the development of a wide range of projects for public use (qualifying projects) if the School Board determines there is a public need for the project and that private involvement may provide the project to the public in a timely or cost-effective fashion. Individually negotiated comprehensive agreements between an operator, as defined in the PPEA, and the School Board will define the respective rights and obligations of the School Board and the private operator. Although guidance with regard to the application of the PPEA is provided herein, the School Board and all private entities must comply with the provisions of the PPEA.

In order for a project to come under the PPEA, it must meet the definition of a "qualifying project." The PPEA contains a broad definition of qualifying project that includes public buildings and facilities of all types; for example:

(i) Any education facility, including, but not limited to a school building, any functionally-related and subordinate facility and land to a school building (including any stadium or other facility primarily used for school events), and any depreciable property provided for use in a school facility that is operated as part of the public school system or as an institution of higher education;

(ii) Any building or facility for principal use by any public entity;

(iii) Any improvements, together with equipment, necessary to enhance public safety and security of buildings to be principally used by a public entity;

(iv) Utility and telecommunications and other communications infrastructure;

(v) A recreational facility; or

(vi) Technology infrastructure, including, but not limited to, telecommunications, automated data processing, word processing and management information systems, and related information, equipment, goods and services.

[1] Chapter 571, 2002 Va. Acts; Va. Code § 56-575.1 through § 56-575.16.

The PPEA establishes requirements that the School Board must adhere to when considering proposals received pursuant to the PPEA. In addition, the PPEA specifies the criteria that must be used to select a proposal and the contents of the comprehensive agreement detailing the relationship between the Board and the private entity.

The School Board adopted these procedures (the Procedures) to implement the PPEA. The Superintendent and officers and employees of the School Board will follow the Procedures to receive and evaluate any proposal submitted to the School Board under the provisions of the PPEA. The School Board must adopt any amendments to the Procedures.

II. General Provisions

A. Proposal Submission

A proposal may be either solicited by the School Board or delivered by a private entity on an unsolicited basis. Proposers may be required to follow a two-part proposal submission process consisting of a conceptual phase and a detailed phase, as described herein. The initial phase of the proposal should contain specified information on the proposer's qualifications and experience, project characteristics, project financing, anticipated public support or opposition, or both, and project benefit and compatibility. The detailed proposal should contain specified deliverables.

The Procurement Agent is designated to serve as the point of contact to receive proposals, whether solicited or unsolicited, under the PPEA and to respond to inquiries regarding the PPEA or the Procedures. The Assistant Superintendent for Finance and Operations, or a designee thereof, may designate a review committee(s) to be responsible for evaluating proposals and negotiating the comprehensive agreement.

The PPEA allows private entities to include innovative financing methods, including the imposition of user fees or service payments, in a proposal and other financing arrangements permitted by the PPEA. Proposals shall include, if applicable, the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the federal Economic Growth and Tax Relief Reconciliation Act of 2001[2] for the development of education facilities using public-private partnerships.

Proposals should be prepared simply and economically, providing a concise description of the proposer's capabilities to complete the proposed qualifying project and the benefits to be derived from the project by the School Board. Project benefits to be considered are those occurring during the construction, renovation, expansion or improvement phase and during the life cycle of the project. Proposals also should include a comprehensive scope of work and a financial plan for the project, containing

[2] Public Law 107-16; Section 142(k)(5) of the Internal Revenue Code of 1986, as amended.

enough detail to allow an analysis by the School Board of the financial feasibility of the proposed project, including, but not limited to, (i) the identity of any parties expected to provide financing for the project and (ii) a statement indicating whether the proposer intends to request that the School Board provide resources for financing the project and the nature and extent of any resources. The School Board may require the proposer to provide additional information and clarification to the submission.

The School Board is committed to providing contracting and subcontracting opportunities for minority business enterprises. The School Boards policies related to participation by minority business enterprises shall be applied fully to all proposals, solicited or unsolicited, received by the School Board pursuant to the Procedures and the PPEA.

