

**CHAPTER 4000**  
**STUDENT SERVICES**

Note: Regulations associated with specific policies are in italics.

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## RIGHTS AND RESPONSIBILITIES

The School Board recognizes that students have rights which must be both respected and protected. These rights shall be recognized without regard to race, national origin, gender, ethnicity, religion, economic status, disability, marital or parental status, or intellectual ability. The Superintendent is responsible for developing and distributing information on the rights and responsibilities of students.

The School Board expects a high standard of student conduct in an effort to insure that education is provided in an atmosphere conducive to learning, free of disruption and threat to person or property, and supportive of individual rights. The School Board recognizes its responsibility to insure that instructional mandates are carried out through learning experiences for students while providing mutual protections for student and staff rights. To achieve these goals, it is the policy of the School Board that the Superintendent, with the concurrence of the School Board, develop and maintain uniform written regulations stating the system's standards for student conduct with applicable disciplinary procedures. The standards are to be consistent with the current laws and reflective of the rights and responsibilities of students. The standards as set forth in Regulation 4010-R, Standards for Student Conduct, are to be provided to each student, parent/guardian, teacher, and staff person who works directly with students.

Procedures for suspension and expulsion are included in Regulation 4010-R.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-253.13:7.C.3.

Cross Ref.:	3130	Safe Schools
	4010-R	Standards for Student Conduct
	4110	Equal Educational Opportunities/Nondiscrimination
	4170	Nondiscrimination on the Basis of Disability
	4170-R	Section 504 Dispute Resolution Procedures

[VSBA: JB, JFC, JFC-R]

## STANDARDS FOR STUDENT CONDUCT

### A. Responsibilities

The School Board expects a high standard of student conduct in an effort to ensure an atmosphere conducive to teaching and learning, free of disruption and threat to person or property, and supportive of individual rights. Students and staff have a primary responsibility for creating a climate of mutual respect, honesty, and trust in each school in order that the dignity of the individual is protected and the potential of each student may be realized. These standards will apply to students while on school property, when at school-sponsored activities, and when going to and returning from school. Students may also be disciplined for acts committed away from school property and outside school hours if the conduct is detrimental to the safety of the school or the well being of students or staff or adversely affects school climate or discipline.

The principal of the school and those to whom he or she delegates the authority for the discipline of students, including teachers, is responsible for the consistent and uniform application of all School Board policies and regulations, and the rules of the individual school, which together set forth the standards for student conduct.

The principal or his/her designee shall determine the appropriate disciplinary measures for each case of misconduct by a student, except where consequences are predetermined by specific School Board policy or by law. Determinations of disciplinary measures shall include, but not be limited to:

- consideration of the nature and seriousness of the offense;
- degree of danger to the school community;
- the student's age and grade level;
- results of any mental health, substance abuse, or special education assessments;
- student's attendance and academic records;
- relative impact of a violation on the entire student body as well as on the individual;
- school and county-wide regulations and rules;
- appropriateness and availability of an alternative education placement or program;
- student's cumulative discipline record to include the seriousness and number of previous infractions; and
- such other matters as the principal or his/her designee deems appropriate.

Principals shall inform, consult with, or refer to the Superintendent's designee any discipline matters that involve situations of extreme danger, acts of violence, threats to the school, and any discipline matters that involve unusual circumstances or need special handling. The principal shall notify the parent or legal guardian of each suspension and may require a conference with the parent or legal guardian prior to readmission. All disciplinary actions shall be taken in accordance with due process requirements.

### B. Definitions

When used in this Regulation, unless otherwise specifically defined where used, the following terms shall have the following meanings:

Alcohol and Drugs: Testing for being under the influence of - A student who is referred to an administrator for exhibiting symptoms and behaviors associated with alcohol use may be administered an approved test by the administrator. For referrals associated with physical symptoms or behaviors that indicate the student may be under the influence of drugs at school, the administrator will contact the parent or legal guardian and inform them of the symptoms and the suspicion that the student may be under the influence of drugs. To rule out drug use, the student may be referred to a designated laboratory for non-intrusive urine screening before returning to school. When tests are positive, the student will be disciplined as provided above. In all cases where the tests are administered, the parent or legal guardian will be notified of the results.

Battery/Assault - Intentional touching or striking of another person against his or her will, or intentionally causing bodily harm to an individual; occurs when one individual physically attacks another individual; includes an attack with a weapon or one that causes serious bodily harm to the victim.

Before/After School Detention - A student may be detained for a reasonable period of time before school or after the closing of the last scheduled class and may be required during this time to engage in such activities as may reasonably contribute to better behavior. Any student who has been assigned detention time shall promptly inform his or her parent or legal guardian. Except for unusual circumstances, a student shall be given at least one day's notice if assigned detention time.

Bullying - Repeated or single incidents of negative behaviors targeting a specific victim. Bullying behaviors include, but are not limited to, threats, verbal or written abuse, physical abuse, harassment, ethnic or gender slurs, exclusion, and threatening body posture.

Controlled Substance - As defined in the Drug Control Act, Chapter 34 (§§ 54.1-3400 *et seq.*) of Title 54.1 of the Code of Virginia and as defined in schedules I through V of 21 U.S.C. 812.

Cursing or Verbal Abuse - Profane, obscene or abusive language, whether or not directed at any person in a threatening or intimidating manner. Cursing or verbal abuse directed at any person may result in referral to law enforcement officials.

Drug Paraphernalia - Those items described in Va. Code § 18.2-265.1.

Exclusion from Class or Classes - A student may be removed from a single class or several classes for a set period of time.

Expulsion - A student's privilege to attend school may be terminated by the School Board in accordance with Va. Code §§ 22.1-277, 22.1-277.06.

Hazing – To recklessly and intentionally endanger the health or safety of a student or students or to inflict bodily harm 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 engaged or injured participated voluntarily in this activity.

Imitation Controlled Substance - A pill, capsule, tablet or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit or appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.

In-School Detention - A student may be removed from his regular schedule of classes and assigned to a classroom for the entire day for a reasonable period or time. The student is detained in the room for the day.

Prescription Drug or Medication - Any drug or other substance used in treating diseases, healing, or relieving pain, including those prescribed by a health care provider and all over-the-counter drugs.

Reasonable Suspicion - A belief based upon objective facts and the rational inferences that may be drawn from such facts or based on direct or reported observation. Factual foundations may include, but are not limited to, observation of the student's behavior, appearance or performance such as bloodshot eyes, dilated pupils, staggering, odor of alcohol, erratic behavior or other behavior uncharacteristic of the student, agitation, explosiveness, altercations or violence, excessive absenteeism and tardiness, lethargy, or apparent consumption of alcohol or controlled substances.

Referral to Law Enforcement Officials - Violations of law may be handled by referring the case to law enforcement officials in addition to the use of other disciplinary measures. All incidents involving assault; assault and battery; sexual assault; death; stabbing, cutting or wounding; alcohol, marijuana, controlled substances, imitation-controlled substances, anabolic steroids; threats against school personnel; the illegal carrying of a firearm onto school property; any illegal conduct involving firebombs, explosive materials or devices or hoax explosive devices, or chemical bombs; or any threats or false threats to bomb will result in referral to law enforcement officials in accordance with Va. Code § 22.1-279.3:1.

Special Assignment - A student may be given a special assignment as a corrective measure. This may include, but not be limited to, reasonable assignments for general assistance at the school facility.

Suspension from Extracurricular Activities - A student's privilege to participate in all or certain extracurricular activities or school-sponsored activities may be suspended for a fixed period of time or until certain specified conditions have been fulfilled. Suspension from extracurricular activities may be imposed in conjunction with other penalties. A student holding a leadership position, such as club and organization offices, and a student representing the school or school organization in contests, special delegations or honorary positions will give up the leadership position and opportunity to represent the school or its organizations beginning with the date of suspension. Additionally, team rules or organization constitutions or by-laws at the individual school level may deny participation beyond the term imposed by the school administration.

Suspension from School - A student may be suspended from school for violation of this regulation as set forth in Va. Code §§ 22.1-277, 22.1-277.04, 22.1-277.05. A student shall not be permitted to participate in any school-sponsored activities while suspended. The principal

may impose up to a ten-day suspension as deemed appropriate. A recommendation for suspension in excess of ten days or expulsion will be forwarded to the Superintendent's designee. Regularly scheduled school days that have been cancelled by the Superintendent due to unforeseen circumstances do not count toward completing the assigned out-of-school suspension.

Suspension of Computer Privileges - Prohibited from access to computer networks and server resources.

Warning and Counseling - Warning and counseling are used where appropriate to assist a student to understand that his or her conduct interferes with the educational process, threatens the rights of others, or is contrary to school policy or regulations and needs to be corrected.

Weapons: Possession or Use - Shall include, but is not limited to, guns, firearms, blank guns, starter guns, pellet guns, air guns, toy guns, tear gas guns, chemical weapons, knives, metallic knuckles, blackjacks, explosive devices, joined rings, and other objects which may be used as weapons or imitation weapons.

C. Students may be disciplined as specified in the following applicable paragraphs:

1. Violation of Law and School Board Policy

Violations of law may be handled by referring the case to law enforcement officials in addition to the use of school disciplinary measures. All incidents involving assault; assault and battery; sexual assault; death; stabbing, cutting or wounding; alcohol, marijuana, controlled substances, imitation-controlled substances, anabolic steroids; threats against school personnel; the illegal carrying of a firearm onto school property; any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, or chemical bombs; or any threats or false threats to bomb will result in referral to law enforcement officials in accordance with Va. Code § 22.1-279.3:1. The principal or his/her designee also shall notify the parent or legal guardian of any student involved in such an incident 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.

2. Violation of School Regulations

- Continued or willful disobedience;
- Defiance of authority of any employee of the school system;
- Trespassing upon the property of any Chesterfield County school;
- Willful interruption or substantial disturbance of any school;
- Leaving school grounds without the prior written permission of the principal or his/her designee;
- Having on one's person a beeper, paging device, cellular telephone, other portable communication device, or laser pointer;
- Absence from school without a valid excuse;

- Misrepresenting oneself using e-mail, or logging into or attempting to log into a school computer system server using an account not assigned to the student by the computer system administrator
- Cheating, plagiarism, or otherwise representing the work of others as one's own; and
- Any other conduct that interferes with the orderly operation of the school.

### 3. Threats to Persons

- Conduct of such character as to constitute a danger to the physical well-being of others;
- A threat, oral or in writing (including electronically transmitted communication producing a visual or electronic message), to kill or do bodily harm, regardless of whether the person who is the object of the threat actually receives the threat, if the threat would place the person who is the object of the threat in reasonable apprehension of death or bodily harm;
- Physically striking or otherwise committing an assault upon any teacher, administrator, other employee, or any other person;
- Cursing, bullying, or verbally abusing any person;
- Sexual misconduct, whether consensual or not;
- Verbal or physical harassment based upon another's race, gender, religion or disability;
- Profane language or conduct, obscene language or conduct, or demeaning remarks directed at students or staff;
- Use or possession of any type of weapon, either operable or inoperable, or a look-alike weapon; violation of this regulation will result in out-of-school suspension and may include a recommendation for expulsion;
- Defiance or insolence directed at a teacher or other staff member to include insubordination or disregard of a verbal instruction or direction; a student who brings a firearm as defined in Va. Code § 22.1-277.07.E. or as prohibited by Va. Code § 18.2-308.1 on school property or to a school-sponsored activity must be expelled for a minimum of 365 days. The Superintendent's designee may determine, based on the facts of the particular case that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the permanent expulsion of such students.
- Use or possession of any object deemed by the principal to be a threat to the safety or welfare of the student or other persons.

### 4. Threats to Property

- Taking or attempting to take another person's personal property or money, including school-owned property or money;
- Damaging or attempting to damage school property or the property of others;
- Unauthorized occupancy of any part of the school or school grounds, or failure to leave promptly after having been directed to do so by the principal, other school employee, or law enforcement officer;
- Willfully damaging or attempting to damage software, operating systems, or data files stored on school computer systems; and
- Any threat, false or not, or attempt to bomb, burn or destroy in any manner a school building or any portion thereof.

Range of consequences for 1 through 4 above in alphabetical order to be used alone or in combination as determined appropriate by the principal or enforcing authority:

- alternative placement
- community service
- confiscation of prohibited items
- counseling
- detention before/after school
- detention in school
- exclusion from class
- recommendation for expulsion
- recommendation for long-term suspension
- referral to law enforcement officials
- special assignments
- suspension from extracurricular activities
- suspension of computer privileges
- suspension out of school
- warning

#### 5. Substance Abuse

A substance abuse offense is a serious infraction of the Chesterfield County Public Schools' Standards for Student Conduct and the Code of Virginia. A substance abuse offense includes the possessing, using, being under the influence, distributing, receiving, or attempted/intended distribution of:

- alcohol, alcohol product, or alcohol container
- prescription and over the counter drug
- anabolic steroid or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or controlled substance [as defined in the Drug Control Act, Chapter 34 (§§ 54.1-3400 *et seq.*) of Title 54.1 of the Code of Virginia and as defined in schedules I thru V of 21 U.S.C. 812]
- imitation controlled substance
- drug paraphernalia (as defined in Va. Code § 18.2-265.1)
- any drugs or any other noxious chemical substances including but not limited to fingernail polish or model airplane glue, containing any ketones, aldehydes, organic acetates, ether, chlorinated hydrocarbons or vapors, deliberately smelled or inhaled, or causing others to do so, with the intent to become intoxicated, inebriated, excited, stupefied or to dull the brain or nervous system

Upon reasonable suspicion that a student is in violation of this regulation regarding substance abuse, the principal or his/her designee may require that the student be tested for alcohol by use of an approved test by an administrator or tested for drugs at a designated facility, as appropriate. Reasonable suspicion is defined as a belief based upon objective facts and the rational inferences, which may be drawn from such facts or based on direct or reported observations. Factual foundations may include, but are not limited to, observation of the student's behavior or performance such as bloodshot eyes, dilated pupils, staggering, odor of prohibited substance, erratic behavior or other behavior uncharacteristic of the student, agitation, explosiveness, altercation or violence, excessive absenteeism and tardiness, lethargy,

or apparent consumption of alcohol, marijuana, or controlled substances. A student who refuses to submit to alcohol or drug testing in such cases may be disciplined, including, but not limited to, suspension or expulsion. A suspected violation may be referred to law enforcement officials. All incidents involving a violation of these prohibitions shall be reported to the principal.

Consequences for certain violations are as follows:

a. Alcohol

Using, possessing, distributing, receiving, or being under the influence of alcohol or alcohol products is prohibited and shall result in suspension or expulsion according to the following schedule:

First offense: (a) a ten day out-of-school suspension and referral to QUEST substance intervention program during the suspension; (b) forty-five (45) school day suspension from participation in or attendance at all after-school or school-sponsored activities; (c) loss of parking privileges for 365 days. A student violating this policy when fewer than forty-five (45) school days remain in the school year will complete the remaining days of suspension from participating in or attendance at all after-school or school-sponsored activities beginning the first day of the next school year.

Second offense: a recommendation for extended suspension or expulsion.

b. Marijuana, Controlled Substance, Imitation Controlled Substance or Drug Paraphernalia

Virginia Code § 22.1-277.08 requires that a School Board expel a student who has been determined "to have brought a controlled substance, imitation controlled substance, or marijuana, as defined in Va. Code § 18.2-247, onto school property or to a school-sponsored activity." A student who possesses, distributes, or receives any controlled substance, imitation controlled substance or marijuana at any time while on school property or at a school-sponsored activity will be recommended for expulsion by the principal. In the case of a first violation, the Superintendent's designee may determine, based on the facts of the particular case that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the permanent expulsion of such students.

Being under the influence of marijuana or any controlled substance or possessing drug paraphernalia is prohibited and shall result in suspension or expulsion according to the following schedule:

First offense: (a) a ten day out-of-school suspension and referral to QUEST substance intervention program during the suspension; (b) forty-five (45) school day suspension from participation in or attendance at all after-school or school-sponsored activities; (c) loss of parking privileges for 365 days. A student violating this policy when fewer than forty-five school (45) days remain in the school year will complete the remaining days of suspension from participating in or attendance at all after-school or school-sponsored activities beginning the first day of the next school year.

Second offense: a recommendation for expulsion.

c. Prescription Drugs

The illegal use of prescription drugs is prohibited. Further, no student may have in his or her possession any prescription drug. The parent or legal guardian shall take all such items to the office of the principal or his/her designee for safekeeping and administration within prescribed procedures. Any student who possesses, distributes, or receives a prescription drug at any time while on school property or at a school-sponsored activity will be recommended for expulsion by the principal. In the case of a first violation, the Superintendent's designee may determine, based on the facts of the particular case that special circumstances exist and that another disciplinary action is appropriate.

Nothing herein shall prohibit the permanent expulsion of such students.

d. Over-the-Counter Drug

No student may have in his or her possession any over-the-counter drug, even if recommended or prescribed for the student's use. The parent or legal guardian shall take all such items to the office of the principal or his/her designee for safekeeping and administration within prescribed procedures. Possessing, using, distributing, or receiving over-the-counter drugs by a student is prohibited and may result in a disciplinary action as determined by the principal.

6. Tobacco Violations

Using or possessing tobacco products is prohibited, and shall result in suspension or expulsion according to the following schedule:

First offense:	three-day out-of-school suspension
Second offense:	five-day out-of-school suspension
Third offense:	ten-day out-of-school suspension and a referral of violators to a substance intervention program required prior to readmission
Fourth offense:	suspension for a minimum of ten days and may include a recommendation for extended suspension or expulsion

7. Gang Activity

Criminal street gangs are defined in Va. Code § 18.2-46.1. Gang-related activity will not be tolerated in any school or at any school activity and may be subject to disciplinary consequences, to include out of school suspension and a recommendation for expulsion. Symbols of gang membership are expressly prohibited. Examples include clothing that symbolizes association, rituals associated with, or activities by an identified group of students. All suspected gang activity would be reported to the school's resource officer or other law enforcement representative.

8. Weapons: A student shall not use or have in his or her possession any type of weapon either operable or inoperable. Violation of this regulation will result in out-of-school suspension and may result in a recommendation for expulsion. For more information, see section B., Definitions, and Va. Code § 22.1-277.07; certain offenses require the principal to recommend the student for expulsion.

## 9. Sexual Harassment

Sexual harassment is illegal behavior that harms the victim and negatively impacts the school system by creating an environment of fear, distrust, and intolerance. Because Chesterfield County Public Schools is committed to providing a safe, healthy environment for all students that promotes respect, dignity, and equality, it is the purpose of this regulation to create and preserve an educational environment free from unlawful sexual harassment and discrimination on the basis of sex.

