

SCHOOL BOARD LEGAL STATUS

The School Board of BLANK derives its authority from the Constitution of ~~Virginia, the Code of Virginia, and the regulations of the State Board of Education.~~ and laws of Virginia.

The BLANK School Board members are officers of the Commonwealth.

The BLANK School Board governs the school division.

The School Board is a corporate body whose official title is "~~BLANK School Board~~". _____.

Adopted:

Legal Refs.: Constitution of Virginia, article VIII, § 7.

Code of Virginia, 1950, as amended, §§ 22.1-2, 22.1-28, 22.1-31, 22.1-71.

Cross Ref.: AA School Division Legal Status
 BBAA Board Member Authority

BOARD MEMBER AUTHORITY

The BLANK School Board is a body corporate, and in its corporate capacity is vested with all the powers and charged with all the duties, obligations, and responsibilities imposed upon school boards by law and may sue, be sued, contract, be contracted with, and purchase, take, hold, lease and convey school property, both real and personal. School Board members shall have no authority or duties except such as may be assigned to them by the School Board as a whole.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-71.

Cross Ref.: AA School Division Legal Status
BB School Board Legal Status

SCHOOL BOARD OFFICERS

The officers of the School Board are a chairman and vice-chairman. The chairman and the vice-chairman are elected annually at the organizational meeting of the School Board.

School Board Chairman

The duties of the chairman are to preside at all meetings of the School Board, to perform such other duties as may be prescribed by law or by action of the School Board, and to sign all legal documents approved by the School Board.

The chairman, as a member of the School Board, has a vote on all matters before the School Board which come to a vote, but does not have an additional vote as chairman in case of a tie.

Vice-Chairman

The vice-chairman, if present, ~~shall preside~~ presides in the absence of the chairman, and is empowered to act in all matters in case of the absence or inability of the chairman to act or as provided by resolution of the School Board. If neither the chairman or vice-chairman is present, a majority of Board members present, if they constitute a quorum, shall elect one from among themselves to chair the meeting.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-72, 22.1-76.

Cross Ref.: BCA School Board Organizational Meeting

SCHOOL BOARD CLERK

On recommendation of the superintendent, a clerk is and a deputy clerk may be appointed annually at the organizational meeting of the School Board.

The clerk and deputy clerk, if any, are each bonded in an amount no less than ten thousand dollars (\$10,000), and the School Board pays the premiums for each bond. The clerk and deputy clerk, if any, discharge under the general direction of the superintendent all duties as required by law and such other duties as may be required by the School Board or the Board of Education.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-76, 22.1-77.

<u>Cross Ref.:</u>	<u>BBFA</u>	<u>Conflict of Interests and Disclosure of Economic Interests</u>
	<u>BCA</u>	<u>School Board Organizational Meeting</u>
	<u>BHB</u>	<u>Board Member In-Service Activities</u>
	<u>CBCA (optional)</u>	<u>Disclosure Statement of Superintendent</u>

SCHOOL BOARD COMMITTEES

There shall be are no standing committees of the BLANK School Board, except LIST ANY STANDING COMMITTEES HERE.

Special committees may be appointed by the chairman or created by School Board action. These committees shall be appointed or created for a specific purpose and shall expire upon completion of the assigned task unless School Board action authorizes temporary continuance of such committees.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-277.06.

Cross Refs.:	BCEA	Disciplinary Committee
	<u>BCF</u>	<u>Advisory Committees to the School Board</u>
	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings
	BDC	Closed Meetings
	GB	Equal Employment Opportunity/Nondiscrimination

SPECIAL SCHOOL BOARD MEETINGS

The School Board holds special and continued meetings when necessary. Special meetings are held when called by the chairman or when requested by two or more members.¹ Special meetings may be called provided each member is *duly* notified, or a reasonable attempt has been made to notify each member.

Business that does not come within the purposes set forth in the call of the meeting is not transacted at any special meeting of the School Board unless the members present unanimously agree to consider additional items of business.

Notice, reasonable under the circumstances, of special or continued meetings is given contemporaneously with the notice provided to members of the School Board.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 22.1-72.

Cross Refs.:	KC	Community Involvement in Decision Making
	BCA	Board Organizational Meetings
	BDDA	Notification of School Board Meetings
	BDDG	Minutes

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

¹ Virginia law does not specify who may call a special meeting. Instead, it specifies that each school board shall specify its own procedure for calling and holding such meetings. Thus, if your Board prefers to specify a different method by which special meetings can be called, it may do so.