B. Affected Jurisdictions

Any private entity submitting a conceptual or detailed proposal to the School Board must provide any affected jurisdiction with a copy of the private entity's proposal by certified mail, express delivery or hand delivery within five (5) business days of submission of the proposal to the School Board. Any affected jurisdiction shall have 60 days from the receipt of the proposal to submit written comments to the School Board and to indicate whether the proposed qualifying project is compatible with the (i) jurisdiction's comprehensive plan, (ii) jurisdiction's infrastructure development plans, and (iii) capital improvements budget or other government spending plan. Comments received within the 60-day period shall be given consideration by the School Board, and no negative inference shall be drawn from the absence of comment by an affected jurisdiction. However, the School Board may begin or continue its evaluation of any such proposal during the 60-day period for the receipt of comments from affected local jurisdictions.

C. Proposal Review Fee

The School Board may seek an independent analysis regarding the specifics, advantages, disadvantages, and the long-term costs of any request by a private entity for approval of a qualifying project.[3] Alternatively, the School Board may seek the advice of internal staff with relevant experience in determining whether to enter into an agreement with the private entity. The School Board may charge a fee to the private entity to cover the costs of processing, reviewing, and evaluating any unsolicited proposal or competing unsolicited proposal submitted under the PPEA, including a fee to cover the costs of outside attorneys, engineers, consultants (technical), and financial advisors. Any fee charged for such review of a proposal should be reasonable in comparison to the level of expertise deemed necessary by the School Board and required to review the proposal and will not be greater than the direct costs associated with evaluating the proposed qualifying project. "Direct costs" may include, but are not limited to, (i) the cost of staff time required to process, evaluate, review and respond to the proposal and (ii) the costs to hire attorneys, engineers, consultants and financial advisors. The School Board may

[3] 2004 amendment to the statute.

require an initial processing fee with an additional fee to be charged should the project proceed beyond the initial review.

The School Board will refund any portion of fees paid in excess of its direct costs associated with evaluating the proposal.

The School Board may charge the proposal review fee in two parts. The first part of the proposal review fee shall be in the amount of two and one-half percent (2.5%) of the value of the qualifying project under the submitted proposal, except that, notwithstanding the preceding, this initial fee shall be no less than two thousand five hundred dollars ($2,500.00) and no more than fifty thousand dollars ($50,000.00), and shall be included by the private entity as part of its submitted proposal. The second part of the proposal fee shall consist of the remaining direct costs not covered by the first part of the proposal review fee and shall be imposed by the School Board throughout the processing, review and evaluation of the proposal if and as the School Board reasonably anticipates incurring costs in excess of the first part of the proposed review fee. The School Board shall notify the proposer of the among of such additional direct costs as and when it anticipates incurring the costs. Prompt payment of such costs shall be required before the School Board will continue to process, review and evaluate the proposal.

The School Board shall refund all fees submitted by a private entity in connection with an unsolicited proposal if the School Board decides not to proceed to publication and conceptual-phase review of the unsolicited proposal. The School Board shall refund any portion of fees paid in excess of its direct costs associated with evaluating a proposal. In the event the School Board chooses to consider more than one proposal in the detailed phase of review, the School Board shall not refund the fees paid by an unsuccessful proposer for costs incurred during the detailed phase of review.

D. Virginia Freedom of Information Act

Generally, proposal documents submitted by private entities are subject to the Virginia Freedom of Information Act ("FOIA").[4] In accordance with § 2.2-3705 A 56 of FOIA, such documents are releasable if requested, except to the extent that they relate to (i) confidential proprietary information submitted to the School Board under a promise of confidentiality or (ii) memoranda, working papers or other records related to proposals if making public such records would adversely affect the financial interest of the School Board or the private entity or the bargaining position of either party.

Subsection 56-575.4 G of the PPEA imposes an obligation on the School Board and any affected jurisdiction to protect confidential proprietary information submitted by a private entity or operator when the School Board and affected jurisdictions have agreed to do so. When the private entity requests that the School Board not disclose information, the private entity must (i) invoke the exclusion when the data or materials are submitted to the Board or before such submission, (ii) identify the data and materials for which protection from disclosure is sought, and (iii) state why the exclusion from

[4] Virginia Code § 2.2-3700 et seq.

disclosure is necessary. A private entity may request and receive a determination from the School Board as to the anticipated scope of protection prior to submitting the proposal. The School Board is authorized and obligated to protect only confidential proprietary information, and thus will not protect any portion of a proposal from disclosure if the entire proposal has been designated confidential by the proposer without reasonably differentiating between the proprietary and non-proprietary information contained therein.