Chesterfield County Public Schools strictly prohibits all forms of sexual harassment on school grounds, school buses, and at all school-sponsored activities, programs and events. It shall be a violation of this regulation for any student, employee or third party (school visitors, vendors, etc.) to sexually harass any student.

Sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, employees or third parties when:

- a. Submission to the conduct is made explicitly or implicitly a term or condition of a student's education (including any aspect of the student's participation in school-sponsored activities or any other aspect of the student's education);
- b. Submission to or rejection of the conduct is used as the basis for decisions affecting a student's academic performance, participation in school-sponsored activities, or any other aspect of a student's education;
- c. The conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or of creating an intimidating, hostile, or offensive educational environment.

Examples of school-related conduct that the school system considers unacceptable and often a part of sexual harassment include, but are not limited to, the following:

- a. Rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender based activity of a criminal nature as defined by the laws of Virginia;
- b. Unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
- c. Unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
- d. Any unwelcome communication that is sexually suggestive, sexually degrading, or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance, or activities; sexual jokes; sexual gestures; public conversation about sexual activities or exploits; sexual rumors and "ratings lists;" catcalls and whistles; sexually graphic computer files, messages or games, etc.;

- e. Unwelcome and offensive name-calling or profanity that is sexually suggestive, sexually degrading implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
- f. Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, stalking, frontal body hugs;
- g. Unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggles," or "wedgies," pinching, placing hands inside an individual's pants, shirt, blouse, or dress;
- h. Unwelcome leers, stares, gestures, or slang that is sexually suggestive, sexually degrading, or implies sexual motives or intentions;
- i. Clothing with sexually obscene or sexually explicit slogans or message;
- j. Unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material; and
- k. Any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

In compliance with applicable federal law, it is the policy of the Chesterfield County Public Schools to investigate promptly and resolve equitably all complaints of sexual harassment and discrimination on the basis of sex. Victims of sexual harassment shall be afforded avenues for filing complaints that are free from bias, collusion, intimidation, or reprisal.

Victims of sexual harassment should document the harassment as soon as it occurs and with as much detail as possible, including the nature of the harassment, dates, times, and places it has occurred; names of the harasser(s) and any witnesses; and the victim's response to the harassment.

To the extent they feel safe and comfortable doing so, victims are first encouraged to confront the harasser, verbally or in a letter or with someone else present, and tell the harasser to stop the conduct because it is unwelcome. Any such communication should be documented. If the victim's concerns are not resolved satisfactorily by communicating with the harasser, or if the victim feels he or she cannot discuss the concerns with the harasser, the victim should directly inform the building administrator of the complaint and should clearly indicate what action he or she wants taken to resolve the complaint. While victims are encouraged to submit a complaint in writing, complaints may be made orally.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the building administrator, and then shall immediately notify the building administrator. Any employee who fails to report student complaints to the building administrator may face disciplinary action, up to and including dismissal. Any building administrator who fails to investigate student complaints of sexual harassment may be disciplined up to and including dismissal.

Students are encouraged to report complaints as soon as possible and at least within 30 days of the incident, so that the complaint can be effectively investigated. Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the building administration, and then shall immediately notify the building administrator. The building administrator shall promptly investigate the complaint, at least within ten days, and report the results to the parties. If the building administrator determines that the complaint is well founded, he or she shall take appropriate disciplinary action or report the matter to the Superintendent or the Superintendent's designee for action.

The privacy and confidentiality of all parties and witnesses to complaints will be respected. However, because an individual's need for confidentiality must be balanced against the school system's obligation to cooperate with the criminal justice authorities, afford due process to the accused, conduct a thorough investigation, and take appropriate corrective measures, the school system reserves the right to disclose the identity of parties and witnesses in appropriate circumstances to individuals with a need to know.

Any act of retaliation against any person who opposes sexual harassment, who has filed a complaint, or who has testified, assisted or participated in any way in the handling of a sexual harassment complaint is prohibited and is subject to disciplinary action up to and including dismissal.

False or malicious complaints of sexual harassment may result in disciplinary action against the complainant.

This policy shall be posted in each facility in the school system and shall be published in the Code of Student Conduct and in employee handbooks.

#### 10. Hazing of Students

It is unlawful to haze or otherwise mistreat so as to cause bodily injury to any student at any school or in any school activity whether it is part of an initiation ritual for club or extracurricular activity membership or athletic program. Students found to be in violation will be suspended out of school for harassment. Any student found to be in violation and causing bodily injury to another student shall be referred to law enforcement consistent with Va. Code § 18.2-56. Any student found guilty of hazing by the court system will be recommended to the School Board for expulsion. Complaints of hazing shall be reported to the building administrator to be investigated using the same procedures as for sexual harassment.

#### 11. Bullying

A student, individually or as part of a group, shall not harass or bully others. Bullying behavior may include physical, intimidation, taunting, name calling and insults; comments regarding the race, gender, religion, physical abilities or characteristics of associates of the targeted individual; and falsifying statements about the targeted individual or associates. Bullying behavior may be verbal or non-verbal. A student who is found in violation may be suspended out of school; repeated violations may result in a recommendation for long-term suspension or expulsion.

#### 12. Student Use of Technology

Chesterfield County Public Schools strives to provide equitable access and encourages the use of technology, whenever possible and appropriate, to support the curriculum and student learning objectives. Technology includes but is not limited to computers, other hardware, electronic devices including any cell phone, software, Internet, Intranet, e-mail, and all other networks.

a. Acceptable use of technology and electronic information systems by students includes:

- accessing research databases and libraries of information in the form of text, graphics, photographs, video, and sound;
- interacting and collaborating with others;
- acquiring knowledge and skills to support learning objectives;
- publishing opportunities; and
- extending teaching and learning opportunities.

Chesterfield County Public Schools allows students to access electronic information systems while safeguarding students from potential hazards by filtering objectionable sites. Students are allowed access to Internet resources with the understanding that some material may be inaccurate or objectionable. The use of inappropriate resources is not permitted. Chesterfield County Public Schools does not endorse and is not responsible for content associated with links outside of the Chesterfield County Public Schools' network. Chesterfield County Public Schools reserves the right to block downloading from specific file extensions or specific sites. Students using Chesterfield County Public Schools' electronic information systems are subject to monitoring by Chesterfield County Public School personnel. Students must sign an acceptable use agreement annually.

b. Unacceptable use of technology and electronic information systems by students includes, but may not be limited to:

- sending or accessing material containing obscene or sexually explicit language or images, such to include sending, forwarding, displaying, retaining, storing or posting sexually explicit, lewd, indecent or pornographic photographs, images or messages by or on any cell phone, computer or other electronic means during school hours or activities on or off campus, while on school division property, during any recess, lunch or leave periods on or off school division property, by use of school division property, or beyond the hours of school operation if the behavior detrimentally affects the personal safety or well-being of school-related individuals, the governance, climate or efficient operation of the school or the educational process or experience;
- sending e-mail containing inappropriate, profane, obscene, abusive, or offensive language;
- sending e-mail conveying a threat against any student, school personnel, or school property;
- providing personal or confidential information about another individual or sharing or exchanging passwords for purposes not appropriate to the educational program;
- posting harassing, inflammatory, or threatening information about a person or event;

- violating copyright, privacy, plagiarism, or intellectual property laws;
- accessing material for commercial purposes that do not support the instructional mission;
- damaging any computers, computer systems, computer networks, or other electronic information systems;
- using Chesterfield County Public Schools' electronic information systems for purposes that do not support the instructional mission; and
- altering or attempting to alter school system data.

The use of technology as an educational and instructional resource requires that students entrusted with the privilege of its use be held accountable. It is the responsibility of the user to obey the rules and procedures governing acceptable use at all times. Students are personally accountable for any and all activities logged to their computer identification and password. Any activities that disrupt or interfere with the safety and welfare of the school community are prohibited, even if such use takes place off school property. Such activities will be subject to school disciplinary action.

c. Penalties for improper use of technology by a student or a violation of the acceptable use agreement by a student may include:

- warning
- conference with student or parent
- in school detention
- before or after school detention
- suspension or termination of computer privileges
- suspension out of school
- recommendation for long-term suspension or expulsion
- legal action
- restitution

### 13. Use of Cellular Telephone by Certain Students

If a secondary student wishes to possess a cellular telephone while on school property, the student may not turn on or use the cellular telephone during the official instructional day. During the instructional day, a student must keep the cellular telephone in a locker or car; or, if with the student, the cellular telephone must be kept out of sight in a purse, backpack or other container. A violation of this rule is grounds for confiscation of the cellular telephone; repeated violations will result in the loss of this privilege and may result in before or after-school detention or out of school suspension of up to ten days.

A secondary 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. Any student who uses a cellular telephone for unlawful activity while on school property, or while attending any school function or activity, will be subject to disciplinary action that may include out-of-school suspension or a recommendation for expulsion.

An elementary student may not possess a cellular telephone while on school property or on the school bus.

D. Search and Seizure

Lockers and other facilities made available to students for storing their personal possessions remain under the joint control of the school administration. The school administration has the right to search lockers, desks, and other storage facilities for items that violate law or school policies and regulations, or that may be harmful to the school or its students. Vehicles parked on school property, lockers, and other storage facilities may be subject to periodic and random searches by school officials as well as by trained dogs.

The school administration also has the right to search any student and the student's belongings when there is reasonable suspicion to believe that the student possesses an item that violates law or school policies and regulations, or that may be harmful to the school or its students. No student shall be strip searched without authorization from the Superintendent's designee.

E. Video Surveillance

As a component of a comprehensive safe school plan, video surveillance, with or without audio capability, may be used in the common areas of certain schools and on school buses to maintain the security of students, staff members and visitors. Surveillance equipment may or may not be monitored at any time. Video recordings may be used for disciplinary purposes. To protect the confidentiality of all students, only school personnel may view video recordings that include more than one student. Law enforcement representatives in the course of a criminal investigation may view video recordings.

F. Disciplinary Authority Under Certain Circumstances

The Superintendent's designee may require any student to attend an alternative education program regardless of where the crime occurred if the student has been:

- charged with an offense relating to Virginia law or with a violation of School Board policies, on weapons, alcohol or drugs, or intentional injury to another person;
- found guilty or not innocent of an offense relating to Virginia laws on weapons, alcohol or drugs, or of a crime that resulted in or could have resulted in injury to others, or for which the disposition ordered by a court is required to be disclosed to the Superintendent pursuant to Va. Code §16.1-305.1;
- found to have committed a serious offense or repeated offenses in violation of School Board policies;
- suspended pursuant to Va. Code § 22.1-277.05; or
- expelled pursuant to Va. Code §§ 22.1-277, 22.1-277.06, 22.1-277.07, or 22.1-277.08.

G. Procedures for Suspension and Expulsion

1. Suspension for Ten Days or Less

The principal, any assistant principal, or in their absence, any teacher may suspend a pupil for ten school days or less using the following procedures:

a. The student shall be apprised of the nature and facts of the alleged misconduct.

b. The student shall be given an opportunity to explain the circumstances of the alleged misconduct from his or her perspective.

c. The principal shall verify that the student has not been identified as a student with a disability or is suspected of being a student with a disability under the Individuals with Disabilities in Education Act before suspending the student for more than an aggregate of ten days in a school year.

d. The student shall be informed of the conditions of the suspension, such as the required conference with the parent or legal guardian prior to return, prohibition from coming on school property, and prohibition on attending scheduled school activities or school-sponsored events.

e. The principal shall execute a letter of suspension stating the condition of the suspension and the date that the student may return to school, the availability of community-based educational programs, alternative education programs, or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the educational program offered by the school division shall be borne by the parent or legal guardian. Copies of the letter of suspension shall be given to the student, if possible, and mailed to the student's parent or legal guardian.

f. The parent or legal guardian shall be notified of the right to an appeal and the procedures for appeal.

## 2. Emergency Suspension

Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption may be summarily removed from school immediately. The notice, explanation of facts, and the opportunity to present his or her version required under Suspension for Ten Days or Less shall be given as soon as practicable thereafter.

## 3. Suspension in Excess of Ten Days

The Superintendent's designee may suspend a student from school in excess of ten school days after the student and the parent or legal guardian have been provided written notice of the proposed action, the reason therefore, and the right to a hearing before the Superintendent's designee. The Superintendent's designee shall execute a letter of suspension, stating the condition of the suspension and the date that the student may return to school, the availability of community-based educational programs, alternative education programs or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the educational program offered by the division shall be borne by the parent or legal guardian. In any case in which a student has been suspended by the Superintendent's designee after a hearing, the student and the parent or legal guardian may appeal the decision to the School Board. Such appeal must be in writing and must be filed with the Superintendent's designee within seven calendar days of the suspension decision. Failure to file a written appeal within the specified time will constitute a

waiver of the right to an appeal. The School Board will consider the appeal upon the record of the suspension hearing within 30 calendar days of the appeal.

#### 4. Expulsion

The principal may recommend that a student be expelled. Recommendations for expulsion for actions other than those specified in Va. Code §§ 22.1-277.07 and 22.1-277.08 shall be based on consideration of the following factors:

- nature and seriousness of the violation;
- degree of danger to the school community;
- student's disciplinary history, including the seriousness and number of previous infractions;
- appropriateness and availability of alternative education placement or programs;
- student's age and grade level;
- results of any mental health, substance abuse, or special education assessments;
- student's attendance and academic records; and
- other matters as deemed appropriate.

No decision to expel a student shall be reversed on the grounds that these factors were not considered, and these factors may be considered as special circumstances for the purposes of complying with Va. Code §§ 22.1-277.07 and 22.1-277.08.

The principal shall notify the student and the parent or legal guardian in writing of the following:

- proposed action and the reasons therefore;
- right of the student and the parent or legal guardian to a hearing before the Superintendent's designee; and
- right to inspect the student's school records.

The student and the parent or legal guardian shall also be provided with a copy of the Standards for Student Conduct.

If the Superintendent's designee upholds the recommendation of expulsion, the student shall be suspended until the School Board decides the matter. The Superintendent's designee may impose a lesser sanction. In cases involving weapons as described in the Va. Code § 22.1-277.07 or drugs as described in Va. Code § 22.1-277.08, the Superintendent's designee may conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. If a determination is made that another disciplinary action is appropriate, then the Superintendent's designee may implement that disciplinary action so long as it is taken in accordance with procedures related to student discipline in this regulation.

If the Superintendent's designee upholds the principal's recommendation of expulsion, the student and the parent or legal guardian may request a hearing before the School Board. Such request must be in writing and must be filed with the Superintendent's designee within seven calendar days of the decision to uphold the principal's recommendation. Failure to file a written request within the specified time will constitute a waiver of the right to a hearing before

the School Board. In cases where there is no appeal of the recommendation for expulsion, the School Board will act on the recommendation for expulsion in the absence of the parent or legal guardian and the student. Upon a timely request for a hearing before the School Board, the Superintendent's designee shall notify the student and the parent or legal guardian of the time and place of the hearing.

#### 5. School Board Hearing

The procedure for the School Board hearing shall be as follows:

a. 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.

b. The School Board may ask for opening statements from the principal or the principal's representative and the student or the parent, legal guardian or representative and, at the discretion of the School Board, may allow closing statements.

c. The parties shall then present their evidence. The principal has the ultimate burden of proof and shall present evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representatives). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination; provided, however, that the School Board may take testimony of a student witness outside the presence of the student in the discipline case, the parent, legal guardian or their representative if the School Board determines, at its discretion, that such action is necessary to protect the student witness.

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

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

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

g. The School Board shall transmit its written decision to the student, the parent or legal guardian, the principal and Superintendent, including the reasons therefore, the length of the expulsion, the availability of community-based educational programs, alternative education programs or other educational options. The cost of any community-based educational program, alternative education program, or educational option that is not a part of the educational program offered by the division shall be borne by the parents.

The School Board may permit or require an expelled student to attend an alternative education program provided by the School Board for the term of the expulsion. 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 adult education program in the school division, the School Board shall advise the parent or legal guardian that the student may petition the School Board for readmission to be effective one calendar year from the date of expulsion

and of the conditions, if any, under which readmission may be granted. Petitions for readmission must be submitted by the parent or legal guardian to the Superintendent's designee no fewer than 60 days and no more than 90 days prior to the expiration of the expulsion or within such other period as may be established by the School Board in the notice of expulsion.

The Chairman of the School Board may elect, at his/her discretion, to appoint a committee of the School Board to hear the expulsion case. In the event a committee conducts the hearing, the student or the parent or legal guardian may appeal the committee's decision to the full School Board if the committee's decision is not unanimous. The appeal must be in writing and must be filed with the Superintendent's designee within five calendar days of the committee'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 decide the appeal upon the record of the case within 30 calendar days of the request for an appeal. No statements, witnesses, or evidence may be presented at this appeal unless specifically requested by the Chairman of the School Board.

#### H. Procedure for Appealing Out-Of-School Suspension of Ten Days or Less

A decision to suspend a student may be appealed by the student's parent or legal guardian. An appeal of a suspension shall not hold the suspension in abeyance. Failure to file a written notice of appeal within the prescribed time will constitute a waiver of the right to appeal. A parent or legal guardian may appeal a suspension to the principal of the school, and then to the Superintendent's designee in the following manner:

1. A parent or legal guardian shall submit a written letter of appeal to the principal of the school within two administrative working days of notification of the suspension. The parent or legal guardian should state specifically the reasons for the appeal and consider the following before appealing a suspension: (a) whether the facts warrant the suspension, (b) if the consequences were appropriate for the behavior, and (c) whether school and county procedures were followed. The principal shall review the suspension, all the evidence, and render a written decision as soon as possible but within three working days.

2. To appeal further, the parent or legal guardian shall submit written notice to the principal, within two administrative working days of the principal's decision to uphold the suspension, requesting that the principal forward the letter of appeal and all documentation to the Superintendent's designee for a review. The Superintendent's designee shall review the information, gather additional information, or conduct a hearing if necessary, and render a written decision. For suspensions of ten days or less, the decision of the Superintendent's designee shall be final.

#### I. Procedure for Appealing Out-Of-School Suspension of More than Ten Days

The Superintendent's designee may suspend a student from school in excess of ten school days after the student and the parent or legal guardian have been provided written notice by the principal of the proposed action, the reason thereof, and the right to a hearing. A decision to suspend a student in excess of ten school days may be appealed by the student's parent or legal guardian. An appeal of a suspension shall not hold the suspension in abeyance. A parent or legal guardian may appeal a suspension in excess of ten days to the School Board in the following manner:

1. When a student has been suspended more than ten days by the Superintendent's designee, the student and the parent or legal guardian may appeal that decision to the School Board. Such an appeal must be in writing and must be filed within seven calendar days of the decision to suspend in excess of ten days. The parent or legal guardian should state specifically the reasons for the appeal and consider the following before appealing a suspension: (a) whether the facts warrant the suspension, (b) if the consequences were appropriate for the behavior, and (c) whether school and county procedures were followed. Failure to file a written appeal within the specified time will constitute a waiver of the right to appeal.