CLOSED MEETINGS

- A Closed meetings may be held by the School Board or any committee¹ thereof only in accordance with Virginia law, for purposes including the following:
1. Discussion, consideration or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining or resignation of specific public officers, appointees or employees of the School Board. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter which involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the School Board. The School Board may not, however, discuss the compensation of Board members in closed session.²
 2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student in the BLANK school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents or guardians so request in writing and such request is submitted to the presiding officer of the School Board.
 3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the School Board.
 4. The protection of the privacy of individuals in personal matters not related to public business.
 5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

¹ "Committee" includes subcommittees and other entities, however designated, of the School Board created to perform delegated functions of the Board or to advise the Board. It does not exclude any such committee, subcommittee or entity because it has private sector or citizen members.

² This sentence applies only to elected school boards; appointed boards should not include this sentence in their policies.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where if made public initially, the financial interest of the School Board would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the School Board. For purposes of this subsection, "probable litigation" means litigation which has been specifically threatened or on which the School Board or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. The closure of a meeting is not permitted merely because an attorney representing the School Board is in attendance or is consulted on a matter.
8. Consultation with legal counsel employed or retained by the School Board regarding specific legal matters requiring the provision of legal advice by such counsel. The closure of a meeting is not permitted merely because an attorney representing the School Board is in attendance or is consulted on a matter.
9. Discussion or consideration of honorary degrees or special awards.
10. Discussion or consideration of tests or examinations or other information used, administered or prepared by a public body and subject to the exclusion in subdivision 4 of Va. Code § 2.2-3705.1.
11. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the School Board in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the School Board or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
12. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of Va. Code § 2.2-3705.5.
13. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision ~~3 or 4~~ 2 or 14 of Va. Code § 2.2-3705.2 where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

14. Discussion or consideration of information subject to the exclusion in subdivision 11 of Va. Code § 2.2-3705.6 (the Public Private Education Facilities and Infrastructure Act) by the School Board or any independent review panel appointed to review information and advise the School Board concerning such information.
15. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the School Board.
- B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the School Board, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.
- C. The School Board or any committee thereof may permit nonmembers to attend a closed meeting of the Board or committee if such persons are deemed necessary or if their presence will reasonably aid the Board or committee in its consideration of a topic which is a subject of the meeting.
- D. School Board members may attend closed meetings held by any committee or subcommittee of the Board, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise the Board. School Board members shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity. In addition to the requirements of Va. Code § 2.2-3707, the minutes of the committee or other entity shall include the identity of the School Board members who attended the closed meeting.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3711, 2.2-3712.

Cross Ref.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDDA	Notification of School Board Meetings

NOTIFICATION OF ~~SCHOOL BOARD~~ MEETINGS

Regular Meetings

The School Board and any committees¹ thereof ~~shall~~ give notice of the date, time, and location of their regular meetings by posting such notice on its website, if any, placing a notice in a prominent public location at which notices are regularly posted and in the office of the clerk of the School Board at least three working days prior to the meeting. In addition, the School Board and any committees thereof ~~shall~~ publish notice of their meetings by electronic means whenever feasible. At least one copy of the proposed agenda and all agenda packets and other nonexempt materials furnished to members of the School Board and any committees thereof ~~shall be~~ is made available for public inspection at the same time the documents are furnished to members of the School Board or committee.

Special Meetings

Notice, reasonable under the circumstance, of special, emergency or continued meetings ~~shall be~~ is given contemporaneously with the notice provided to members of the School Board or committee.

Notification of Closed Meetings Held Solely for the Purpose of Interviewing Candidates for the Position of Superintendent

The notice provisions described above do not apply to closed meetings of the Board held solely for the purpose of interviewing candidates for the position of superintendent. Prior to any such closed meeting the School Board ~~shall announce~~ announces in an open meeting that such closed meeting ~~shall~~ will be held at a disclosed or undisclosed location within fifteen days thereafter.

Direct Notification

Notice of all School Board meetings and committee meetings ~~shall be~~ is furnished directly to any person who requests such information. Requests to be notified of all meetings should be made at least once a year in writing and include the requester's name, address, zip code, daytime telephone number, electronic mail address, if available, and organization, if any. Unless the person making the request objects, the school division may provide electronic notice of all meetings in response to such requests.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

¹ "Committee" includes subcommittees and other entities, however designated, of the School Board created to perform delegated functions of the Board or to advise the Board. It does not exclude any such committee, subcommittee or entity because it has private sector or citizen members.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3712.