Upon receipt of a request that designated portions of a proposal be protected from disclosure as confidential and proprietary, the School Board shall determine whether such protection is appropriate under applicable law and, if appropriate, the scope of such appropriate protection, and shall communicate its determination to the proposer. If the determination regarding protection or the scope thereof differs from the proposer's request, then the School Board will accord the proposer a reasonable opportunity to clarify and justify its request. Upon a final determination by the School Board to accord less protection than requested by the proposer, the proposer will be accorded an opportunity to withdraw its proposal. A proposal so withdrawn should be treated in the same manner as a proposal not accepted for publication and conceptual-phase consideration as provided in section IV.A.[2] below.

E. Use of Public Funds

Virginia constitutional and statutory requirements as they apply to appropriation and expenditure of public funds apply to any comprehensive agreement entered into under the PPEA. Accordingly, the processes and procedural requirements associated with the expenditure or obligation of public funds shall be incorporated into planning for any PPEA project or projects and shall be in compliance with the School Board's fiscal policies.

F. Ethics in Public Contracting

By signing this comprehensive agreement, the bidder/offeror certifies that he has not violated any provisions of Federal law, the Code of Virginia, or the Richmond City Code. The bidder/offeror certifies that his bid/proposal is made without collusion or fraud and that he has not offered or received any kickbacks or inducements from any other bidder/offeror, supplier, manufacturer or subcontractor in connection with his bid/proposal and that he has not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, advance, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged. The bidder/offeror agrees that if such warranty is in any respect breached, he will pay to the School Board the full price agreed by the School Board to be paid for the supplies, materials, equipment or services to be furnished under his bid or proposal.

G. Applicability of Other Laws

Nothing in the PPEA shall affect the duty of the School Board to comply with all other applicable law not in conflict with the PPEA. The applicability of the Virginia Public Procurement Act (the "VPPA") is as set forth in the PPEA.

III. Solicited Proposals

The School Board may invite bids or proposals from private entities to acquire, design, equip, construct, improve, renovate, expand, maintain, operate, implement or install qualifying projects or to design or equip projects so constructed, improved renovated, expanded, maintained or operated. The School Board may use a two-part process consisting of a conceptual phase and a detailed phase. An RFP may invite proposers to submit proposals on individual projects identified by the public entity. The School Board will set forth in the solicitation the format and supporting information that is required to be submitted, consistent with the provisions of the PPEA.

The solicitation will specify, but not necessarily be limited to, information and documents that must accompany each proposal and the factors that will be used in evaluating the submitted proposals. The solicitation will be posted in such public areas as are normally used for posting of the School Board's notices, including the School Board's website. Notices should also be published in a newspaper or other publications of general circulation, advertised in *Virginia Business Opportunities* and posting on the Commonwealth's electronic procurement website (www.eva.state.va.us). The solicitation will also contain or incorporate by reference other applicable terms and conditions, including any unique capabilities or qualifications that will be required of the private entities submitting proposals. Pre-proposal conferences may be held as deemed appropriate by the School Board.

IV. Unsolicited Proposals

The PPEA permits the School Board to receive and evaluate unsolicited proposals from private entities to acquire, design, equip, construct, improve, renovate, expand, maintain, operate, implement or install a qualifying project.

The School Board may publicize its needs and may encourage or notify interested parties to submit proposals subject to the terms and conditions of the PPEA. When such proposals are received without issuance of a solicitation, the proposal shall be treated as an unsolicited proposal.

A. Decision to Accept and Consider Unsolicited Proposal; Notice

1. The School Board reserves the right to reject any and all proposals at any time.

2. Upon receipt of any unsolicited proposal or group of proposals and payment of any required fee by the proposer or proposers, the School Board will determine whether to accept the unsolicited proposal for publication and conceptual-phase consideration. If the School Board determines not to accept the proposal and not proceed to publication and conceptual-phase consideration, it will return the proposal, together with all fees and accompanying documentation, to the proposer.