2. The School Board shall, within 30 calendar days of the decision to suspend in excess of ten days, conduct a review of the record and render a written decision.

#### J. Procedure for Imposing and Appealing Out-of-School Exclusions

Any student who has been suspended for more than 30 days or expelled by a public or private school in or outside of Virginia, or for whom admission to a private school has been withdrawn may be excluded from attendance from Chesterfield County Public Schools upon written notice to the student and the parent or legal guardian setting forth the reasons therefore and the opportunity for a hearing before the Superintendent's designee. The decision of the Superintendent's designee shall be final unless altered by the School Board, upon a written petition filed with the Superintendent's designee by student or the parent or legal guardian within five days of the decision of the Superintendent's designee to exclude. Upon a timely petition, the School Board shall review the matter on 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 expelled student from school attendance, the School Board may accept or waive any or all of any conditions for readmission imposed upon the student by the expelling school board. The School Board shall not impose additional conditions for readmission to school.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, a period that shall be established by the Superintendent's designee, the student may again petition the School Board for admission. If the School Board again rejects the petition for admission, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which the student may petition the School Board again for admission.

#### K. Discipline of Students with Disabilities

##### 1. Definition

For purposes of this regulation, a student will be considered disabled if identified as disabled by the Eligibility Committee and not subsequently terminated from the special education program or if, prior to the date on which the misconduct occurs, there is reason to suspect a disability.

## 2. Short-Term Suspension

A student with disabilities may be suspended out of school for ten days or less at a time in accordance with regular suspension procedures. The imposition of any additional short-term suspension after the first ten days cumulative in a school year must be reviewed to determine whether it will result in a change in placement. If it is found to result in a change in placement, then the discipline procedures for a suspension of greater than 10 days must be followed.

a. The principal is to keep a tally of the total number of days of suspension received by each disabled student. When a student has accumulated more than ten days of suspension in any single school year, the principal must refer the student to the administrator of special education in the school for a review of the student's educational program and to consider whether the suspensions have effected a change in placement. More than ten cumulative days of short-term suspensions in a single school year may be a change in placement requiring a manifestation determination review, functional behavior assessment, behavior intervention plan, reevaluation, and procedural protections. A student with a disability may be removed from the student's current educational setting for a period of time that cumulatively exceeds ten school days in a school year for separate incidents of misconduct as long as the removals do not constitute a pattern. Isolated short-term suspensions for unrelated instances of misconduct may not be considered a pattern. Factors to consider in determining whether a change in placement has occurred are the length of each suspension, the proximity of the suspensions, and the total number of days suspended in a single year. If it is determined that this suspension would result in a change in placement, then the procedures in Section 3 for Long-term Suspension and Expulsion must be followed. In any case, once suspensions have totaled ten days in a single school year, the administrator of special education in the school shall convene an IEP committee meeting to develop a functional behavioral assessment plan, create a behavior intervention plan, and determine if any modifications in the special education program or updated evaluations are required. Customary procedures for notice of evaluation and of the IEP meeting, including procedural safeguards, must be followed.

b. Suspension from the bus may count as a day of suspension if the student does not receive the services specified in the IEP during the suspension.

c. In-school suspensions may count as a day of suspension if the student is not allowed the opportunity to continue progress in the general curriculum, receive the IEP services, or participate with non-disabled students to the same extent.

## 3. Long-Term Suspension and Expulsion

If it is proposed that a student with a disability be expelled or receive a single suspension of more than ten days at a time, the following procedures must be followed in addition to the regular suspension and expulsion procedures:

a. The principal shall notify the Superintendent's designee immediately of the proposed disciplinary action.

b. Because long-term suspensions and expulsions are a change in placement, notice of the contemplated disciplinary recommendation, the reasons for the disciplinary action and notice of procedural safeguards must be given to the parent or legal guardian the same day

as the recommendation for discipline is made. The notice will be considered as given if mailed first class postage prepaid on the date the recommendation for discipline is made. The Administrator for Student Conduct or his/her designee is responsible for seeing that these notices are given.

c. A functional behavior assessment plan must be developed at an IEP meeting held within ten business days of the recommendation for discipline. A behavior intervention plan is developed or reviewed as soon as practicable after the completion of the functional behavior assessment. If an evaluation is required to conduct the functional behavior assessment, written permission from the parent or legal guardian will be required. The timeline for concluding the functional behavior assessment should be established during the IEP meeting.

d. The Manifestation Review Committee composed of the members of the IEP Committee and other qualified individuals must be convened within ten school days of the recommendation for a long-term suspension or expulsion. The committee should be composed of members familiar with special education or the student. At least one or more members of the committee must be knowledgeable about the student. The following typically serve as members of the committee and additional members may be appointed by the Administrator of Student Conduct or his/her designee:

- principal
- student's special education teacher
- school psychologist
- Administrator for Student Conduct or his/her designee
- school social worker
- parent or legal guardian
- student's regular education teacher

The parent or legal guardian is to be notified of the manifestation review meeting and invited to participate. The Administrator for Student Conduct or his/her designee shall be responsible for notifying the parent or legal guardian of the time, date, place, and purpose of the meeting and must identify the individuals who will be attending the meeting. Accommodations in the scheduling should be made to permit the parent or legal guardian to attend, although timelines must be met. Documentation of efforts to notify the parent or legal guardian shall be maintained. If the parent or legal guardian declines to attend or fails to attend after having been given notice, the committee may meet without them. The parent or legal guardian may have representation during the meeting at his or her own expense, if desired.

The committee is to consider all relevant information including evaluation and diagnostic results, information supplied by the parents, observations of the student, the student's IEP, placement, and records. The committee will then decide whether the misconduct is a manifestation of the disability.

Minutes of the meeting shall be maintained. The minutes shall include those attending, the information considered, the consensus of the committee and the rationale for the decision.

The Administrator for Student Conduct or his/her designee shall give written notice to the parent or legal guardian of the committee's decision and of procedural safeguards including the right to contest the committee's decision through a due process hearing.

If the committee determines that there is no manifestation, the student may be considered for a long-term suspension or expulsion through regular disciplinary procedures. The student still must be provided with a free appropriate public education, although in another setting.

If the committee determines that there is a manifestation, the student may not receive a long-term suspension or expulsion. The student may still be suspended for a maximum of ten days for this offense by following the short-term suspension requirements for students with disabilities.

The student may not be suspended from school for more than ten days while the manifestation committee process is being followed unless the parent or legal guardian gives permission for a longer suspension or for a change in placement that may be homebound instruction. In the absence of parental consent, authorization for a longer suspension or change in placement may be sought from the court or from a hearing officer. Students with disabilities (1) who bring weapons to school or possess weapons on school premises or at a school function or (2) knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance while at school or a school function may be removed from school for 45 calendar days. A student in these circumstances may be placed in an interim alternative education program without parental consent and regardless of whether the misconduct is a manifestation of the student's disability. This unilateral authority to remove the child from their IEP placement does not limit the authority of the administrator to recommend appropriate discipline.

While proceedings are pending to contest the imposition of discipline, and except as provided above, the student must remain in his or her current educational placement.

e. In those cases where the handling of discipline is specified in the student's IEP, the IEP's provisions shall supersede this regulation.

If prior to the misconduct occurring there is knowledge by the school that the student has a disability but has not yet been identified, the student is entitled to assert the protections afforded to identified students with disabilities.

A student, who is referred for identification as disabled after disciplinary measures are taken and for whom there was no knowledge of a disability prior to the misconduct occurring, is subject to the same disciplinary procedures as students without disabilities. The student is entitled to an expedited evaluation. Special education and related services will be provided if the student is found to be eligible. The manifestation review decision and the educational services provided to a student with disabilities while disciplined may be challenged in a due process hearing under applicable special education laws.

Adopted: April 27, 2010 (proposed)

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-56, 18.2-83, 18.2-85, 18.2-87.1, 18.2-308, 18.2-308.1, 18.2-380.7, 18.2-433.1, 22.1-70.2, 22.1-253.13:7.C.3,

22.1-276.3, 22.1-277, 22.1-277.07, 22.1-277.2, 22.1-279.1, 46.2-323, 46.2-334.001.

File: 4010-R  
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Cross Ref.:	2190	Reporting Acts of Violence and Substance Abuse
	3130	Safe Schools
	4110	Equal Educational Opportunities/Nondiscrimination
	4020	Attendance
	4130	Administration of Medication to Students
	4130-R	Procedures for Administration of Medication to Students
	4140	Corporal Punishment
	4160	Drug Free Schools
	7230, 7230-R	Acceptable Use, The CCPS-NET

[VSBA: JFC, JFC-R, JFCD, JFCE, JFCH, JGD/JGE, JGD/JGE-R, JGDA, JGDB]

## TEACHER REMOVAL OF STUDENTS FROM CLASS

Teachers shall have the initial authority to remove a student from class for disruptive behavior. Disruptive behavior is defined as a violation of Regulation 4010-R governing student conduct that interrupts or obstructs the learning environment.

### A. Criteria for Removal

Prior to the removal of a student from class under this policy, 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 or administrator 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 or school administrators have been provided to the student's parents as described below.

When all of the above criteria have been satisfied, teacher removal of a student from class shall be deemed appropriate.

### B. Requirements for Incident Reports

No removal under this policy shall occur unless two prior written incident reports have been filed with school administrators. Upon removal, the teacher shall file a "Student Removal Form" with school administrators and any other documentation to support the removal including, but not limited to, the previous two incident reports.

### C. Procedures for Written Notification of Student and Parents

The teacher shall provide copies of any incident report and removal form to the student and the parent or legal guardian with notification of the opportunity to meet with the teacher or school administrator to discuss the behavior and the possible consequences if the behavior continues. Such notice shall be provided within twenty-four hours of each incident. The teacher shall document, in writing, his or her attempts to request and encourage the parent or legal guardian to meet with school administrators and/or the teacher. Such notice and documentation shall be required for each incident report and student removal.

### D. Guidelines for Alternative Assignment and Instruction of Removed Students

The principal or assistant principal shall determine the appropriate placement of the student. The principal or assistant principal has several options regarding the placement of a removed student including, but not limited to:

1. Assigning the student to an alternative program.
2. Assigning the student to another class.
3. Sending the student to the principal's office or study hall. If the principal or his/her designee chooses this option, the teacher shall provide and evaluate appropriate make-up work for the student.
4. Suspending or expelling the student. If the principal chooses this option, alternative instruction and assignment, if any, shall be provided according to School Board policy and in the case of students with disabilities, in accordance with federal law.
5. Returning the student to class (see procedures below).

E. Procedure for the Student's Return to Class

The principal or his/her designee shall determine, after consultation with the teacher, the duration of the student's removal from class. The principal or his/her designee 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 or his/her designee'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 Superintendent or the Superintendent's designee within one school day. The incident reports and removal form must accompany the appeal. After discussion with the principal and teacher or receiving their written comments, the decision of the Superintendent or the Superintendent's designee shall be final. The decision shall be made within forty-eight hours of the teacher's appeal. During the appeal process, the student shall not be returned to class and the principal will determine an appropriate placement for the student.

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

F. Other Provisions

1. The principal shall ensure that a student removed from class under this policy continues to receive an education in accordance with School Board policies.
2. Application of this policy to a student with disabilities shall be consistent with federal and state law and regulations as well as School Board policy regarding a student with disabilities.
3. Teacher deficiencies in classroom management shall be addressed in the teacher's evaluation pursuant to Policy 5170, Performance Evaluation.

4. This policy does not limit or restrict the ability of Chesterfield County Public Schools employees to apply other policies, regulations or laws for maintaining order in the classroom.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-276.2.

Cross Ref.:	3050	Alternative Instructional Options
	4010	Rights and Responsibilities
	4010-R	Standards for Student Conduct
	5170	Performance Evaluation
	5350	Teachers' Duties and Responsibilities

[VSBA: JFCA]

## ATTENDANCE

### A. Generally

School attendance is critical to academic achievement and preparing students for the world of work and personal success. Each parent or guardian having charge of a child within the compulsory attendance age shall be responsible for the child's regular and punctual attendance at school as required under provisions of state law. For students age 18 or over, the requirements of this policy will apply to the student rather than the parent or guardian. Every teacher in every Chesterfield County school shall keep an accurate daily or class record of attendance of all children assigned. The Superintendent shall provide a copy of the compulsory school attendance law and this attendance policy to the parent or legal guardian of each student within the first calendar month of each school year.

### B. Expectations

The School Board expects students and their parents or guardians to actively take responsibility for ensuring attendance, with support from the school. A student is expected to arrive on time and attend class for the full instructional period at a rate of at least 95 percent. In terms of instructional days, the student is expected to be in attendance for 173 days during the school year in order to meet the standard of 95 percent; for block classes, a student is expected to be in attendance for 86 days in order to meet the standard.

A student who is approved to participate in a school-sponsored field trip or other approved activity shall be counted as in attendance. 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. The Superintendent or the Superintendent's designee must approve all other exceptions to a full day schedule on an individual basis.

A student who is tardy to school or leaves early from school, regardless of whether it is excused or not, may disrupt the learning environment for all. For elementary and middle school students, the principal or his/her designee must approve tardies to school or early dismissals from school. Any three unapproved tardies to school or early dismissals from school in a nine-week grading period will count as the student missing a full instructional day. Tardies to school or early dismissals from school may be considered excused for the same reasons as are listed for absences in Section C. The Directors of Elementary and Middle Schools shall establish and communicate guidelines on the length of time that constitutes a tardy to school or early dismissal from school.

### C. Absences

There are times when a student is unable to attend school. Each parent or legal guardian having charge of a child enrolled in Chesterfield County Public Schools shall inform the school each day his or her child is absent all or part of any school day. Schools will make reasonable effort to contact a parent or legal guardian of each absent student every day and a log will be kept of contact attempts.

Absences that may be considered excused upon receipt of a valid written note or other form of notice approved by the school from the parent or guardian on the day of the student's return to school include:

1. Illness (if over two days, the school may require a note from the physician);
2. Medical and dental appointments;
3. Court appearance;
4. Death in the family;
5. Observance of a religious holiday; and
6. Extenuating circumstances as determined by the school administration.

For a day of absence for which there is no valid written excuse, the principal or his/her designee will make a reasonable effort to directly contact the parent or guardian.

#### D. Excessive Absences

Excessive absences are those, which cause a student's attendance, at any point during the year, to be lower than the expectations stated in Section B. A student who displays a pattern of excessive absences, tardies or early dismissals, whether excused or not, may be referred to the principal or his/her designee who shall investigate and recommend appropriate corrective action, including a conference with the parent or guardian, alternative placement or referral to the appropriate agencies.

For any student whose absences exceed, during a school year, more than ten school days or ten class periods of a course scheduled daily or five class periods of a course on the block schedule, the principal or his/her designee may require a conference with the parent or legal guardian to discuss the implications for learning and achievement, the consequences of failure to attend, and any corrective actions to be made. Further, the principal or his/her designee may require documentation beyond the written excuse.

Any student whose absences exceed, during a school year, 20 school days in a year or 20 class periods of a course scheduled daily or 10 class periods for a block class will not receive credit for the course unless the student completes tutoring or an alternate learning module as prescribed by the principal or his/her designee. The principal may require the parent, guardian or student to pay for the costs associated with tutoring or the alternative-learning module. The principal may waive this requirement upon consideration of extenuating circumstances. This consequence complies with the State Standards for Accrediting Public Schools that define the standard for awarding course credit for graduation. For elementary and middle school students, excessive absences may be a factor in decisions regarding a student's promotion to the next grade.

For any student whose absences exceed five scheduled school days for the school year and there is no indication that the parent is aware of and supports the student's absence, the principal or his/her designee shall make a reasonable effort to directly contact the parent to obtain an explanation and explain the consequences of nonattendance. A plan will be developed jointly with the parent and student to resolve the student's nonattendance. If the student is absent for an additional day after the direct contact and again the parent is unaware, a conference shall be scheduled with the parent and student within 10 days and held no later

than 15 days after the sixth absence. Upon the seventh absence of which the parent is unaware, the principal or his/her designee will notify the Office of Student Services to take the actions prescribed by Va. Code § 22.1-258. Actions include either or both of the following: (i) filing a complaint with the juvenile and domestic relations court alleging the student is a child in need of supervision, or (ii) instituting proceedings against the parent pursuant to Va. Code §§ 18.2-371 or 22.1-262.

In addition to any other actions taken pursuant to this policy, if a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

#### E. Make-Up Work

It is the student's responsibility, or the parent or guardian of an elementary student, to communicate with the teacher on the day he or she returns to class to schedule the make-up of missed work. Students are expected to make up all work missed immediately, and in a time period not to exceed six school days from return to school. For students in grades three through 12, all missed work that is not made up within the time limit will receive no higher than a failing grade of 63; a student whose work earns a grade below 63 will receive the grade earned. The principal or his/her designee, however, may consider extenuating circumstances in extending the time limit.

##### 1. Elementary

Elementary students must bring a note from the parent or guardian stating the reason for the absence or follow other notice procedures as determined by the school. Because of the formative aspect of elementary instruction, all elementary school students are expected to make up work missed because of absence, regardless of reason. Refer above to the timeline for make-up work.

##### 2. Secondary

Secondary students will be permitted to make up work missed for any absence up to ten class periods of a course scheduled daily or five class periods of a course on the block schedule and will receive the grade earned. Once a student has missed in excess of ten class periods of a course scheduled daily or five class periods of a course on the block schedule, the student will be permitted to make up work for full credit only for those absences that are excused. A student who is absent without being excused or for disciplinary reasons in excess of ten class periods of a course scheduled daily or five class periods of a course on the block schedule may make up the work, but will receive no higher than a failing grade of 63 and no lower than the actual grade earned, if below 63. A teacher, with prior notice to students and authorization of the principal or his/her designee, may lower the grade on work that is submitted after it is due, whether or not the late work is the result of absence.

#### F. Release of Students

Principals shall not release a student during the school day to any person not authorized by the student's parent or legal guardian. Students shall be released only on the request and authorization of the parent or legal guardian. The burden of proof that the release is authorized is on the person receiving the student. Schools will maintain a formal checkout system to ensure this requirement is met.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-254, 22.1-279.3.