Cross Refs.:	BCE	School Board Committees
	BCEA	Disciplinary Committee
	BCF	Advisory Committees to the School Board
	BDA	Regular School Board Meetings
	BDB	Special School Board Meetings

VOTING METHOD

Each School Board member's vote on every decision is recorded in the minutes of the meeting. The minutes of the meeting also reflect the method and result of all votes. No votes are taken by secret or written ballot.

In any case in which there is a tie vote of the School Board when all members are not present, the question shall be passed by until the next meeting when it ~~shall~~ will again be voted upon even though all members are not present. In any case in which there is a tie vote on any question after complying with this procedure or in any case in which there is a tie vote when all the members of the School Board are present, the clerk ~~shall record~~ records the vote and immediately ~~notify~~ notifies the tie breaker, if any¹, to vote as provided in the Code of Virginia § 22.1-75. If no tie breaker has been appointed or elected as authorized by state law, any tie vote ~~shall defeat~~ defeats the motion, resolution or issue voted upon.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3710, 22.1-57.3, 22.1-75.

Cross Refs.: BDD Electronic Participation in Meetings from Remote Locations
 BDDG Minutes

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

¹ Va. Code §§ 15.2-410, 15.2-531, 15.2-627, 15.2-837, 22.1-40, 22.1-44, and 22.1-47 provide that county school boards ~~county school boards~~ may have tie breakers in certain circumstances. In addition, Va. Code § 22.1-57.3 provides that a tie breaker may be elected for elected school boards. School divisions which do not have tie breakers may want to delete this sentence and the first phrase of the final sentence in the text.

BOARD POLICY MANUAL

The School Board is guided by written policies that are readily accessible to the Board, division employees, students, parents, and citizens. All division policies ~~will be~~ are reviewed at least every five years and revised as needed.

A current copy of all division policies and regulations approved by the School Board are posted on the division's website and are available to employees and the public. Printed copies of the policies and regulations are available as needed to citizens who do not have online access. The superintendent ~~shall ensure~~ ensures that an annual announcement is made at the beginning of the school year and, for parents of students who enroll later in the academic year, at the time of enrollment, advising the public regarding the availability of the policies and regulations.

Adopted:

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

Cross Ref.: BFC Policy Adoption
 CH Policy Implementation

POLICY ADOPTION

~~It is the responsibility of the School Board to adopt~~ The School Board adopts policies for governing the school division. The power to enact policy cannot be delegated to an employee or agent such as the superintendent or a single member of the School Board.

Policy is a basic statement ~~of the intent of the School Board which creates rights and responsibilities for~~ related to the conduct of the school division's business. ~~Being of a dynamic nature, policies~~ Policies are subject to revision by the School Board.

Regulation is the manner or method of implementation of policy by the superintendent and ~~staff, subject to change as conditions and/or circumstances may dictate.~~ staff. Regulations are subject to revision by the superintendent.

Policies ~~shall~~ may be developed and presented to the Board ~~evidencing the consideration given to the views of the division's community.~~ by the superintendent or superintendent's designee. The final authority for adoption rests solely with the School Board.

When a proposed action of the School Board, initiated either by Board member or administration, affects existing School Board policies, the existing policy and regulation, if any, shall be referenced so that the effect of the new action will be clear.

~~Unless otherwise provided, when policies are adopted, altered or replaced, the new or revised policy shall become effective upon adoption.~~ specified in the policy, a new or revised policy becomes effective upon adoption.

All regulations ~~for implementation of the policies shall be~~ are developed by or through the superintendent. They ~~shall be~~ are presented to the School Board as information items, unless the School Board informs the ~~Superintendent~~ superintendent that it wants to act on a specified regulation.

~~Where changes in policy and/or regulations are made, these shall be prepared and distributed to all concerned for insertion into the policy and/or regulations manuals so that action of the School Board may be implemented as soon as possible.~~

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:7.

Underwood v. Henry County School Board, 245 Va. 127, 427 S.E.2d 330, (1993).