3. If the School Board chooses to accept an unsolicited proposal for conceptual-phase consideration, it shall post a notice in a public area regularly used by the School Board for posting of public notices for a period of not less than 45 days. The School Board shall also publish the same notice in one or more newspapers or periodicals of general circulation in the area, in *Virginia Business Opportunities* and by posting a notice on the Commonwealth's electronic procurement website (www.eva.state.va.us)[5] to notify any parties that may be interested in submitting competing unsolicited proposals. Interested parties shall have 45 days from the date the notice is first published to submit competing unsolicited proposals.[6] The notice shall state that the School Board (i) has received and accepted an unsolicited proposal under the PPEA, (ii) intends to evaluate the proposal, (iii) may negotiate a comprehensive agreement with the proposer based on the proposal, and (iv) will accept for simultaneous consideration any competing proposals that comply with the procedures adopted by the School Board and the PPEA. The notice also shall summarize the proposed qualifying project or projects, and identify their proposed locations.

B. Initial Review at the Conceptual Stage

1. Only proposals complying with the requirements of the PPEA that contain sufficient information for a meaningful evaluation and that are provided in an appropriate format will be considered by the School Board for further review at the conceptual stage. Formatting suggestions for proposals at the conceptual stage are found at Section V A.

2. The School Board will determine at this initial stage of review whether it will proceed using:

a. Standard "competitive sealed bidding" procurement procedures consistent with the VPPA; or

b. Procedures developed by the School Board that are consistent with procurement of other than professional services through "competitive negotiation" as the term is defined in § 2.2-4301 of the Code of Virginia. The School Board may proceed using competitive negotiation procedures only if it makes a written determination that doing so is likely to be advantageous to the School Board and the public based upon either (i) the probable scope, complexity or urgency of need, or (ii) the risk sharing,

[5] 2004 amendment to the statute.
[6] 2003 amendment to the statute.

added value, increase in funding or economic benefit from the project would otherwise not be available.

3. After reviewing the original proposal and any competing unsolicited proposals submitted during the notice period, the School Board may determine:

   (i) not to proceed further with any proposal,

   (ii) to proceed to the detailed phase of review with the original proposal,

   (iii) to proceed to the detailed phase with a competing proposal, or

   (iv) to proceed to the detailed phase with multiple proposals.

The School Board at all times retains the right to reject any proposal at any time for any reason whatsoever.

V. Proposal Preparation and Submission

A. Format for Submissions at the Conceptual Stage

The School Board will require that proposals at the conceptual stage contain information in the following areas: (1) qualifications and experience, (2) project characteristics, (3) project financing, (4) project benefit and compatibility and (5) any additional information as the School Board may reasonably request to comply with the requirements of the PPEA. Suggestions for formatting information to be included in proposals at this stage include:

1. Qualifications and Experience

a. Identify the legal structure of the firm or consortium of firms making the proposal. Identify the organizational structure for the project, the management approach and how each partner and major subcontractor in the structure fits into the overall team.

b. Describe the experience of the firm or consortium of firms making the proposal, the key principals and project managers involved in the proposed project including experience with projects of comparable size and complexity, including prior experience bringing similar projects to completion on budget and in compliance with design, land use, service and other standards. Describe the length of time in business, business experience, public sector experience and other engagements of the firm or consortium of firms. Include the identity of any firms that will provide design, construction and completion guarantees and warranties and a

description of such guarantees and warranties. Provide resumes of the key individuals who will be involved in the project.

c. For each firm or major subcontractor that will be utilized in the project, provide a statement listing all of the firm's prior projects and clients for the past three (3) years and contact information for those clients, including names, addresses, and telephone number. If a firm has worked on more than ten (10) projects during this period, it may limit its prior project list to ten (10), but shall include all projects similar in scope and size to the proposed project and shall include as many of its most recent projects as possible. Each firm or major subcontractor shall be required to submit all performance evaluation reports or other documents which are in its possession evaluating the firm's performances during the preceding three years in terms of cost, quality, schedule maintenance, safety and other matters relevant to the successful project developments, operation, implementation, installation and completion.

d. Provide the names, prior experience, addresses, telephone numbers and e-mail addresses of persons within the firm or consortium of firms who will be directly involved in the project or who may be contacted for further information.

e. Provide a current or most recently audited financial statement of the firm or firms and each partner with an equity interest of twenty percent (20%) or greater.

f. Identify any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interests Act (Va. Code § 2.2-3100 et seq.).

g. Identify the proposed plan for obtaining sufficient numbers of qualified workers in all trades or crafts required for the project.

h. For each firm or major subcontractor that will perform installation, implementation, construction and/or design activities, provide the following information:

(1) A sworn certification by an authorized representative of the firm attesting to the fact that the firm is not currently debarred or suspended by any federal, state or local government entity.