Cross Ref.:	3050	Alternative Instructional Options
	3090	Field Trips
	4010	Rights and Responsibilities
	4010-R	Standards for Student Conduct
	6137	Parental Rights and Responsibilities

[VSBA: IC/ID, JEA, JED]

## SCHOOL ADMISSION

A. A student whose parent or legal guardian resides in Chesterfield County will be admitted to the school to which he or she is assigned, provided the student has met the entrance requirements consistent with current state school laws (*i.e.*, a person who will have reached his or her fifth birthday on or before September 30 of the school year and who has not reached 20 years of age on or before August 1<sup>st</sup> of the school year). Determination of residency shall be consistent with the requirements of Va. Code § 22.1-3 and Regulation 4030-R. The burden of proof for documenting residency in Chesterfield County rests with the parent or guardian. The Superintendent or the Superintendent's designee shall provide a guideline for use in documenting residency. A student who does not reside in Chesterfield County and who is not otherwise eligible under the special circumstances outlined in this policy will not be permitted to attend Chesterfield County Public Schools. If a student is found not to reside in Chesterfield County and does not meet the special circumstances outlined in this policy, the parent or guardian must withdraw the student immediately and may be liable for paying the cost of the tuition for the time the student has been enrolled.

B. Additional direction is provided in the following special circumstances:

1. For a student with disabilities, Title 8 of the Virginia Administrative Code, 8 VAC 20-81-30, will guide determination of residency. A student with disabilities who is part of a special agreement with another school division is permitted to enroll under the terms of the agreement.

2. Consistent with case law and the Opinions of the Attorney General, school staff members are not permitted to inquire into a prospective student's citizenship or visa status in order to enroll that student in school but may require the parent or guardian to provide proof of residency.

3. For a student who may be considered homeless as defined by the federal McKinney-Vento Homeless Assistance Act and Va. Code § 22.1-3, school staff should consult the Chief Executive to the Superintendent or the Supervisor of School Social Work Services.

4. A foreign exchange student (whose status is referred to as F-1 or J-1) who resides with a Chesterfield County resident will be admitted only if he or she has met the guidelines administered by the Instructional Specialist for Guidance (Va. Code § 22.1-5).

C. Any student enrolled in Chesterfield County Public Schools whose parent or guardian moves from Chesterfield County shall be withdrawn from enrollment in the division at the time of the parent's or guardian's move from Chesterfield County. The following exceptions may be made:

1. At the discretion of the principal and upon documentation of the principal's decision in the student's record, a student may remain enrolled through the end of the current school year if the parent moves from the County after the third nine-week grading

period. When making this decision the principal may consider behavior, attendance, and other factors. The permission to remain enrolled may be terminated any time the principal determines termination to be in the best interest of the student or the school. If a parent wishes to appeal the decision of the principal, such appeal shall be noted in writing within 10 days of the principal's determination to the appropriate director of instruction (elementary, middle, or high school) whose decision, after a review of the written record, shall be final.

2. A senior whose parent or guardian moves from Chesterfield County may be permitted to complete the final year with special permission from the Superintendent or the Superintendent's designee.

D. Other special circumstances include:

1. Where a student lives in a house bisected by a political subdivision (city or county) boundary, a parent or guardian may elect to enroll the student in Chesterfield County Public Schools.

2. A student whose parent or guardian is constructing a home in Chesterfield County may enroll subject to applicable regulations (Regulation 4030-R, Enrollment Procedures).

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-3.1, 22.1-5.

42 U.S.C. §§11431 *et seq.*

Cross Ref.: 3040 Grading Students' Work (effective July 1, 2010)  
4020 Attendance  
4030-R Enrollment Procedures  
4031 Classroom Placement of Twins

[VSBA: JEC, JEC-R, JECA]

## ENROLLMENT PROCEDURES

A parent, guardian, or person *in loco parentis* who wishes to enroll a student in Chesterfield County Public Schools must provide proof of residency and comply with other entrance requirements.

Students in Chesterfield County are expected to attend the school that serves the geographical area in which they reside, unless they have been accepted to either regional or division-wide educational programs or receive an approved waiver.

### A. Proof of Residency

1. Generally, the domicile of a minor child is said to be that of the parent or legal guardian. A child of school age is deemed to reside in Chesterfield County:

a. When the person is living with a natural parent, or a parent by legal adoption, in the division;

b. When the person's custodial parent has been deployed outside the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; and such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code, § 1044b providing for the care of the person of school age by an individual who is defined as a parent in Va. Code § 22.1-1 during the time of his deployment outside the United States. The person of school age shall be allowed to attend a school in the division in which the individual providing for his care, pursuant to the Special Power of Attorney, resides. Furthermore, when practicable, such persons of school age may continue to attend school in the Virginia school division they attended immediately prior to the deployment and shall not be charged tuition for attending such division.

c. When the parents of such person are deceased, and the person is living with a person *in loco parentis* who actually resides in Chesterfield County;

d. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in Chesterfield County and is either (i) the court-appointed guardian, or has legal custody of the person, or (ii) acting *in loco parentis* pursuant to placement of the person for adoption by a person or entity authorized to do so under Va. Code § 63.2-1200;

e. When the person is living in the division not solely for school purposes, as an emancipated minor; or

f. When the person has been placed in a foster care placement within the division by a local social services agency. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

2. Certain other students may be admitted into the public schools of the division and may be charged tuition in accordance with Va. Code § 22.1-5 and pursuant to School Board regulations.

3. No child of a person on active military duty attending a school free of charge in accordance with this policy shall be charged tuition by the division 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 the division and shall not be charged tuition for attending such school. Such children shall be counted in the average daily membership of the division in which they are enrolled. Further, the division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

4. Residency requirements also apply to emancipated students who have reached 18 years of age.

5. The parent or legal guardian or person *in loco parentis* may establish residency in Chesterfield County by providing one of the following documents in the name of the individual:

- a. lease for a period of at least one year of a residence located in Chesterfield;
- b. deed to a residence located in Chesterfield;
- c. contract or lease free of contingencies to occupy a Chesterfield residence within two months of the date of enrollment;
- d. residence manager's letter on company letterhead stating residence is a corporate residence located in Chesterfield; or
- e. weekly receipts for temporary residence in a hotel or motel for up to 60 days (will require renewal or evidence of more permanent residency within 60 days of enrollment).

6. In circumstances where the parent or legal guardian or person *in loco parentis* lives with a friend, relative or landlord without a lease, the individual may establish residency by annually completing the certification (Form AAA-1418A) and providing verification from two of the following categories that show the individual's name with a residence address located in Chesterfield County:

- a. utility bills for most recent two months that may include water, gas, electricity, cable, or telephone;
- b. vehicle-related documents that may include current driver's license, registration, insurance policy or paid insurance bills;

- c. employment verification that may include current payroll stubs, current employer verification on company letterhead, or similar documents deemed acceptable by the school principal;
- d. tax document that may include current forms of IRS-1099, IRS-1040, IRS-W2, IRS-W4;
- e. other official correspondence from a governmental agency;
- f. medical bills dated within the past three months; and
- g. consecutive bank statements from the last two months.

The principal or his/her designee may defer one verification for an individual who has recently established residency. The child should be provisionally enrolled with the additional verification provided within 60 days of enrollment.

#### B. Proof of Custody

A parent, guardian, or person *in loco parentis* must provide a certified copy of the child's birth record when enrolling a student in Virginia for the first time. The principal or his/her designee shall record the official state birth number from the child's birth record into the student's permanent school record and may retain a copy of the birth record in the student's permanent school record. If a certified copy of the birth record cannot be obtained, the person enrolling the student shall submit an affidavit setting forth the child's age and explaining the inability to present a certified copy of the birth record. The Office for Pupil Placement will determine whether the information is sufficient to estimate with reasonable certainty the identity and age of the child. In the event that the person enrolling the student is unable to provide a certified copy of the birth record, the principal shall immediately notify the local law enforcement agency and send copies of submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

Within 14 days after enrolling a transfer student, the administration shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school.

In circumstances of joint or shared custody, the residence of the child is determined by where the child spends the major portion of time. To be considered a resident of a school's attendance zone or Chesterfield County, the child must spend more than half of the time with the parent who resides in Chesterfield and in the particular attendance zone for the school where enrolled.

A legal guardian must provide a copy of the adoption decree, court-appointed guardianship documents, or custody order. A person seeking custody of the child must provide a copy of the custody petition with a case number and the date and time of the hearing. School staff may use the copy of this petition to enroll a student provisionally. Within ten calendar days

after the hearing date, the petitioner will return to the school with a copy of the court order granting custody. A person *in loco parentis* who does not have legal custody and does not plan to seek legal custody must be referred to the principal who in turn may consult with the Office for Pupil Placement and Student Conduct on arrangements before enrolling the student.

C. Proof Student of School Age

Pursuant to Va. Code § 22.1-3, a child is considered of school age if the child will reach the fifth birthday on or before September 30 of the school year and if the child has not reached 20 years of age on or before August 1 of the school year. Students who qualify for special education may continue to be enrolled as determined by their Individualized Education Plan if they have not reached 22 on or before September 30 of the current school year. A copy of the certified birth record or the affidavit referenced in Section B. above should be used to verify the age of the child. Individuals falling outside of the age parameters indicated above shall not be enrolled unless specific programs are developed and approved by the School Board for such individuals.

D. Social Security Number/Citizenship/Visa Status

State law requires that a student present a federal social security number within 90 days of enrollment. Therefore, the parent or legal guardian or person *in loco parentis* should be requested to provide the social security number to be recorded in the student's permanent record. However, federal law specifies that no person can be denied a right, benefit or privilege for refusing to disclose a social security number. Therefore, a child may not be denied enrollment if the person responsible for the child refuses or is unable to provide the child's social security number. Further, school staff is not permitted to inquire into a prospective student's citizenship or visa status in order to enroll the student.

E. Immunization Record/Physical Examination

When enrolling a child in Virginia for the first time, the parent or legal guardian or person *in loco parentis* must provide a record of immunization, indicating the date of each required immunization, signed by a physician or nurse practitioner. The person enrolling a child for the first time in Virginia also must provide a record of a comprehensive physical examination within the last 12 months, signed by a physician or nurse practitioner.

F. Notice of Student's School Status

If a child has been previously enrolled in a public or private school outside of Chesterfield County, the parent or legal guardian or person *in loco parentis* must provide a sworn statement or affirmation indicating whether the child has been

1. expelled from attendance at a private school or public school for violation of policies related to weapons, alcohol or drugs, or the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and

2. found guilty of or adjudicated delinquent for any offense listed in Va. Code § 16.1-260.G or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the Superintendent and by any others to whom he/she disseminates it, separately from all other records concerning the student.

However, if the school administrators or the School Board takes disciplinary action against a student based upon an incident, which formed the basis for the adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G, the notice shall become a part of the student's disciplinary record.

When the child is registered as a result of a foster care placement, the information required under this subsection must be furnished by the local social services agency or licensed child-placing agency that made the placement.

#### G. Homeless Students

1. Federal and state laws require that school divisions facilitate the enrollment, attendance, and success of homeless children. Should any individual appear to meet the definition of homeless or attempt to enroll a child who may be considered homeless, the principal must contact the Office of School Social Work Services to request assistance in making arrangements for the education of the child including school selection, enrollment, transportation and coordination with other local agencies as appropriate.

2. Homeless refers to an individual who lacks a fixed, regular, and adequate nighttime residence and who has a primary nighttime residence that is:

a. a supervised publicly or privately operated shelter designed to provide temporary living accommodations including welfare hotels, congregate shelters, and transitional housing for the mentally ill;

b. an institution that provides a temporary residence for individuals intended to be institutionalized; or

c. a public or private place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings.

3. The following categories of children should be considered homeless:

a. children and youth in homeless shelters;

b. children and youth living in trailer parks and camping grounds because they lack adequate living accommodations;

c. doubled-up children and youth, if they are doubled-up because of a loss of housing or other similar situation;

d. children of migratory families, to the extent that they are staying in accommodations not fit for habitation;

e. children and youth who have run away from home and are living in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations;

f. children or youth living in homes for unwed mothers if they have no other available living accommodations;

g. children or youth who remain in a hospital beyond the time they would normally stay for health reasons because they have been abandoned by their families; and

h. children or youth whose parents or guardians will not permit them to live at home if they live on the streets, in shelters, or in other transitional or inadequate accommodations.

#### H. Group Home Residents

To ensure the timely and appropriate academic placement of students enrolling from a group home located in Chesterfield County, the Office of Pupil Placement and Student Conduct shall establish guidelines in addition to applicable requirements of Policy 4030, Residency, and this regulation. The guidelines shall be reviewed by the School Board's attorney and approved by the Superintendent prior to taking effect.

#### I. Foster Care Placements

If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student shall be immediately enrolled; however, the person enrolling the child shall provide a written statement that, to the best of his knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment.

#### J. Residency in Question

If a principal receives information indicating that a student resides outside Chesterfield County or the attendance area if not on approved waiver, the principal shall send a letter to the parent or legal guardian or person *in loco parentis* that requires satisfactory proof of residency within five school days. If satisfactory proof of residency is not provided within five days, the principal will notify the parent or legal guardian or person *in loco parentis* that the student will be withdrawn from school at the end of an additional five school days. During that five-day period, the parent or legal guardian or person *in loco parentis* may appeal the withdrawal in writing to the Office for Pupil Placement and Student Conduct. The Office of Pupil Placement and Student Conduct will conduct an investigation and communicate a final decision. During the appeal period, the student may remain enrolled. If the decision of the principal is upheld by the Office for Pupil Placement and Student Conduct, the student will be immediately withdrawn.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3.2, 22.1-3.4, 22.1-5, 22.1-255, 22.1-260, 22.1-270, 22.1-271.2, 32.1-46, 63.2-1200.

42 U.S.C. §§11431 *et seq.*

Cross Ref.:	4030	School Admission
	4040	School Attendance Areas
	4040-R	Waiver for Student to Attend Other than Home School
	4050	Pupils Past 20 <sup>th</sup> Birthday
	4100	Student Records
	4112	Physical Examination of Students
	4113	Student Immunizations
	7050	Revenues: Tuition Fees

[VSBA: JEC, JEC-R, JECA]

### CLASSROOM PLACEMENT OF TWINS

The parent of twins (or higher order multiples) enrolled in the same elementary school may request that such children be placed in the same classroom or separate classrooms.

The request for placement must be made no later than three (3) days after the first day of each school year or three (3) days after the first day of attendance of the children during a school year.

Except as required by federal or state law as hereinafter provided, the school shall provide the placement requested.

At the end of the initial grading period after enrollment, if the school principal, in consultation with the children's classroom teacher, determines that the requested classroom placement is either disruptive to the school or is harmful to the children's educational progress, the principal may request that the Superintendent, or the Superintendent's designee, determine the children's classroom placement. In the event of such request by the principal, the Superintendent shall make such placement. The decision of the Superintendent or the Superintendent's designee is final and may not be appealed.

Nothing contained herein shall prohibit a school from recommending a classroom placement to parents.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-79.3.

Cross Ref.: 4030 School Admission  
4030-R Enrollment Procedures

[VSBA: JCJ]

## SCHOOL ATTENDANCE AREAS

A student shall attend the school in his or her attendance area as established by the School Board unless the Superintendent assigns an individual student to a different school. The Superintendent or the Superintendent's designee is authorized to administratively adjust school attendance areas, after consultation with the affected School Board representative(s), when less than fifteen percent of the enrollment of each school will be affected, and any one of the following circumstances occurs:

1. an emergency or other overriding public need requires such a change;
2. new unoccupied housing or a planned housing development where reassignment would alleviate school crowding or facilitate student transportation; or
3. analysis indicates that change will improve the operating efficiency of the division.

The School Board will approve all other changes in attendance areas, upon recommendation of the Superintendent based on the need to provide for the orderly administration of the schools, the competent instruction of the students, and the health, safety, best interests and general welfare of all students.

Parents whose students will be moved as a result of a proposed change in attendance areas will be notified prior to action being taken by the School Board, or by the Superintendent or the Superintendent's designee. In circumstances where 25 percent or more of the students in a school will be moved, notice of the change in attendance areas will be provided to the families of all students attending that affected school.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79, 22.1-253.13:7.C.3.

Cross Ref.:	1020	Duties and Powers
	4020	Attendance
	4040-R	Waiver for Student to Attend Other Than Home School
	4041	Transfers by Student Victims of Crime
	4042	School Choice for Students Enrolled in Title I School Identified for Improvement

[VSBA: JC]

## WAIVER FOR STUDENT TO ATTEND OTHER THAN HOME SCHOOL

### A. Generally

Students in Chesterfield County are expected to attend the school that serves the geographical area in which they reside, unless they have been accepted to either regional or division-wide educational programs (*i.e.*, specialty centers, special education programs). Such an academic placement does not require a waiver and will be handled by the appropriate Director of Education or the Director of Special Education.

A parent may request a waiver for a student to attend a school other than the home school only for certain specific and special circumstances. Any approved waiver is contingent upon (i) the space available in the requested school, (ii) the parent providing transportation to and from school, (iii) the student's regular and prompt attendance, and (iv) the student maintaining an acceptable disciplinary record as determined by the principal. A waiver may be revoked at any time during a school year if the parent or student fails to comply with any of these requirements. A waiver may be granted for only one academic year at a time and only for the following reasons:

1. Elementary and middle school students whose parents/guardians both work, who reside in Chesterfield County, and who are cared for before or after school hours in another attendance area, may request a waiver of placement (Child Care Placement AAA-1419).

2. A school employee, who is a resident of Chesterfield County, may request a waiver to place the employee's child in the school where he or she is employed or in the school nearest his or her work location (Child Care Placement AAA-1419 or Student Placement Waiver AAA-1420).

3. Academic and administrative placement. A waiver may be requested to address legitimate emotional, social, family, or neighborhood concerns of the student (Student Placement Waiver AAA-1420).

4. A waiver may be requested to take advantage of an academic program in another school that is not offered by the student's home school (Student Placement Waiver AAA-1420).

5. Students, whose parents move to another attendance area within the County after the opening of school, have the following options:

a. The student may remain in his/her present placement until the end of the current semester or year with the permission of the principal (Student Placement Waiver AAA-1420).

b. A student who moves after the conclusion of his junior year and is a candidate for June graduation may continue in his or her same school (Student Placement Waiver AAA-1420).

B. Procedures for Resident Student Waiver Requests

1. A request for a waiver (Student Placement Waiver AAA-1420) must be initiated by the parent with the principal of the home school.

2. The principal of the home school will confer with the parent to determine whether or not the waiver request meets the waiver guidelines.

3. If the request does not meet the waiver guidelines, the home school principal will deny the request and notify the parent by letter. This letter should include a statement informing the parent that any appeal of the denial must be made within seven (7) working days of the date of denial to the Superintendent's designee (put name and phone number in the letter).