(2) A statement that reviews all relevant information regarding technical qualifications and capabilities, firm resources and business integrity of the firm,

including but not limited to bonding capacities, insurance coverage and firm equipment. This statement shall also include a disclosure for the past three years of any of the following conduct by the firm or its principal shareholders:

(A) bankruptcy filings;
(B) liquidated damages;
(C) fines, assessments or penalties;
(D) judgments or awards in contract disputes;
(E) contract defaults or terminations;
(F) license revocations, suspension, disciplinary actions;
(G) prior debarments or suspensions by a governmental entity;
(H) denials of prequalification, findings on non-responsibility;
(I) safety past performance data including fatality; incidents, "Experience Modification Rating," "Total Recordable Injury Rate," and "Total Lost Workday Incidence Rate;"
(J) violations of any federal, state, or local criminal or civil law;
(K) criminal indictments or investigations; and
(L) legal claims filed by or against the firm.

2. Project Characteristics

a. Provide a description of the project, including the conceptual design. Describe the proposed project in sufficient detail so that type and intent of the project, the location, and the communities that may be affected are clearly identified. A description of the qualifying project, including the conceptual design of such facility or facilities or a conceptual plan for the provision of services or technology infrastructure, and a schedule for the initiation of and completion of the qualifying projects to include the proposed major responsibilities and timeline for activities to be performed by both the public and private entities.

b. Identify and fully describe any work to be performed by the School Board or any other public entity.

c. Include a list of all federal, state and local permits and approvals required for the project and a schedule for obtaining such permits and approvals.

d. Identify any anticipated adverse social, economic, environmental and transportation impacts of the project measured against the School Board's

comprehensive land use plan and applicable ordinances and design standards. Specify the strategies or actions to mitigate known impacts of the project.

e. Identify the projected positive social, economic, environmental and transportation impacts of the project measured against the School Board's comprehensive land use plan and applicable ordinances and design standards.

f. Identify the proposed schedule for the work on the project, including sufficient time for the School Board's review, and the estimated time for completion.

g. Propose allocation of risk and liability, and assurances for timely completion of the project.

h. State assumptions related to ownership, legal liability, law enforcement and operation of the project and the existence of any restrictions on the School Board's use of the project.

i. Provide information relative to phased openings of the proposed project.

j. Identify contingency plans for meeting public needs in the event that all or some of the project is not completed according to the projected schedule.

k. Describe any architectural, building, engineering or other applicable standards that the proposed project will meet.

3. Project Financing

a. Provide a preliminary estimate and estimating methodology of the cost of the work by phase, segment, or both.

b. Submit a plan for the implementation, installation, development, financing and operation of the project showing the anticipated schedule on which funds will be required. Describe the anticipated costs of and proposed sources and uses for such funds, including any anticipated debt service costs. The operational plan should include appropriate staffing levels and associated costs based upon the School Board's adopted operational standards.

c. Include a list and discussion of assumptions underlying all major elements of the plan.

d. Identify the proposed risk factors and methods for dealing with these factors. Describe methods and remedies associated with any financial default.

e. Identify any local, state or federal resources that the proposer contemplates requesting for the project along with an anticipated schedule of resource requirements. Describe the total commitment, if any, expected from governmental sources and the timing of any anticipated commitment, both one-time and on-going.

f. Identify the need, if any, for the School Board to provide either its general obligation or moral obligation backing. The underlying assumptions should address this need and/or state that the credit would be via a "Service Agreement", for example. Any debt issuance should be expected to receive an investment grade rating from a nationally recognized statistical rating agency. If the natural rating is not investment grade, the School Board may require the use of credit enhancements.

g. Outline what impact, if any, a drop in interest rates would have on the ultimate annual project cost. Indicate if there is a method to refinance for cost savings or does the firm only receive benefit of this potential?

h. Outline the financial penalties, if any, that would result should the School Board wish to terminate a project early or restructure the cash flows for some reason of its own choosing. The firm should be specific on this point.

i. Provide a breakout of the fees to any underwriting firm(s) and the type of obligation the firm(s) are using with a financing component. Be specific as to tax-exempt, taxable, floating rate, fixed rate, etc.

4. Project Benefit and Compatibility

a. Identify who will benefit from the project, how they will benefit and how the project will benefit the Board and the overall community.

b. Identify any anticipated public support or opposition, as well as any anticipated government support or opposition (including that in any affected jurisdiction), for the project.

c. Explain the strategy and plans, including the anticipated timeline, that will be carried out to involve and inform the general public, business community, and governmental agencies in areas affected by the project.

d. Describe any anticipated significant benefits to the community and the School Board, including anticipated benefits to the economic, social,

environmental, transportation, etc., condition of the School Board and whether the project is critical to attracting or maintaining competitive industries and businesses to the area.

e. Describe the project's compatibility with the School Board's and/or affected jurisdiction's local comprehensive plan (including related environmental, land use and facility standards ordinances, where applicable), infrastructure development plans, transportation plans, the capital improvements plan and capital budget or other government spending plan.

5. Any additional information as the School Board may reasonably request.

B. Format for Submissions at the Detailed Stage

If the School Board decides to proceed to the detailed phase of review with one or more proposals, the following information should be provided by the private entity unless waived by the School Board:

1. A topographical map (1:2,000 or other appropriate scale) depicting the location of the proposed project.

2. A list of public utility facilities, if any, that will be crossed by the qualifying project and a statement of the plans of the proposer to accommodate such crossings.

3. Information relating to the current plans for development of facilities to be used by a public entity that are similar to the qualifying project being proposed by the private entity, if any, of each affected jurisdiction;

4. A statement and strategy setting out the plans for securing all necessary property and/or easements. The statement must include the names and addresses, if known, of the current owners of the subject property as well as a list of any property the proposer intends to request the Board or affected jurisdiction to condemn.

5. A detailed listing of all firms, along with their relevant experience and abilities, that will provide specific operation, installation, implementation, design, construction and completion guarantees and warranties, and a brief description of such guarantees and warranties along with a record of any prior defaults for performance.

6. A total life-cycle cost, including maintenance, specifying methodology and assumptions of the project or projects including major building systems (e.g., electrical, mechanical, etc.), and the proposed project start date. Include anticipated commitment of all parties; equity, debt, and other financing

mechanisms; and a schedule of project revenues and project costs. The life-cycle cost analysis should include, but not be limited to, a detailed analysis of the projected return, rate of return, or both, expected useful life of facility and estimated annual operating expenses using School Board adopted service levels and standards.

7. A detailed discussion of assumptions about user fees or rates, lease payments and other service payments, and the methodology and circumstances for changes, and usage of the projects over the useful life of the projects.

8. Identification of any known government support or opposition, or general public support or opposition for the project. Government or public support should be demonstrated through resolution of official bodies, minutes of meetings, letters, or other official communications.

9. Demonstration of consistency with appropriate School Board and/or affected jurisdiction comprehensive plans (including related environmental, land use and facility standards ordinances, where applicable), infrastructure development plans, transportation plans, the capital improvement plan and capital budget, or indication of the steps required for acceptance into such plans.

10. Explanation of how the proposed project would impact the School Board's or affected jurisdiction's development plans.

11. Identification of any known conflicts of interest or other factors that may impact the School Board's consideration of the proposal, including the identification of any persons known to the proposer who would be obligated to disqualify themselves from participation in any transaction arising from or in connection to the project pursuant to The Virginia State and Local Government Conflict of Interest Act, Chapter 31 (Va. Code § 2.2-3100 et seq).

12. Description of an ongoing performance evaluation system or database to track key performance criteria, including but not limited to, schedule, cash management, quality, worker safety, change orders, and legal compliance.

13. Additional material and information as the School Board may request.

VI. Proposal Evaluation and Selection Criteria

Some or all of the following matters, along with the specified information required under V.A and V.B above, may be considered in the evaluation and selection of PPEA proposals. The School Board retains the right at all times to reject any proposal at any time for any reason whatever.

A. Qualifications and Experience

Factors to be considered in either phase of the School Board's review to determine whether the proposer possesses the requisite qualifications and experience shall include, along with the specified information required under V.A and V.B above, the following:

1. Experience with similar projects;

2. Demonstration of ability to perform work;

3. Leadership structure;

4. Project manager's experience;

5. Management approach;

6. Financial condition;

7. Project ownership;

8. Demonstrated record of successful past performance, including timeliness of project delivery, compliance with plans and specifications, quality of workmanship, cost-control and project safety;

9. Demonstrated conformance with applicable laws, codes, standards, regulations, policies, and agreements on past projects; and

10. Project staffing plans, the skill levels of the proposed workforce, apprenticeship and other training programs offered for the project, and the proposed safety plans for the project.