4. If the request meets the waiver guidelines, it will be forwarded by the home school principal to the principal of the school being requested.

5. When a waiver request meets the waiver guidelines and is forwarded to the principal of the requested school:

a. The principal of the requested school should review the request with the parent to verify documentation and eligibility under county guidelines. The principal will consider space available when determining whether or not the waiver is to be approved.

b. For schools designated "over program capacity" by the appropriate Directors of Education, principals will be advised of the necessity to forward waiver requests to those offices for additional review and final approval.

c. If the requested school is "under program capacity," the principal will consider the waiver request and communicate the decision to the parent by letter.

d. If the waiver request is denied, the denial letter should include a statement informing the parent that any appeal of the denial must be made within seven (7) working days of the date of denial to the Superintendent's designee.

e. Principals will keep a database of all waivers approved, indicating the reason for each waiver and the student's home school.

C. Conditions of Placement Waivers

1. There must be space in the program or grade level at the requested school.
2. Parents will provide transportation to and from the requested school.
3. The student will maintain an acceptable disciplinary record as determined by the principal.
4. The student will attend school on a regular basis.
5. The waiver may be revoked by the principal if these conditions are not met.

6. Placement waivers are granted for one academic year. Waivers must be renewed each year. Therefore, a waiver granted for one academic year shall not automatically be granted for a subsequent year. In addition, a waiver granted in elementary school shall not entitle a student to attend a middle school other than the one that serves the geographical area in which the student resides, nor does a waiver granted in middle school entitle a student to attend a high school other than the one that serves the geographical area in which the student resides.

7. Requests for student placement waivers and renewals of existing student placement waivers shall be submitted to the principal not later than April 15. If, however, April 15 falls on a day when school is not in session for students, parents shall be given until the first day after April 15 in which school is in session to submit a waiver request. A principal may consider a waiver requested submitted after April 15 if, in the principal's sole discretion, the parent was prevented from complying with the April 15 deadline by extraordinary circumstances. Such extraordinary circumstances shall include, but not be limited to, the fact that the family relocated to Chesterfield County from another state after the April 15 deadline and could not have applied for a waiver by the deadline. Waiver applications submitted by the April 15 deadline shall be processed and parents notified of the disposition of their waiver request by May 15. If, however, May 15 falls on a day when school is not in session for students, the school shall be given until the first day after May 15 in which school is in session to notify parents of the disposition of their waiver requests.

#### D. Placement Waivers and Virginia High School League Eligibility

1. Participation in Virginia High School League (VHSL) activities is not a valid reason to request a placement waiver.

2. If the placement waiver is approved, the student is not eligible to participate in VHSL activities at the requested school for one full year (365 days) unless the following procedure is followed:

a. A request for VHSL eligibility must be reviewed by the Executive Director of Secondary Education and forwarded with a recommendation to the Superintendent for approval. Written documentation of the Superintendent's and VHSL approval shall be maintained by the school and the Office of Secondary Education.

b. Placements based on academic programs (specialty centers, special education programs) are not considered waivers. Students who change schools to attend such programs remain eligible for VHSL activities.

c. Virginia High School League activities include, but are not limited to, the following: athletics, forensics, debate, drama, speech, publications, academic team competition.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79.

Cross Ref.:	3050	Alternative Instructional Options
	4010	Rights and Responsibilities
	4010-R	Standards for Student Conduct
	4020	Attendance
	4040	School Attendance Areas

[VSBA: JC]

## TRANSFERS BY STUDENT VICTIMS OF CRIME

Whenever any student has been the victim of any crime against the person pursuant to Chapter 4 (§ 18.2-30 *et seq.*) of Title 18.2 of the Code of Virginia including crimes by mobs, crimes by gangs, terrorism offenses, kidnapping and related offenses, assaults and bodily woundings, robbery, extortion or other threats, or sexual assault, and such crime was committed:

- by another student attending classes in the school; or
- by any employee of the School Board; or
- by any volunteer, contract worker or other person who regularly performs services in the school; or
- if the crime was committed upon the school property or on any school bus owned or operated by the division;

the student upon whom the crime was committed shall, upon written request from the student's parents, or the student, if such student is an emancipated minor, be permitted to transfer to another comparable school within the division if available. Transportation services shall not be provided unless required by law.

For purposes of this policy, "victim" means any student who has been the victim of a crime against the person pursuant to Chapter 4 (§ 18.2-30 *et seq.*) 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.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-3.3.

20 U.S.C. § 7912.

Cross Ref.: 4010 Rights and Responsibilities  
4040 School Attendance Areas

[VSBA: JCA]

SCHOOL CHOICE FOR STUDENTS  
ENROLLED IN TITLE I SCHOOL IDENTIFIED FOR IMPROVEMENT

Parents of students enrolled in a Title I school which does not make “adequate yearly progress” after being identified for school improvement as provided by the No Child Left Behind Act of 2001 shall be notified of the availability of public school choice at least fourteen days before the start of the school year for students. The Superintendent will determine the school(s) to which students may transfer.

Students enrolled in a school which does not make “adequate yearly progress” after being identified for school improvement as provided by the No Child Left Behind Act of 2001 will, not later than the first day of the school year following such identification, be given the option of transferring to a division school which has not been so identified. The Superintendent will determine the school(s) to which students may transfer.

A student who transfers to another school pursuant to this policy may remain at that school until the student completes the highest grade at that school. Transportation will be provided until the end of the school year in which the student’s original school ceases to be identified for school improvement.

Adopted: December 8, 2009

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Legal Ref.: 20 U.S.C. § 6316.

Cross Ref.: 4020 Attendance  
4040 School Attendance Areas  
7160 Pupil Transportation

[VSBA: JCC]

## SCHOOL CENSUS

Results of the census form the new basis by which Chesterfield County Public Schools receives a portion of state sales and use tax for support of its schools. The census can also provide additional information for projecting student membership to be used for facilities planning, budget preparation, and related activities.

Pursuant to Va. Code § 22.1-281 *et seq.*, the School Board shall assure that, every three years, at a time to be designated by the State Superintendent of Public Instruction, a census is taken, on forms furnished by the Superintendent of Public Instruction, of all persons residing within the division who on or before December 31 immediately following the census will have reached their fifth birthday but not their twentieth birthday.

On the recommendation of the Superintendent, the School Board shall appoint agents to take the census. Each agent shall receive compensation for his or her services from division funds, in an amount to be fixed by the School Board. A reasonable travel allowance may be allowed at the discretion of the School Board.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-281 through 22.1-286.

Cross Ref.: 4030 School Admission  
7110 Annual Budget  
7240 Long-Range Educational Facilities Planning

[VSBA: JD]

PUPILS PAST 20<sup>TH</sup> BIRTHDAY

Unless otherwise provided by law, Chesterfield County residents who have reached 20 years of age on or before August 1 of the school year may be given special permission to attend Chesterfield County Public Schools by the Superintendent. Such persons shall pay tuition unless granted an exemption by the School Board or as provided by law.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-3, 22.1-5, 22.1-213, 22.1-215, 22.1-254.

8 VAC 20-81-10, *et seq.*, Regulations for Governing Special Education Programs for Children with Disabilities in Virginia.

Cross Ref.: 4020 Attendance  
4030 School Admission  
4030-R Enrollment Procedures  
7050 Revenues: Tuition Fees

[VSBA: JEB]

## POST-GRADUATE STUDENTS

Post-graduate students who are residents of Chesterfield County will be permitted to attend vocational programs at the Chesterfield Technical Center and at other school sites housing the same programs on a tuition basis upon recommendation of the principal and with the approval of the Superintendent, if space is available.

Post-graduate students, who are permitted to attend vocational programs at the Chesterfield Technical Center and other school sites housing the same programs, and who are completing a course of study begun in their senior year, will not be required to pay tuition.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-5.

Cross Ref.: 4020 Attendance  
4030-R Enrollment Procedures  
4040 School Attendance Areas  
7050 Revenues: Tuition Fees

## EXTRACURRICULAR ACTIVITIES

### A. Generally

Research on student engagement demonstrates that the participation of secondary students in extracurricular activities positively impacts student achievement, improves retention, and lessens discipline problems. The School Board therefore affirms the value of extracurricular activities as an extension of the secondary educational program and the adopted core values of respect, responsibility, honesty and accountability. Extracurricular activities include: (1) athletics and other activities under the auspices of the Virginia High School League (VHSL), (2) co-curricular activities, and (3) non-curricular activities. Extracurricular activities in each secondary school shall be under the direction of the principal or his/her designee. No student shall be denied participation in extracurricular activities based on race, color, national origin or religion. Extracurricular activities must be evaluated periodically and be organized and administered so as not to interfere with the instructional program or jeopardize the well being of students or faculty. All extracurricular activities not specifically approved by the Superintendent, the school principal, or their designees are prohibited. The Superintendent or the Superintendent's designee shall maintain an up-to-date master list of all extracurricular activities approved in each secondary school. A current list of approved extracurricular activities for each secondary school shall be maintained at that school and shall be made available for public inspection.

### B. Approved Extracurricular Activities; Restrictions

Approved extracurricular activities are subject to the restrictions noted by category:

1. Virginia High School League (VHSL) activities. All high schools shall be members of the VHSL and shall conduct all interscholastic activities under its rules and regulations and under such other regulations as may be adopted by the School Board or Superintendent. All athletic, forensic, debating, public speaking, reading, spelling, and school publication activities shall be conducted, where applicable, in strict accordance with the rules and regulations established by VHSL. All students participating in VHSL activities shall meet the eligibility requirements of VHSL. Students engaged in competitive activities and all spectators are expected to display good sportsmanship.

2. Co-curricular activities. Co-curricular activities serve as an extension of the regular school curriculum and supplement the educational program of the secondary schools including organizations that provide for academic recognition. One or more professional staff members employed by Chesterfield County Public Schools shall sponsor all such organizations. Sponsors shall attend all meetings, shall provide guidance and direction to the organization, and shall ensure that all activities conform to School Board policies and regulations.

3. Non-curricular activities. Non-curricular activities may include both school-sponsored organizations and those clubs initiated as a result of student interest.

a. School-sponsored organizations. All school-sponsored organizations must contribute to the fulfillment of the School Board's mission and the purposes of each school. Such organizations include student governance associations, and certain community service organizations such as Key Club and Interact. One or more professional staff members employed by CCPS shall sponsor all such associations and organizations. Such sponsors shall attend all meetings, shall provide guidance and direction to the organization, and shall ensure that all activities conform to School Board policies and regulations.

b. Student-interest clubs. Student-interest clubs are non-curricular activities initiated by students with political, religious, recreational, community, or other interests. Participation of students is voluntary and is neither encouraged nor discouraged by the school. Membership shall be open to all interested students currently enrolled in the school. Such activities shall not have a staff sponsor; however, a professional staff member, employed by CCPS, shall attend every meeting or activity of such clubs for purposes of general monitoring and to ensure that all activities conform to School Board policies and regulations. Such monitors, and any other CCPS employees, may be present at religious meetings only in a non-participatory capacity. Additionally, persons who are not enrolled students or the assigned monitor, shall not direct, control, conduct or regularly attend the meetings of student-interest clubs. Guest speakers may be invited subject to the approval of the principal or his/her designee.

Students who wish to initiate such a club must identify and submit to the principal or his/her designee the name of a CCPS professional staff member who has voluntarily agreed to monitor the activity. Further, such students must provide the principal or his/her designee with bylaws that describe the purpose, conduct and schedule of meetings and activities, and membership requirements. Any proposed club with bylaws in conflict with any provision of this policy will not be approved. School operating funds shall not be used to support student-interest clubs. All postings related to student-interest clubs and their activities shall include a disclosure that the club is not school-sponsored.

All approved student organizations or clubs conducting non-curricular activities shall have equal access to the use of school media such as designated bulletin boards, public address systems, school websites, school activity events (Back-to-School night, orientation, activity fairs), and school publications in order to publicize information about its events.

All approved student organizations or clubs conducting non-curricular activities shall have the right to meet on school premises during non-instructional time as determined by the principal or his or her designee. No such organization or club shall be denied equal access to school facilities during designated meeting times on the basis of religious, political, philosophical or other content of speech.

### C. General Provisions

Approved extracurricular activities are subject to the following general provisions:

1. Participation. Any student who fails to conduct himself or herself appropriately may have his or her participation in extracurricular activities, including athletics, limited or revoked. A student shall not be permitted to engage in extracurricular activities to the point that such interferes with regular class work.

2. Compliance. Notwithstanding any of the provisions of this policy, student organizations or clubs shall not engage in any activity which is contrary to law; School Board policy; school rules; the School Board's adopted core values of respect, responsibility, honesty and accountability; or that contains sexually explicit, indecent, or lewd speech. Activities, which, in the determination of the principal or his/her designee, would adversely affect the health, safety or welfare of any students or staff members are prohibited. Activities that inhibit the school administration in maintaining order and discipline on school premises or jeopardize the well being of students and faculty are prohibited. Failure to comply with these provisions shall be grounds for individual disciplinary action or the revocation of the organization or club's approved status.

3. Funds. All monies raised or collected by student organizations or clubs are considered school activity funds and shall be deposited promptly with the school. The principal or his/her designee shall approve all fundraising. Such monies shall be used only for the purpose raised or for a purpose approved by the principal or staff sponsor or monitor.

4. Secret Societies. Secret societies are not recognized and may not be promoted in the schools. Any and all activities connected with secret societies, fraternities, and sororities are prohibited.

5. Staff Responsibility. No staff member may be required to sponsor or monitor a student organization or activity. However, upon assuming this responsibility, the sponsor or monitor shall ensure compliance of any extracurricular activity with the provisions of this policy.

Approved: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Ref.: 4010-R Standards for Student Conduct  
4080 Fundraising (expires on July 1, 2010)  
4080 Fundraising and Charitable Solicitations (effective on July 1, 2010)  
4101 Student Publications (effective on July 1, 2010)  
5020 Observance of Policies and Regulations  
6070 Guest Speakers  
6170/6170-R Use or Rental of School Facilities  
7060 Student Activity Funds

[VSBA: IGDA]

## FUNDRAISING AND CHARITABLE SOLICITATIONS

### A. Generally

The School Board recognizes that schools, parent organizations, and non-school related organizations often wish to conduct fundraising activities by accessing students in school during the school day. The School Board also recognizes that students often benefit from such fundraising efforts. However, because the instructional day is limited and the educational demands on students and school staff are great, the amount of instructional time each school year devoted to non-educational activities, including fundraising, must be regulated carefully by each principal.

For purposes of this policy, fundraising shall mean accessing students at school in order to generate funds by asking students to:

- sell products;
- buy products;
- give donations;
- solicit donations from others; or,
- generate funds by other means.

Fundraising shall include, but not be limited to, appealing to students to sell or buy candy, holiday cards, cookie dough or any other product; or, to donate or solicit coins, pledges, or other monetary donations. Fundraising may be sponsored by the school itself, by a parent organization, or by another organization, and may benefit the school's students or other persons, agencies, organizations.

### B. Principal Approval Required

No fundraising, as defined in this policy, may occur without the prior approval of the principal. The principal shall be involved in the planning process for any approved fundraiser. Before approving any fundraiser, the principal shall consider multiple factors including, but not limited to:

- student safety;
- the value of any proposed fundraiser against the loss of instructional time and focus;
- how students will benefit from the fundraiser;
- how long the fundraiser will last;
- the number of fundraisers planned for the school year and the collective loss of instructional time;
- the complexity of the fundraising effort and any burden it places on instructional and office staff;
- the financial or other burdens a fundraiser may place on students or their families;

- any negative effects of having students compete for prizes based on, for example, the amount of their sales or the number of donations collected; and,
- the quality of any product students are expected to sell, as well as the reputation of the company or organization sponsoring the fundraiser.

C. Prohibited Activities

Elementary students shall not participate in any fundraiser that requires students to sell to or otherwise solicit funds from persons other than their parents or other family members. Among other things, this prohibition includes “door-to-door” sales. With principal and parental approval, middle school and high school students may solicit funds from persons other than their parents or other family members.

There shall be no effect on a student’s grade or grades for the student’s participation, level of participation, or non-participation in any fundraiser.

D. Principal Approval of Use of Fundraising Proceeds

Where the proceeds from any fundraiser, regardless of whether it meets the definition of fundraising herein, are to be donated to the school or used for the benefit of the school and/or students who attend the school, the principal shall determine – following consultation with the sponsoring organization – how the proceeds from the fundraiser will be used so as to ensure that the funds will be of value to the school or its students. The principal shall, therefore, be consulted in advance of any donation or purchase.

Where the proceeds from a fundraiser are to be used for the benefit of a specific group of students, such as students in a club, performing group, or an athletic activity, funds raised in the name of a specific school group must be used to offset the expenses for all members of the group or organization regardless of the funds generated by each individual student.

The principal shall maintain an up-to-date list of all fundraising activities for each school year.

E. Games of Chance

No organization may use any division property to hold a game of chance without first having received the written permission of the Superintendent or the Superintendent’s designee, and having fulfilled any other requirements as provided in Va. Code §§ 18.2-340.15 *et seq.*

F. Charitable Solicitations at School

No charitable solicitation involving students at school may occur without the prior approval of the principal. Charitable solicitations include any activity whereby students are appealed to at school in order to generate goods by asking students to collect and/or donate non-monetary items such as coats, food, and school supplies. A drive may be sponsored by the school itself, by a parent organization, or by another organization, and may benefit the school’s students or other persons, agencies, organizations. Although such drives are not fundraisers under this policy, before approving any such charitable solicitation, the principal shall consider the factors outlined in Section B. of this policy.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78.

Cross Ref.: 2090 School Building Administration  
6170/6170-R Use or Rental of School Facilities  
7230-R Acceptable Use, The CCS-NET

[VSBA: JL]

## MATERIALS CARRIED HOME WITH STUDENTS

The School Board shall permit written school-related materials to be carried home by students when such materials are prepared and/or sponsored by the School Board, the school system, the school, a school system official in his or her official capacity, an instructional staff member in his or her official capacity, a PTA organization, a booster club, or other school organization.

Students shall not be required to convey or deliver any materials that advocate the election or defeat of any candidate for elective office, advocate the passage or defeat of any referendum question, advocate the passage or defeat of any matter pending before the School Board, the Board of Supervisors, the Virginia General Assembly, or the Congress of the United States.

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. Requests for exceptions to this policy shall be directed to the Superintendent.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-70, 22.1-78, 22.1-79.3, 22.1-293 (B-D).

Cross Ref.: 4101 Student Publications (effective July 1, 2010)  
6040 School and Division Publications  
6100/6100-R Political Activities

[VSBA: KF]

## STUDENT RECORDS

### A. Generally

The School Board shall maintain accurate and complete individual, permanent and cumulative records for every student enrolled in the public schools. These records shall include cumulative and confidential information and shall be the student's official school record. Such records, identified as education records in Title 20, Section 1232g of the United States Code and in Article 5 of Chapter 14 of Title 22.1 of the Code of Virginia, 1950, as amended, shall be maintained in compliance with all federal and state law.

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

The Superintendent or the Superintendent's designee(s) shall be present for interpretation and explanation of student records when all parties have access to those records with the exception of designated professional personnel within the division. The Superintendent shall provide for the periodic evaluation of records by the professional personnel and the removal of data no longer educationally useful. Parent(s) of students and eligible students shall be informed prior to destruction of records and provided a copy if desired.

Chesterfield County Public Schools will provide a copy of this policy on request to a parent or eligible student.

### B. Definitions

For the purposes of this policy, CCPS has used the following definitions of terms:

Student - any person who attends or has attended a school in CCPS.

Eligible student - a student or former student who has reached age 18, is emancipated under Virginia law, or has complied with compulsory attendance requirements as set forth in the Code of Virginia, 1950, as amended.

Parent - either natural parent of a student, a guardian, an individual acting as a parent or guardian in the absence of the student's parent or guardian, or other person in the Commonwealth having control or charge of any child of school age as defined in the Code of Virginia, 1950, as amended.

Education records - any record (in handwriting, print, computer media, video or audio tape, film, microfilm, microfiche or other medium) maintained by CCPS or an agent of the division that is directly related to a student, except:

1. A personal record kept by a staff member if it is kept in the sole possession of the maker of the record and is not accessible or revealed to another person except a temporary substitute for the maker of the record.
2. Records created and maintained for law enforcement purposes by the CCPS law enforcement unit, if any. A law enforcement unit is an individual, department or office of the division that is authorized to enforce any state or federal law, report enforcement matters to appropriate authorities or maintain the physical security and safety of the division.
3. An employment record which is used only in relation to a student's employment by CCPS.
4. Alumni records which contain information about a student after he or she is no longer in attendance at CCPS and which do not relate to the person as a student.

Education records include:

1. Court notice of adjudication as provided in Va. Code § 16.1-305.1 if disciplinary action against a student is based upon an incident that formed the basis for the adjudication or conviction. Any notice of disposition shall not be retained after the student has been awarded a diploma or certificate.
2. Disciplinary record of action taken based on notice of an adjudication as specified in subsection 1. herein.
3. Any disciplinary action taken against a student for violation of school rules or policies occurring on school property or at school-sponsored events. Information concerning disciplinary action taken against such 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.

If disciplinary action is taken by the division in regard to the incident upon which the adjudication or conviction was based, notice shall be provided to the parent or guardian in accordance with state law. With the consent of the parent or guardian, or in compliance with a court order, the division must also notify the court of the disciplinary action. If the school does not take disciplinary action, every notice of adjudication or conviction received by a local superintendent, and information contained in the notice, shall be maintained by the Superintendent and by any others to whom he disseminates it separately from all other records concerning the student.

C. Dissemination of Information About Court Proceedings

1. Adjudications

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

## 2. Petitions

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

a. if the juvenile is not enrolled as a student in a public school in the division to which the notice was given, the Superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed and may forward the notice of petition to the superintendent of the division in which the juvenile is enrolled, if known;

b. prior to receipt of the notice of disposition, the Superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled if the Superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students or school personnel within the division; and

c. after the student has been taken into custody, whether or not the student has been released, the principal may further disseminate the information only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety, appropriate educational placement or other educational services.

## D. Annual Notification

Parents will be notified of their rights under the Federal Educational Rights and Privacy Act (FERPA) annually by publication in their child's student handbook published/distributed in September of each school year.

The division shall notify, at least annually, the parents of students in attendance (including those parents identified as having a primary or home language other than English) and eligible students in attendance (a student who has reached age 18) by such means as are reasonably likely to inform them of their rights as follows:

1. the types and location of education records and information maintained therein;
2. the title and address of the school official responsible for the maintenance of education records;
3. the parties to whom data may be disclosed, and the purpose for disclosure;

4. the fact that transfer of a scholastic record upon request by another school division will be made without written notice being provided to the student or the student's parent or guardian;
5. policies and procedures for reviewing and expunging education records;
6. policies and procedures for disclosure of data from education records;
7. the rights of parents and eligible students to review and challenge the content of education records and to file with the FERPA Office a complaint concerning an alleged failure by the division to comply with 20 U.S.C. § 1232g;
8. the fee as established in this policy to the parent or eligible student for reproducing copies of education records;
9. the data designated in this policy as directory information; and
10. the right of parents and eligible students to obtain, upon request, a copy of the division written policies and procedures on the management of the education records and the location of these records.

E. Procedure to Inspect Education Records

Parents of students or eligible students may inspect and review the student's education records relating to their children without unnecessary delay and before any meeting regarding an Individualized Education Plan (IEP) or hearing involving a student with a disability. Further, parents shall have the right to a response from the division to reasonable requests for explanations and interpretations of the education record.

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

The principal, or appropriate school official, will make the needed arrangements for access as promptly as possible and notify the parent or eligible student of the time and place where the records may be inspected. Access must be given in 14 days or less from the receipt of the request.

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

When disciplinary action is taken by the division in regard to an incident upon which an adjudication of delinquency or a conviction of acts specified in Va. Code § 16.1-305.1, the parent or guardian must be notified of the action, the reasons therefore and his/her right to review and to request amendment of the student's education records. Every notice of adjudication or conviction received by the Superintendent and information in the notice which is not a disciplinary record, shall be maintained by the Superintendent and other school personnel separately from all other records concerning such student unless the division takes disciplinary action based on an incident, which was the basis for the adjudication or conviction.

F. Refusal to Provide Copies

Although CCPS cannot deny parents access to their children's education records, the division will not provide a parent or eligible student a copy of the student's education record unless failure to do so would effectively prevent the parent or eligible student the right to inspect and review the records.

G. Fees for Copies of Records

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

H. Types, Locations, and Custodians of Education Records

The division shall provide parents on request a list of the types and locations of education records collected, maintained, or used by the division.

I. Disclosure of Education Records

When parental consent is required in order to release a student's records, and the parent refuses to give such consent, the division shall use informal means to secure the consent.

If the parent continues to refuse to give consent, the division shall provide written notification to the person/agency requesting the information that parental consent is required and has been refused. If the division wishes to disclose the information and has been unable to secure the necessary consent through informal means, the division may use more formal measures, as appropriate, to effect release of information.

The division shall disclose information from a student's education records only with the written consent of the parent or eligible student except:

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

A school official is:

- a. A person employed by the division as an administrator, supervisor, instructor, or support staff member.
- b. A person appointed or elected to the School Board.
- c. A person employed by or under contract to the division to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
- d. A person who is a teacher or school official, including teachers and school officials in other schools, who have legitimate educational interests in the student.

2. A school official has a legitimate educational interest if the official is:
  - a. Performing a task that is specified in his or her position description or by a contract agreement.
  - b. Performing a task related to a student's education.
  - c. Performing a task related to the discipline of a student.
  - d. Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.
3. To officials of another school, upon request, in which a student seeks or intends to enroll. The division shall provide written notice of the transfer 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 18 years of age or older within five days of the date on which the record was transferred. This notice requirement applies on the transfer of records to education programs in jails and detention centers.
4. To 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.
5. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
6. 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 state or local law enforcement or correctional personnel, including a law enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his/her 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 18 years of age or older.
7. To organizations conducting certain studies for or on behalf of the division.
8. To accrediting organizations to carry out their functions.
9. To parents of an eligible student who claim the student as a dependent for income tax purposes.

10. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
11. To appropriate parties in a health or safety emergency.
12. Directory information so designated by the division.

J. Military Recruiters and Institutions of Higher Learning

The division will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

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

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

K. Records of Requests for Disclosure

The division shall maintain a record, kept with the education records of each student, indicating all individuals, agencies, or organizations which request or obtain access to a student's education records, except those who receive records with consent. The record will indicate the legitimate interest the party had in obtaining the information. The record of access will be available only to parents, to the school official and his assistants who are responsible for the custody of such records, and to persons or organizations that audit the operation of the system.

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

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

L. Directory Information

The division shall notify parents and eligible students at the beginning of each school year what information, if any, the division has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information and the

period of time to refuse, in writing, the directory information designation in accordance with the FERPA. Directory information includes the name, gender, address, telephone listing, date and place of birth of students, the student's major field of study, participation in officially recognized activities and sports, the weight and height of members of athletic teams, dates of attendance, degrees or awards received by students and photographs, whether maintained by hard copy or in digital format, still or in motion.

#### M. Correction of Education Records

Parents or eligible students shall be notified of their right to challenge the content and to ask to have records corrected (including expungement) that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

1. Parents or the eligible student must request in writing that the division amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.

2. The division shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the division shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student's rights.

3. Upon request, the division shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.

4. The parent may be represented by one or more individuals/attorney.

5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.

6. The division shall prepare a written decision, which will include a summary of the evidence presented, and the reasons for the decision.

7. If the division decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained.

The division shall notify the parent and eligible student of their right to file with the Family Policy Compliance Office (FPCO) a complaint concerning an alleged failure by the division to comply with federal law.

If the division decides that the information is inaccurate, misleading, or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.

N. Confidentiality of HIV and Drug and Alcohol Treatment Records

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

Adopted: December 8, 2009

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Legal Ref.: 20 U.S.C. §§ 1232g, 7908.  
42 U.S.C. § 290dd-2.

34 C.F.R. Part 99.

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-287 *et seq.*, 23-2.1:3, 32.1-36.1.

Cross Ref.: 4010 Rights and Responsibilities  
4010-R Standards for Student Conduct  
6050 Request for Records  
6137 Parental Rights and Responsibilities

CCPS Parent Handbook

[VSBA: JO]

## STUDENT PUBLICATIONS

For purposes of this policy, official school publications shall include:

1. Newspapers, yearbooks, literary magazines, and similar publications which are prepared in regularly scheduled classes and are components of the regular curriculum approved by the School Board. Students shall receive credits and grades for completing the courses offered for this purpose. Where multiple courses are offered, (*i.e.*, Journalism 1, 2, 3 etc.), the lower numbered course shall be a prerequisite for the next, and each course shall have its distinct course description with graduated degrees of academic achievement. These courses may be scheduled together at the same time and in the same classroom with one faculty member. The publication shall be the exclusive work of the students enrolled in the course; or
2. Newspapers, yearbooks, literary magazines, and similar publications prepared by co-curricular student organizations and non-curricular school-sponsored organizations as defined in Policy 4070, Extracurricular Activities.

A member of the school faculty shall oversee the production of each school publication. School publications are not intended to provide a public forum for students or the general public. The editorial staff and faculty advisor of each approved publication shall establish an editorial policy which promotes and guarantees responsible journalism and which must be approved by the principal. This policy is not intended to stifle a full range of student expression but prohibits publication of material which:

1. has caused, is causing, or reasonably leads the principal to forecast substantial disruption of or interference with school activities; or
2. advocates practices that endangers the health or safety of students; or
3. advocates the violation of any federal, state or local law or official school policies, rules, or regulations or is a criminal act in itself; or
4. is libelous, tends to besmirch the memory of the private life of one who is dead or the reputation of the private life of one who is alive, exposes any person or group to public hatred, contempt, or ridicule, or invades the privacy of any person; or
5. is obscene in that:
  - a. the average person, applying community standards, would find that it, taken as a whole, appeals to prurient interest; or
  - b. is patently offensive to prevailing standards in the adult community as a whole with respect to what is appropriate for students of the age group for whom it is to be published; or
  - c. taken as a whole, is without redeeming social importance for students of the age group for whom it is to be published and lacks serious literary, artistic, political, or scientific value; or

- d. violates Virginia law on obscenity.

Appropriate faculty members shall instruct students in the Code of Ethics of the American Society of Newspaper Editors and help students to understand and follow it. Faculty members shall instruct students in correct and appropriate journalistic techniques and consult with the principal on material that may violate the law or the journalism Code of Ethics. Material that may be considered controversial by some members of the school community should be carefully considered by students, the appropriate faculty member, and brought to the attention of the school principal.

The school principal is responsible for approving all such publications in accordance with School Board policy and his/her judgment and discretion. An assistant principal may approve any such publication, if so designated by the principal.

Adopted: December 8, 2009

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Legal Ref: *Hazelwood School Dist. v. Kuhlmeier*, 484 U.S. 260, 108 S. Ct. 562, 98 L.Ed.2d 592 (1988).

Cross Ref.: 2090 School Building Administration  
3010 Curriculum and Instruction  
4070 Extracurricular Activities

[VSBA: JP]

## EQUAL EDUCATIONAL OPPORTUNITIES/NONDISCRIMINATION

### A. Policy Statement

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

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

The School Board shall:

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

### B. Complaint Procedure

#### 1. File Report

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

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

## 2. Investigation

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

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

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

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

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

## 3. Action by Superintendent

Within five calendar days of receiving the compliance officer's report, the Superintendent or the Superintendent's designee shall issue a decision regarding (i) whether this policy was violated; and (ii) what action, if any, should be taken. This decision must be provided in writing to the complainant. If the Superintendent determines that prohibited discrimination occurred, the 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 termination.

## 4. Appeal

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

5. Compliance Officer and Alternate Compliance Officer

The School Board has designated the Assistant Superintendent for Human Resources/Administrative Services as the Compliance Officer responsible for identifying, preventing and remedying prohibited discrimination. Complaints of discrimination may also be made to the Alternate Compliance Officer, the Assistant Superintendent for Instructional Support. The Compliance Officer shall:

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

C. Retaliation

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

D. Right to Alternative Complaint Procedure

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

E. Prevention and Notice of Policy

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

This policy shall be (i) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel; (ii) included in the student and employee handbooks; and (iii) sent to parents of all students within 30 calendar days of the start of school.

All school employees, students and their parents/guardians shall be notified annually of the names and contact information of the compliance officers.

F. False Charges

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

Adopted: December 8, 2009

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Legal Ref: 20 U.S.C. §§ 1681-1688.  
29 U.S.C. § 794.  
42 U.S.C. §§ 2000d-2000d-7.  
34 C.F.R. Part 106.

Cross Ref.: 1011 Nondiscrimination  
4010 Rights and Responsibilities  
4170 Nondiscrimination on the Basis of Disability  
4170-R Section 504 Dispute Resolution Procedures

[VSBA: JB]

## STUDENT HEALTH SERVICES AND REQUIREMENTS

### A. Authority

A main concern of Chesterfield County Public Schools (CCPS) is to assure the health and well being of all students. Therefore, CCPS shall comply with the Code of Virginia requirements in matters relating to health, physical examinations, and inoculations. Interpretation of such regulations shall be sought from the Chesterfield County Department of Health. (See Policies 4112 and 4113).

### B. Contagious or Infectious Disease

Students shall be excluded from school when suffering from contagious or infectious disease. (See Policy 4114).

### C. Treatment of Medical Emergencies

No treatment of injuries, except first aid, will be given in the schools. Exceptions are made to this policy only in cases of medical necessity. (See Policy 4130).

### D. Rights of Students

The religious beliefs and constitutional rights of students shall be respected within constraints of legal requirements for health instruction, examination, and treatment. No certificate of immunization shall be required for the admission to school of any student if the student or his parent submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-270, 22.1-271.2, 22.1-272, 22.1-273, 22.1-274.

Cross Ref.: 4112 Physical Examinations of Students  
4113 Student Immunizations  
4114 Communicable Diseases  
4120 Students with Blood Borne Contagious or Infectious Diseases  
4130 Administration of Medication to Students  
4130-R Procedures for Administration of Medication to Students

Chesterfield County Public Schools Pandemic Flu Plan  
([www.chesterfield.k12.va.us](http://www.chesterfield.k12.va.us))

[VSBA: JHC]

## PHYSICAL EXAMINATIONS OF STUDENTS

A. No pupil shall be admitted for the first time to any public kindergarten or elementary school in the division unless such pupil furnishes, prior to admission,

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 of a scope prescribed by the State Health Commissioner performed within the 12 months prior to the date such pupil first enters such public kindergarten or elementary school; or

2. records establishing that such pupil furnished such report upon prior admission to another school or school division and providing the information contained in such report.

B. If the pupil is a homeless child or youth as defined in Va. Code § 22.1-3, and for that reason cannot furnish the required report or records, and the person seeking to enroll the pupil furnishes to the division an affidavit so stating and also indicating that, to the best of his knowledge, such pupil is in good health and free from any communicable or contagious disease, the division shall immediately refer the student to the division's homeless liaison, who will, as soon as practicable, assist in obtaining the necessary physical examination by the local health department or other clinic or physician's office and shall immediately admit the pupil to school.

C. The health care provider making a report of a physical examination shall, at the end of such report, summarize the abnormal physical findings, if any, and shall specifically state what, if any, conditions are found that would identify the child as disabled.

D. Physical examination reports shall be placed in the child's health record at the school and shall be made available for review by any employee or official of the State Department of Health or any local health department at the request of such employee or official.

E. A physical examination shall not be required of any child whose parent or guardian objects on religious grounds and who shows no visible evidence of sickness. The parent or guardian shall state in writing that, to the best of his or her knowledge, the child is in good health and free from any communicable or contagious disease.

F. The health departments of the counties and cities of the Commonwealth shall conduct such required physical examinations for medically indigent children, upon request, without charge and may provide such examinations to others on such uniform basis as the departments establish.

G. Parents/guardians of students entering school shall complete a health information form as required by state law. Such forms shall be returned within 15 days of receipt unless reasonable extensions have been granted by the Superintendent or the Superintendent's designee. Upon failure of the parent to complete such form within the extended time, the Superintendent may send the parent written notice of the date he intends to exclude the child from school; however, no child who is a homeless child or youth as defined in subdivision 6. of Va. Code § 22.1-3 shall be excluded from school for such failure to complete such form.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-270.

Cross Ref.:	4030	School Admission
	4030-R	Enrollment Procedures
	4100	Student Records
	4111	Student Health Services and Requirements
	4114	Communicable Diseases
	4130	Administration of Medication to Students
	4130-R	Procedures for Administration of Medication to Students

[VSBA: JHCA]

## STUDENT IMMUNIZATIONS

### A. Generally

Before admitted by a public school, every pupil shall furnish documentary proof that the pupil has been immunized against communicable diseases as required by Va. Code §§ 32.1-46, 22.1-271.2 and 22.1-271.4 or has begun receiving the first series of all such vaccinations, unless the pupil is exempt as provided elsewhere in this policy, or is a homeless child or youth as defined in Va. Code § 22.1-3. Any parent, guardian, or other person having control or charge of a child being home instructed or exempted or excused from school attendance shall comply with state immunization requirements.