B. Project Characteristics

Factors to be considered in determining the project characteristics shall include, along with the specified information required under V.A and V.B above, the following:

1. Project definition;

2. Proposed project schedule;

3. Operation of the project;

4. Technology; technical feasibility;

5. Conformity to State, School Board or affected jurisdiction laws, regulations, and policies;

6. Environmental impacts;

7. Condemnation impacts;

8. State and local permits; and

9. Maintenance of the project.

C. Project Financing

Factors to be considered in determining whether the proposed project financing allows adequate access to the necessary capital to finance the project include, along with the specified information required under V.A and V.B above, the following:

1. Cost and cost benefit to the School Board;

2. Financing and the impact on the debt or debt burden of the School Board;

3. Financial plan including default implications;

4. Estimated cost, including debt source, operating costs, etc. and

5. Life-cycle cost analysis.

D. Project Benefit and Compatibility

Factors to be considered in determining the proposed project's compatibility with the Board's, affected jurisdiction's or regional comprehensive or development plans may include, along with the specified information required under V.A and V.B above, the following:

1. Community benefits;

2. Community support or opposition, or both;

3. Public involvement strategy;

4. Compatibility with existing and planned facilities;

5. Compatibility with School Board, regional, and state economic development efforts; and

6. Compatibility with School Board's and affected jurisdiction's land use and transportation plans,

VII. Comprehensive Agreement

Prior to acquiring, designing, constructing, improving, renovating, expanding, equipping, maintaining, operating, implementing or installing the qualifying project, the selected proposer shall enter into a comprehensive agreement with the School Board. Each comprehensive agreement shall define the rights and obligations of the School Board and the selected proposer with regard to the project.

A school board may enter into a comprehensive agreement under the PPEA only with the approval of the local governing body.

The terms of the comprehensive agreement shall be tailored to address the specifics of the project and shall include but not be limited to:

1. The delivery of maintenance, performance and payment bonds or letters of credit in connection with any acquisition, design, construction, improvement, renovation, expansion, equipping, maintenance, operation, implementation, or installation of the qualifying project, in the forms and amounts satisfactory to the responsible public entity and in compliance with § 2.2-4337 of the PPA for those components that involve construction;[7]

2. The review and approval of plans and specifications for the qualifying project by the School Board;

3. The rights of the School Board to inspect the qualifying project to ensure compliance with the comprehensive agreement;

4. The maintenance of a policy or policies of liability insurance or self-insurance reasonably sufficient to insure coverage of the project and the tort liability to the public and employees and to enable the continued operation of the qualifying project;

5. The monitoring of the practices of the operator by the School Board to ensure proper maintenance, safety, use and management of the qualifying project;

6. The terms under which the operator will reimburse the School Board for services provided;

[7] 2004 amendment to the statute.

7. The policy and procedures that will govern the rights and responsibilities of the School Board and the operator in the event that the comprehensive agreement is terminated or there is a material default by the operator including the conditions governing assumption of the duties and responsibilities of the operator by the School Board and the transfer or purchase of property or other interests of the operator by the School Board;

8. The terms under which the operator will file appropriate financial statements on a periodic basis.

9. The mechanism by which user fees, lease payments, or service payments, if any, may be established from time to time upon agreement of the parties. Any payments or fees shall be the same for persons using the facility under like conditions and that will not materially discourage use of the qualifying project;

    a. A copy of any service contract shall be filed with the School Board.

    b. A schedule of the current user fees or lease payments shall be made available by the operator to any member of the public upon request.

    c. Classifications according to reasonable categories for assessment of user fees may be made.

10. The terms and conditions under which the School Board will contribute financial resources, if any, for the qualifying project; and

11. Other requirements of the PPEA or provisions that the School Board determines serve the public purpose of the PPEA.

Parties submitting proposals understand that representations, information and data supplied in support of or in connection with proposals plays a critical role in the competitive evaluation process and in the ultimate selection of a proposal by the School Board. Accordingly, as part of the Comprehensive Agreement, the prospective operator and its team members shall certify that all material representations, information and data provided in support of, or in connection with, a proposal is true and correct.

The comprehensive agreement and any amendments thereto shall be approved and entered into in writing by the School Board.