The admitting official of a school shall exclude from the school any student for whom he or she does not have documentary proof of immunization or notice of exemption as provided herein.

### B. Conditional Enrollment

A student may be enrolled for a period of 90 school days contingent upon the student's having received at least one dose of each of the required vaccines and the student's possessing a plan, from a physician or local health department, for completing his or her immunization requirements within the ensuing 90 school days; except that a student who has not yet received a second dose of measles (rubeola) vaccine must receive such second dose pursuant to the State Board of Health minimum immunizations required for school attendance.

### C. Exemptions

The requirements stated above do not apply

1. when the parent or guardian has an objection on the grounds that the administration of immunizing agents conflicts with his or her religious tenets or practices and provides the principal with a written statement of such objection, unless an emergency or a disease epidemic has been declared by the State Board of Health; or

2. when the parent or guardian presents a statement from a physician that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child.

### D. Homeless Pupils

If a student is a homeless child or youth as defined in Va. Code § 22.1-3 and (i) does not have documentary proof of necessary immunizations or has incomplete immunizations, and (ii) is not exempted from immunization, the division will immediately admit such student and will immediately refer the student to the division's homeless liaison who will assist in obtaining the documentary proof of, or completing, immunization.

E. Evidence of Immunization

Evidence acceptable for proof of required immunizations must include the month, day, and year each dosage was administered on forms developed by or approved by the State Department of Health. All students for whom dates cannot be provided (month, day, year) must be referred to the local health department or their private health care provider to update their records before entering school.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-3, 22.1-271.2, 22.1-271.4, 32.1-46, 54.1-2957.02.

Cross Ref.:	4030	School Admission
	4030-R	Enrollment Procedures
	4111	Student Health Services and Requirements
	4114	Communicable Diseases
	4120	Students with Blood Borne Contagious or Infectious Diseases

[VSBA: JHCB]

## COMMUNICABLE DISEASES

The School Board recognizes the importance of protecting its students and employees from the transmission of communicable diseases that present a threat to their health and safety, while also protecting the legitimate interests and rights of students and employees with communicable diseases. In carrying out this responsibility, the School Board directs the Superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person who has a communicable disease. Both the decision to remove the student or employee and the decision to readmit the student or to permit the employee to return to work shall be made by the Superintendent based upon consultation with the local health department, the student's or employee's physician, nurse practitioner, and/or other medical authorities. (See Policy 4120).

The identity of a student who has a communicable disease will be kept confidential and will be revealed only in accordance with state law. An alternative educational program should be made available to any student whose removal pursuant to this policy is expected to result in a prolonged absence from school or where otherwise required by law.

Administrative procedures concerning the exclusion of employees and students with communicable diseases will be consistent with the requirements of law, including the policies of the State Department of Education, and should reflect current medical knowledge and research.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-271.3, 22.1-272, 32.1-36.1, 54.1-2957.02.

Cross Ref.: 4020 Attendance  
4100 Student Records  
4111 Student Health Services and Requirements  
4120 Students with Blood Borne Contagious or Infectious Diseases  
5080 Health Requirements  
5180 Blood Borne Contagious or Infectious Diseases

[VSBA: JHCC]

## STUDENTS WITH BLOOD BORNE CONTAGIOUS OR INFECTIOUS DISEASES

Chesterfield County Public Schools (CCPS) will work cooperatively with the Chesterfield County Health Department to ensure compliance with federal and state laws for the school attendance of children infected with human immunodeficiency virus (HIV) or other blood borne diseases which are infectious or contagious. To enhance school attendance, the division will collaborate with public and private organizations in the provision of support services to infected students.

Students are expected to comply with the immunization schedule required by law. However, if a physician determines that the required immunizations may be harmful to the health of the infected student, then the student may be exempt from complying with immunization requirements. School personnel will cooperate with public health personnel in completing and coordinating immunization data, exemptions, and exclusions, including immunization forms.

Students are not required to disclose blood borne disease or infection status to anyone in CCPS. Mandatory screening for HIV or other blood borne infections is not a condition for school entry. Upon voluntary disclosure of infection status to a school staff member, school staff must obtain written consent from the parent/guardian or the student if age 18 or older before sharing the information with anyone else. After obtaining consent, school staff will consult with the individual student's family and physician or health official from the local health department and public health school nurse to determine whether the student is well enough to attend school.

Because HIV and other blood borne infections are not transmitted through casual contact, any student who is so infected will continue education in a regular classroom assignment unless health status (or other identified special needs) interfere significantly with performance. If health status is interfering with performance, school staff will work with the parent/guardian and the public health school nurse to develop a health services plan for the student following established guidelines developed for students with chronic conditions.

All persons privileged with any medical information about infected students shall treat all proceedings, discussions, and documents as confidential information. Individuals will be informed of the health status of a student on a "need to know" basis with the written consent of the parent or guardian.

Universal precautions for handling blood will be implemented within the school setting and on buses. To ensure implementation of the proper standard operating procedures for all body fluids, school staff will operate according to standards promulgated by the U. S. Occupational Health and Safety Administration. In-service training will be provided to all school personnel. Training will include division policies; etiology; transmission, prevention and risk reduction; standard operating procedures for handling blood and body fluids; and community resources available for information and referral. Periodic updates will be provided through in-service or memoranda.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-271.3, 32.1-36.1, 32.1-45.2.

*Model Guidelines for School Attendance for Children with Human Immunodeficiency Virus* and the State Department of Health's *Guidelines for Preventing Bloodborne Infections in Schools* [Attachments to Virginia Department of Education Superintendent's Memo #32 (Feb. 13, 2004)].

Cross Ref.:	4030	School Admission
	4030-R	Enrollment Procedures
	4100	Student Records
	4111	Student Health Services and Requirements
	4112	Physical Examination of Students
	4113	Student Immunizations
	4114	Communicable Diseases

[VSBA: JHCCA]

## ADMINISTRATION OF MEDICATION TO STUDENTS

### A. Transportation of Medications

A student is not permitted to transport medication to and from school.

### B. Administration of Non-Prescription Medications

Designated school personnel, under the supervision of the principal and in consultation with a school nurse or school nurse supervisor assigned by the Chesterfield County Health Department, will administer non-prescription medication to a student only with the written permission of the parent or guardian. Alternative medications such as vitamins, minerals, herbs, or dietary supplements will not be administered by school personnel unless prescribed by a physician, physician's assistant or nurse practitioner. Permission by a parent or guardian to administer a non-prescription medication shall specify the name of the medication, the required dosage, and the time the medication is to be given. The medication, in its original unopened container, shall be brought to the clinic by the parent or guardian along with the written permission. For school personnel to administer a non-prescription medication to a student for more than twice a day, more than three consecutive days, or more than three times monthly, will require the written authorization of the student's physician, physician's assistant, or nurse practitioner. Designated school personnel shall administer non-prescription medication in accordance with Regulation 4130-R, Procedures for Administration of Medication to Students. Should the clinic staff become concerned regarding a child's medical condition on a particular day, the school administration may refuse to administer the non-prescription medication until the child has been seen by a medical professional. The parent or guardian will be notified of the concern and the school's perceived need for medical review. The parent or guardian shall pick up unused medication, or school personnel will discard it.

### C. Administration of Prescription Medications

Designated school personnel, under the supervision of the principal and in consultation with a school nurse or school nurse supervisor assigned by the Chesterfield County Health Department, will administer prescription medication to a student only with a written order from the student's physician, physician's assistant, or nurse practitioner that specifies the name of the medication, the required dosage, and the time the medication is to be given. The prescription label on the container will be accepted as the physician, physician's assistant or nurse practitioner order for those medications to be taken. The medication, in its original unopened container, shall be brought to the clinic by the parent or guardian. Written permission from the parent or guardian to administer the medication to the student must be given at that time. Designated school personnel shall administer prescription medication in accordance with Regulation 4130-R. The parent or guardian shall pick up unused medication, or school personnel will discard it.

### D. Self-Administration of Medication for Asthma or Anaphylaxis

Notwithstanding the other provisions of this policy, a student with a diagnosis of asthma or anaphylaxis is permitted to possess and self-administer auto-injectable epinephrine or an inhaled asthma medication in accordance with this policy during the school day, at school-sponsored activities, or while on the school bus or other school property. The following conditions must be met:

1. Written permission from the parent that the student may self-administer auto-injectable epinephrine or an inhaled asthma medication must be on file with the school.

2. Written notice from the student's physician, physician's assistant or nurse practitioner must be on file with the school. The notice must indicate the student's name, state the diagnosis of asthma or anaphylaxis, approve the self-administration of auto-injectable epinephrine or an inhaled asthma medication that has been prescribed for the student, specify the name and dosage of the medication, the frequency with which the medication is to be administered, and the circumstances that warrant use. The physician, physician's assistant, or nurse practitioner shall attest to the student's demonstrated ability to self-administer the medication safely and effectively.

3. An individualized health care plan must be prepared, including emergency procedures, for any life-threatening conditions. Parents must disclose any relevant information regarding the health condition of the student to school personnel. Permission for a student to possess and self-administer auto-injectable epinephrine or an asthma medication is effective for one school year and must be renewed annually.

4. A student's right to possess and self-administer auto-injectable epinephrine or an inhaled asthma medication may be limited or revoked by the principal only after consultation with the parent or guardian.

#### E. Administration of Insulin and Glucagons to Students with Diabetes

Only a trained employee shall administer insulin and glucagons to a student diagnosed as having diabetes, consistent with Va. Code § 22.1-274. Prescriber authorization and parental consent shall be obtained for any employee who is not a registered nurse, nurse practitioner, physician or physician assistant to assist with the administration of insulin or glucagons. When a registered nurse, nurse practitioner, physician or physician's assistant is present in the school, no other employee, regardless of training, shall administer or assist in the administration of insulin or glucagons.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-274, 22.1-274.2, 54.1-2957.02.

Cross Ref.: 4130-R Procedures for Administration of Medication to Students  
4131 Recommendation of Medication by School Personnel

[VSBA: JHCD]

## PROCEDURES FOR ADMINISTRATION OF MEDICATION TO STUDENTS

### A. Generally

1. No student may possess any medication or prescription drug unless a physician, physician's assistant or nurse practitioner documents that the student's medical condition requires possession and the parent or legal guardian has obtained authorization from the school principal or his/her designee. "Medication" shall mean any drug or other substance used in treating diseases, healing, or relieving pain, including all over-the-counter drugs. A parent or guardian shall take all items to the office of the principal or his/her designee for handling and safekeeping. Consequences to a student for the unauthorized possession, use, or distribution of a medication are addressed in the Standards for Student Conduct, Regulation 4010-R.

2. Students will be given medication at school when the requirements for the administration of prescription and non-prescription medication stated below are met and only if the medication must be given during school hours to maintain sufficient health to participate in the school program.

3. The School Medication Record should be used to document all medications that are administered in school. School personnel must use the prescribed recording system to document that the correct medication was given in the correct dosage at the correct time to the correct student, both for legal proof and for the information of the parent or legal guardian and the student's health care professional.

4. The ultimate responsibility for complying with this regulation and any follow-up rests with the school principal.

### B. Administration of Non-Prescription Medication

The guidelines below are to be followed for the administration of non-prescription medication in schools:

1. Non-prescription medications do not include alternative medications such as vitamins, minerals, herbs or dietary supplements. School personnel will not administer these alternative medications unless prescribed by a physician, physician's assistant, or nurse practitioner.

2. Non-prescription medication must be brought to school by the parent or legal guardian in the original unopened container. The unopened container must be clearly marked with the student's name and include the manufacturer's label, specifying the name of the medication and the recommended age appropriate dosage and time interval. Dosage may not exceed the manufacturer's recommendations without written authorization from the student's physician, physician's assistant, or nurse practitioner. The dosage may be less than the manufacturer's recommendations, if requested by the parent or legal guardian.

3. The School Medication Record/Medication Request Form (page 1, Warehouse Stock Form #1075) must be completed and signed by a parent or legal guardian for administration of all non-prescription medication.

4. Non-prescription medication will not be administered to a student more than twice a day, for more than three consecutive days, or more than three times monthly without the written authorization of the student's physician, physician's assistant or nurse practitioner.

5. Should the clinic staff become concerned about a student's medical condition on a particular day, the school administration may refuse to administer the non-prescription medication until the student has been seen by a medical professional. The parent or legal guardian will be notified of the concern and the school's perceived need for medical review.

6. A School Medication Record (page 2, Warehouse Stock Form #1075) is to be used for each medicine given to a student. Each medication record includes the name of the medication, time given, and the person administering the medicine. At the end of the school year or the discontinuance of the medication, this record must be filed with the student's education record.

7. Medicine should be handled by a minimum number of school personnel.

8. All medicines are to be stored in a locked cabinet.

9. Medication for a student participating on a field trip must be transported in the original, appropriately labeled container. The person administering the medication on the field trip must do documentation on the School Medication Record that day.

10. Anyone administering medication in Chesterfield County Public Schools on a regular basis, must receive training on Medication Administration and complete a Medication Administration Skill Checklist, signed by the person providing the training.

11. All medication errors are to be reported to the school administration and documented appropriately.

12. Unused medication should be picked up at the end of the school year by a parent or guardian. If not picked up by the last school working day in June, it will be disposed of by appropriate school personnel.

#### C. Administration of Prescription Medication

The guidelines below are to be followed for the administration of prescription medications in schools:

1. A written order from the student's physician, physician's assistant, or nurse practitioner for a prescription medication, giving the name, dosage and time interval of medication is required for each medication. The prescription label on the container may be accepted as a physician's, physician's assistant or nurse practitioner's order for prescription drugs.

2. The School Medication Record/Medication Request Form (page 1, Warehouse Stock Form #1075) must be completed and signed by a parent or legal guardian for initial prescription and any change in dosage.

3. The prescription medication must be brought to school by a parent or legal guardian in the original container, properly labeled by a registered pharmacist as prescribed by law. Most pharmacies will provide parents with an appropriately labeled, separate container for school.

4. A School Medication Record (page 2, Warehouse Stock Form #1075) is to be used for each medicine given to a student. Each medication record includes the name of the medication, time given, and the person administering the medicine. At the end of the school year or the discontinuance of the medication, this record must be filed with the student's education record.

5. Medicine should be handled by a minimum number of school personnel.

6. All medicines are to be stored in a locked cabinet.

7. The parent or legal guardian must be notified of any missed doses of medication.

8. Medication for a student participating in a field trip must be transported in the original, appropriately labeled container. The person administering the medication on the field trip must do documentation on the School Medication Record that day.

9. All Schedule II controlled medications, such as Ritalin (Methylphenidate), must be counted by a parent and the principal or his/her designee, upon receipt at the school. In addition, all Schedule II controlled medications must be counted weekly, thereafter by two principal designees, as well as before and after field trips. Documentation will be provided on the Medication Count Record (Warehouse Stock Form #1075A). Any discrepancies are to be reported immediately to the principal or other administrative official. At the end of the school year or the discontinuance of the medication, this record must be filed in the student's education record.

10. Anyone administering medication in Chesterfield County Public Schools, on a regular basis, must receive training on Medication Administration and complete a Medication Administration Skill Checklist, signed by the person providing the training.

11. All medication errors are to be reported to the school administration and documented appropriately.

12. Unused medication should be picked up at the end of the school year by a parent or legal guardian. If not picked up by the last school working day in June, it will be disposed of by appropriate school personnel.

#### D. Procedure for Administration of Medication

The procedure below is to be used for the administration of medication:

1. Identify the student; ask the student's name.

2. Make sure the Medication Request Form has been completed and signed appropriately.

3. Even if you have given the medication before, read the prescription label to check the name of the student, name of the medication, dosage, time and route.
4. Administer the medicine to the student. Refrain from touching the medicine with your hands.
5. Observe the student ingesting, injecting, or inhaling the medication.
6. The person administering the medication should initial the record and the time given in the day-of-month block on the Medication Record and note anything unusual (e.g., spilled or wasted medicine, student unable to swallow, refused, note sent to parent, etc.) on back of record.
7. Note absences from school on the Medication Record using daily attendance records.
8. Notify parents of missed doses of medication.

E. Self-Administration of Asthma Medications and Auto-Injectable Epinephrine

Students with a diagnosis of asthma or anaphylaxis, or both, are permitted to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, in accordance with this policy during the school day, at school-sponsored activities, or while on a school bus or other school property. In order for a student to possess and self-administer asthma medication, or auto-injectable epinephrine, or both, the following conditions must be met:

1. Written parental consent that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, must be on file with the school;
2. Written notice from the student's health care provider must be on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication;
3. An individualized health care plan must be prepared, including emergency procedures for any life-threatening conditions; and
4. Information regarding the health condition of the student may be disclosed to School Board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

Permission granted to a student to possess and self-administer asthma medications or auto-injectable epinephrine, or both, will be effective for a period of 365 calendar days, and

must be renewed annually. However, a student's right to possess and self-administer inhaled asthma medication or auto-injectable epinephrine, or both, may be limited or revoked after appropriate school personnel consult with the student's parents..

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-274, 22.1-274.2, 54.1-2957.02.

Cross Ref.:	2090	School Building Administration
	3090	Field Trips
	4100	Student Records
	4010-R	Standards for Student Conduct
	4130	Administration of Medication to Students
	4131	Recommendation of Medication by School Personnel

[VSBA: JHCD]

## RECOMMENDATION OF MEDICATION BY SCHOOL PERSONNEL

School personnel are prohibited from recommending the use of psychotropic medications for any student. School health staff, classroom teachers, or other school professionals may recommend that a student be evaluated by an appropriate medical practitioner. For the purpose of this policy, “psychotropic medications” means those medications that are prescribed with the intention of altering mental activity or state, including, but not limited to, antipsychotic, antidepressant, and anxiolytic medication and behavior-altering medication.

In addition, school personnel may consult with a medical practitioner who is serving the student with the written consent of the student’s parent.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-274.3.

Superintendent’s Memorandum No. 54 (August 16, 2002).

Cross Ref.: 4130 Administration of Medication to Students  
4130-R Procedures for Administration of Medication to Students

[VSBA: JHCE]

## CORPORAL PUNISHMENT

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

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 student 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 student from inflicting physical harm on himself;

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 student or within his or her control.

In determining whether a person was acting within the exceptions provided in this policy, due deference shall be given to reasonable judgments at the time of the event which were made by a teacher, principal or other person employed by the School Board.

B. For the purposes of this policy, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

This definition shall not include physical pain or discomfort caused by:

1. the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control as permitted in subsection A.1. of this policy.

2. the use of reasonable and necessary force as permitted by subsections A. 2., 3., 4., and 5. of this policy.

3. participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-279.1, 63.2-1511.

Cross Ref.:	4010	Rights and Responsibilities
	4010-R	Standards for Student Conduct
	4011	Teacher Removal of Students from Class

[VSBA: JGA]

## DRUG FREE SCHOOLS

The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance as defined in the Drug Control Act, Chapter 34 (§ 54.1-3400 *et seq.*) of Title 54.1 of the Code of Virginia and as defined in Schedules I through V of 21 U.S.C. § 812, imitation controlled substances or drug paraphernalia while on school property or while engaged in or attending any school-sponsored or school approved activity or event, shall result in suspension and/or expulsion from school. "Drug paraphernalia" shall mean those items described in Va. Code § 18.2-265.1, and "imitation controlled substance" shall mean a pill, capsule, tablet or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such a pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.

All students must comply with this standard of conduct. Any student who violates this standard shall be suspended and/or expelled and may be referred for prosecution in accordance with regulations in Standards for Student Conduct (Regulation 4010-R).

Adopted: December 8, 2009

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Legal Ref: 20 U.S.C. § 1415.  
21 U.S.C. § 812(c).

Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-255.2, 18.2-265.1, 54.1-3400 *et seq.*

Cross Ref.:	2190	Reporting Acts of Violence and Substance Abuse
	3090	Field Trips
	4010	Rights and Responsibilities
	4010-R	Standards for Student Conduct
	4070	Extracurricular Activities

[VSBA: JFCF]

## NONDISCRIMINATION ON THE BASIS OF DISABILITY

No otherwise qualified disabled person 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 benefits from federal financial assistance. For purposes of this policy, a qualified disabled person shall be one who satisfies the definition set forth in the Rehabilitation Act of 1973 and its implementing regulations.

The 504 coordinator will be responsible for the implementation of this policy.

The Superintendent shall adopt regulations to effect this policy.

Adopted: December 8, 2009

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Legal Ref.: Section 504 of the Rehabilitation Act of 1973, 34 C.F.R. Part 104.

Cross Ref:	1011	Nondiscrimination
	4110	Equal Educational Opportunities/Nondiscrimination
	4170-R	Section 504 Dispute Resolution Procedures

[VSBA: JBA]

## SECTION 504 DISPUTE RESOLUTION PROCEDURES

### A. Section 504 Grievance Procedures

1. Persons who believe that the school division has discriminated against them because of their disability and thus violated the Section 504 regulations can file a written grievance with the school division's Section 504/ADA Coordinator. See 34 C.F.R. § 104.7. Once a written grievance is received, the division will investigate the allegations contained in the written grievance in an effort to reach a prompt and equitable resolution.

2. A grievance may be filed by a student, the student's parent or parents, or a division employee. A grievance must meet the following requirements:

a. The grievance must be in writing. At a minimum, it must contain:

- (1) the nature of the grievance;
- (2) the facts upon which the grievance is based, including a list of all witnesses;
- (3) the remedy requested; and
- (4) the complainant's signature and the date the grievance is filed.

b. The written grievance must be filed with the division's Section 504/ADA Coordinator ("coordinator") at the following address:

Section 504/ADA Coordinator  
Chesterfield County Public Schools  
600 Southlake Boulevard  
Richmond, VA 23236

c. The grievance should be reported as soon as possible and should generally be made within fifteen (15) school days of the occurrence.

3. The complainant must have the opportunity to present verbal and written evidence.

4. The coordinator or his/her designee will independently investigate the allegations to determine whether the division is in compliance with the Section 504 regulations. The coordinator or his/her designee will provide a written report of the investigation within thirty (30) school days of receipt of the complaint. The report should include the following information:

- a. A statement of the complainant's allegations and the remedy sought;
- b. A statement of facts as contended by each party;
- c. A narrative describing attempts to resolve the grievance;

- d. A list of the witnesses interviewed and the documents reviewed during the investigation;
- e. A statement of facts as determined by the coordinator or his/her designee with reference to the evidence to support each fact;
- f. The coordinator or his/her designee's conclusion as to whether the allegations are valid; and
- g. If the coordinator or his/her designee does determine that the allegations are valid, the report should include any corrective action determined by the coordinator or his/her designee.
- h. An extension of the thirty (30) school day time limit may occur if necessary as determined by the coordinator or his/her designee.

5. The complainant shall have an opportunity to make a written appeal to the Superintendent within ten (10) school days of receiving the coordinator's report. Following an appeal, the Superintendent or the Superintendent's designee will review the complainant's appeal along with the coordinator's report and then respond in writing to the complainant within thirty (30) school days of receiving the appeal. The Superintendent or the Superintendent's designee shall either confirm or disapprove the coordinator or his/her designee's decision.

An extension of the thirty (30) school day time limit may occur if necessary as determined by the Superintendent or the Superintendent's designee.

## B. Section 504 Hearing Procedures

1. Impartial hearings are available under Section 504 to resolve disagreements between parents and the division over matters related to the identification, evaluation, or educational placement of a student with a disability. See 34 C.F.R. § 104.36.

a. Exception for student use of drugs or alcohol. School divisions can take disciplinary action against any student with a disability "who currently is engaging in the illegal use of drugs or in the use of alcohol to the same extent that such disciplinary action is taken against students who are not individuals with disabilities." 29 U.S.C. § 705(20)(C)(iv). Furthermore, disciplinary matters relating to a student's current use of illegal drugs or alcohol are not reviewable in a hearing. See id.

b. These hearing procedures shall not be used if the remedy requested by the complainant is available through the due process procedures set forth in the Individuals with Disabilities Education Improvement Act ("IDEIA") of 2004, 20 U.S.C. § 1415.

### 2. Requesting a Hearing

Requests for hearings shall be made in writing and directed to the division's Section 504/ADA Coordinator ("coordinator"). A hearing must be requested within ninety (90) calendar days of the dispute giving rise to the hearing. The hearing request must include the following information:

a. The name of the student, the address of the residence of the student (or available contact information in the case of a homeless student), and the name of the school the student is attending;

b. In the case of a homeless student or youth (within the meaning of section 725(2) of the McKinney-Vento Homeless Assistance Act [42 U.S.C. § 11434a(2)], available contact information for the student and the name of the school the student is attending;

c. A description of the decision(s) made by the division with which the complainant disagrees, including facts relating to such decision; and

d. A proposed resolution of the problem to the extent known and available to the party at the time.

### 3. Appointment of a Hearing Officer

The coordinator will appoint an impartial hearing officer from the list of special education hearing officers maintained by the Supreme Court of Virginia. The hearing officer should be appointed within five (5) school days of receipt of a request for a hearing.

### 4. Pre-Hearing Procedures

a. The hearing officer is responsible for the following matters prior to the hearing:

(1) Within five (5) school days of appointment, securing a date, time, and location for the hearing that are convenient to both parties, and notifying both parties, in writing, of the date, time, and location of the hearing.

(2) Ascertaining whether the parties will be represented at the hearing.

(3) Ascertaining whether the hearing will be open to the public.

(4) Ensuring that the hearing is accurately recorded either by recording equipment or by a court reporter.

b. A list of witnesses and documentary evidence for the hearing (including all evaluations and related recommendations that each party intends to use at the hearing) must be exchanged by the parties and received by the hearing officer at least five (5) school days before the hearing. The hearing officer has the authority to exclude any documentary evidence, which was not provided, and any testimony of witnesses who were not identified at least five (5) school days before the hearing.

c. Pre-hearing conferences should be held, if appropriate.

### 5. Hearing Procedures

a. The parties have the following rights in a hearing:

(1) to participate in the hearing and be represented by counsel at their own expense;

(2) to present evidence and cross-examine witnesses; and

(3) to obtain a copy of the transcript or a tape recording of the hearing (the cost of the transcript to be borne by the requesting party).

b. For hearings requested on behalf of students, the student may attend the hearing.

c. In connection with the hearing, the hearing officer shall:

(1) Maintain an atmosphere conducive to impartiality and fairness.

(2) Ensure the appointment of a surrogate parent by the division, if appropriate, pursuant to the regulations adopted by the State pursuant to the IDEIA.

(3) Maintain an accurate record of the proceedings.

(4) Issue a written decision to all parties setting forth findings of fact and conclusions of law based on the evidence presented in the hearing.

(5) Render a written decision within forty-five (45) calendar days after the request for a hearing is received by the division, unless continued upon a request of either party to the hearing. A continuance can be granted by the hearing officer upon a showing of good cause.

(6) Assign the burden of proof to the party seeking relief.

d. The hearing officer shall hold all records for thirty (30) calendar days after issuance of a decision. In the event an appeal is noted, the coordinator will provide the hearing officer with the name and address of the review officer and request that the records be forwarded to the review officer. The hearing officer shall transmit the records to the review officer within three (3) school days of the coordinator's request. In the event that no appeal is made, the hearing officer shall return the records to the coordinator.

#### C. Review Procedure

1. Any party aggrieved by the hearing officer's decision may appeal the decision to a review officer. See 34 C.F.R. § 104.36.

2. An appeal may be noted by an aggrieved party by filing a written notice with the coordinator within thirty (30) calendar days of the date of the decision issued by the hearing officer.

3. An impartial review officer must be appointed by the coordinator from the same list from which the initial hearing officer was appointed and within five (5) school days of the request for review.

4. The review officer shall:
  - a. examine the record of the hearing;
  - b. seek additional evidence, if necessary;
  - c. afford the opportunity for written or oral argument;
  - d. advise the parties of the right to be represented by counsel at their own expense during the review proceedings; and
  - e. issue a written decision.
5. The review officer shall uphold the initial decision unless it is found to be arbitrary or capricious, contrary to law, or not supported by substantial evidence.
6. The review officer's decision must be issued within thirty (30) school days of receipt of the request for an appeal, unless continued at the request of a party. A continuance can be granted by the review officer upon a showing of good cause. A copy of the decision must be sent to all parties.
7. The record of the administrative hearings shall be sent by the review officer to the coordinator upon the issuance of the decision.
8. The coordinator is responsible for maintaining all records of hearings and transmittal to court in the event of judicial proceedings.
9. Any party aggrieved by the review officer's decision may file a civil action in a court of appropriate jurisdiction. See 29 U.S.C. § 794a.

Approved: December 8, 2009

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Legal Ref.: 34 C.F.R. Parts 104.7, 104.36.

20 U.S.C. § 1415  
29 U.S.C. § 705(20)(C)(iv), 794a  
42 U.S.C. § 11434a(2).

Cross Ref.: 1011 Nondiscrimination  
4010-R Standards for Student Conduct  
4110 Equal Educational Opportunities/Nondiscrimination  
4160 Drug Free Schools  
4170 Nondiscrimination on the Basis of Disability

## SCHOOL GUIDANCE AND COUNSELING PROGRAM

### A. Generally

Chesterfield County Public Schools provides guidance and counseling services for students at the elementary, middle and high school levels that are appropriate for the age of students served at each. Such services, as well as types of service delivery, are delineated in this policy.

### B. Types of Age-Appropriate Services Provided

Each school will provide the following counseling services to students:

1. Academic counseling which assists students and their parents to acquire knowledge of the curricula choices available to students, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities.
2. Career counseling which helps students to acquire information and plan action about work, jobs, apprenticeships, and post-secondary educational and career opportunities.
3. Personal/social counseling which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes.

Information and records of personal/social counseling will be kept confidential and separate from a student's educational records and not disclosed to third parties without prior parental consent or as otherwise provided by law. Parents may elect, by notifying their child's school in writing, to have their child not participate in personal/social counseling.

4. Employment counseling and placement services that furnish information relating to the employment opportunities available to students graduating from or leaving the public schools.

Such information will be provided to secondary students 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 division will consult and cooperate with the Virginia Employment Commission, the Department of Labor and Industry, local business and labor organizations, and career schools.

### C. Types of Service Delivery

The various counseling services may be provided through:

1. Classroom guidance: conducted by the school counselor in the classroom for all students at each grade (or at specified grades).

2. Small group counseling: available to students experiencing specific and commonly shared concerns; the emphasis is on problem-solving and the development of positive and effective personal skills. Such counseling may be provided either in groups in which generic issues of social development are addressed or through structured individual or small group multi-session counseling which focuses on the specific concerns of the participant(s).

3. Individual counseling: direct assistance to individual students; conducted to help them learn more efficiently and effectively with an emphasis on identifying concerns early before they interfere with learning.

#### D. Participation and Parental Consent

No student will be required to participate in any counseling program to which the student's parent objects.

Parental permission is not required for short duration personal or social counseling that is needed to maintain order, discipline or a productive learning environment.

Parental permission is required (opt in) for any small group counseling or ongoing, structured, individual counseling in the personal or social domain following initial contacts.

Parents may elect to have their elementary children not participate (opt out) in classroom group counseling lessons. Parents shall be notified prior to the date on which such counseling lessons are to occur. Such notice shall be provided enough in advance to allow a parent the opportunity to opt his or her student out of the lesson(s) using the process set forth immediately below. In addition, lesson plans and materials to be used at each grade level shall be available for parental review prior to the classroom counseling activity. Parents are encouraged to review these materials before exercising the opt-out procedure.

The procedure for parents to use in opting their students out of counseling activities is:

- The parent shall make the request in writing to the principal prior to the scheduled classroom counseling lesson(s) or individual counseling.
- The principal shall make arrangements to exclude the student from the planned classroom activity.
- Alternate lessons will not be provided.

#### E. Approved Techniques

The guidance and counseling program will not include the use of counseling techniques that are beyond the scope of the professional certification or training of counselors.

#### F. Notice of Availability of Counseling Services

Parents will be notified annually about the counseling programs that are available to their children. The notification will include the purpose and general description of the programs,

information regarding ways parents may review materials to be used in guidance and counseling programs at their child's school and information about the procedures by which parents may limit their child's participation in such programs.

Adopted: December 8, 2009

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Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-209.

8 VAC 20-620-10.

Cross Ref.: 4100 Student Records  
6137 Parental Rights and Responsibilities

[VSBA: IJ]

## STUDENT WELLNESS

### A. Generally

Schools, in partnership with families, the local health department, and other local agencies and community organizations, play an important role in promoting student wellness. The School Board supports a school environment that encourages and models nutritious eating habits and physical activity, both linked to academic success and lifelong good health. The Chesterfield Coalition for Active Children (COACH) has a mission and vision that is consistent with the School Board's focus on a healthy lifestyle for all Chesterfield County families. Schools are encouraged to work closely with COACH to provide information and opportunities to improve the quality of health for all citizens.

### B. Nutrition Education

1. The nutrition education program will provide a basic knowledge of nutrition combined with strategies to promote healthy eating habits. The staff responsible for nutrition education will be adequately prepared and participate regularly in professional development activities to deliver an accurate nutrition education program.

2. Nutrition education information will be reviewed by a qualified, credentialed nutrition professional.

3. Nutrition education will involve sharing information with families and the broader community to positively impact students and the health of the community with a focus on strategies to improve nutrition.

4. Chesterfield County Public Schools will provide information to families that encourage them to teach their children about health and nutrition and to provide nutritious meals for their families.

5. Chesterfield County Food and Nutrition Services will provide annual menus for the federal lunch program to families along with nutritional information.

6. Students will be encouraged to start each day with a healthy breakfast. Schools will, to the extent possible, operate the School Breakfast Program.

7. Schools will encourage participation by students and families in the available federal child nutrition programs.

### C. Nutrition Standards

1. The primary goal of Chesterfield County's Food and Nutrition program is to ensure that all students have affordable access to the varied and nutritious foods they need to stay healthy and learn well.

2. All foods made available in the federal program to students during the school day by Chesterfield County Food Service will comply with or exceed the current federal and state requirements.

3. Chesterfield County Food Services will conduct nutritional analysis on all elementary and middle school breakfasts and lunches consistent with federal and state guidelines.

4. Principals will work with PTAs and other organizations to discourage fundraisers involving the sale of unhealthy foods.

5. Schools will encourage healthy snacks, where permitted or offered.

6. Schools will not withhold food or beverages as a punishment.

7. Schools will discourage the use of food or beverage as a reward for academic performance or good behavior. Schools will limit celebrations that involve food during the school day.

8. Given the risks associated with food allergies and other health concerns, schools should discourage students from sharing food and beverages.

#### D. Physical Activity

1. Physical education courses will be the environment where students learn, practice and are assessed on developmentally appropriate motor skills.

2. State-certified physical education instructors shall teach all physical education classes.

3. Physical education will include the instruction of individual activities as well as competitive and non-competitive sports to encourage lifelong physical activity.

4. Adequate equipment will be available for all students to participate in physical education. Physical activity facilities will be safe.

5. Each school will provide a physical and social environment that encourages safe and enjoyable activity for all students, including those who are not athletically gifted.

6. Elementary students will be provided with a daily recess period, which is not used as a punishment.

7. Chesterfield County Public Schools will provide information to families to help them incorporate physical activity into their students' lives.

8. Schools are encouraged to provide community access to and encourage students and community members to use the schools' physical activity facilities outside the normal school day.

9. The division's goal is that a program of physical fitness will be available to all students for at least 150 minutes per week on average during the regular school year. Such program may include any combination of physical education classes, extracurricular activities, and other programs and activities.

E. Other Programs to Promote Wellness

1. Schools should encourage families to participate in programs that support physical activity.

2. Where possible, schools are encouraged to host health clinics, health screenings, and assist with the enrollment of eligible children in Medicaid and other state children's health insurance programs.

3. Schools will sponsor jointly with the local health department the screening of students for vision, hearing, and height/weight/body mass index for age.

4. Chesterfield County Public Schools will provide the health department with weekly data on absenteeism to facilitate monitoring of the health status of each school site.

5. Chesterfield Food and Nutrition Services will provide nutritional information to parents of children with allergies or other special needs on an individual case basis and respond to reasonable requests for accommodating these students.

6. The local health department will provide the services of public health nurses to develop health plans and provide case management for students with certain health conditions (examples: food allergies, diabetes, asthma) in order to maximize their ability to participate in physical activity and receive appropriate nutritional services.

Adopted: December 8, 2009

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Legal Ref.: 42 U.S.C. § 1751.

Code of Virginia, 1950, as amended, § 22.1-253.13:1.D.13.

8 VAC 20-320-10.

Cross Ref.:	4070	Extracurricular Activities
	4111	Student Health Services and Requirements
	6010	Educational Partnerships
	6011	Community Relations
	7010	Agreement to Participate in the School Nutrition Program
	7020	Sale of Food Items on School Premises

[VSBA: JHCF]