Cross Refs.:	BF	Board Policy Manual
	BFE/CHD	Administration in Policy Absence
	CH	Policy Implementation

SCHOOL BOARD MEMBER IN-SERVICE ACTIVITIES

~~The School Board places a high priority on the importance of a planned and continuing program of in-service education for its members. The central purpose of the program is to enhance the quality and effectiveness of public school governance in our community. The School Board shall plan specific in-service activities designed to assist School Board members in their efforts to improve their skills as members of a policy-making body; to expand their knowledge about trends, issues, and new ideas affecting the educational activities of the local schools; and, to deepen their insights into the nature of leadership in a modern democratic society.~~

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

~~Funds shall be budgeted annually to support this program. Individual School Board members shall be reimbursed for out-of-pocket costs incurred through participation in approved activities. The School Board shall retain the authority to approve or disapprove the participation of members in planned activities. The public shall be kept informed about the School Board's continuing in-service educational activities.~~

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

- ~~1. Participation in school board conferences, workshops and conventions conducted by the Virginia and the National School Boards Association.~~
- ~~2. Division sponsored training sessions for School Board members.~~
- ~~3. Subscriptions to publications addressed to the concerns of school board members.~~

Members of BLANK School Board participate annually in high-quality professional development activities at the state, local, or national levels on governance, including personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision-making; and current issues in education as part of their service on the Board.

Each elected board member completes a training session on the Virginia Freedom of Information Act (FOIA) provided by the Virginia Freedom of Information Advisory Council or the Board's attorney within two months of assuming office and thereafter at

least once every two calendar years.¹

Each elected board member completes a training session for local elected officials on the State and Local Government Conflict of Interests Act (COIA) provided by the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) within two months of assuming office and thereafter at least once every two calendar years.²

The school board clerk maintains records of the dates on which each elected school board member completed the required FOIA and COIA training sessions. The records are maintained in the clerk's office for five years.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3132, 2.2-3704, 22.1-78, 22.1-253.13:5.

Cross Ref.: BBFA Conflict of Interests and Disclosure of Economic Interests
BCC School Board Clerk

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

¹ School boards which have no elected members should not adopt this paragraph.

² School boards which have no elected members should not adopt this paragraph.

DISCLOSURE STATEMENT REQUIRED OF SUPERINTENDENT

The ~~division~~ superintendent, as a condition to assuming employment, files a disclosure statement of his ~~or her~~ personal interests and other information as is required on the form prescribed by the Virginia Conflict of Interest and Ethics Advisory Council pursuant to Code of Virginia § 2.2-3117. The disclosure statement is filed on or before the day the superintendent assumes employment for the preceding 12-month period complete through the last day of the month immediately preceding the month in which the superintendent assumes employment. However, if the superintendent assumes employment in January, the superintendent files a disclosure form on or before February 1 for the preceding year complete through December 31. Completed forms are filed and maintained as public records for five years in the office of the clerk of the BLANK School Board. After the initial disclosure, the ~~division~~ superintendent ~~must file~~ files this statement annually on or before February 1.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3115, 2.2-3117, 2.2-3118.2.

SCHOOL BUILDING ADMINISTRATION

The BLANK School Board, upon recommendation of the superintendent, employs principals and assistant principals who hold licenses as prescribed by the Board of Education.

A principal provides instructional leadership in, is responsible for the administration of and supervises the operation and management of the school or schools and property to which he ~~the principal~~ has been assigned, in accordance with the ~~rules and regulations~~ policies of the School Board and under the supervision of the superintendent.

A principal may submit recommendations to the superintendent for the appointment, assignment, promotion, transfer and dismissal of all personnel assigned to his the principal's supervision.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-293.

~~Guidelines for Uniform Performance Standards and Evaluation Criteria for Principals, Virginia Board of Education.~~

Cross Refs.:	EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
	DGC	School Activity Funds
	DGD	Funds for Instructional Materials and Office Supplies
	GCI	<u>Professional Staff Assignments and Transfers</u>
	GCN	Evaluation of Professional Staff

PERSONNEL TRAINING-VIRAL INFECTIONS

All school personnel having direct contact with students shall receive appropriate training in the etiology, prevention, transmission modes, and effects of blood-borne pathogens, specifically, hepatitis B and human immunodeficiency viruses or any other infections that are the subject of regulations promulgated by the Safety and Health Codes Board of the Virginia Occupational Safety and Health Program within the Department of Labor and Industry.

Adopted:

Legal Ref: Code of Virginia, § 22.1-271.3.

Cross Refs:	EBAB	Reporting of Possible Exposure to Viral Infections
	JHCC	Communicable Diseases
	JHCCA	Blood-Borne Contagious or Infectious Diseases

STUDENT TRANSPORTATION SERVICES

The School Board provides for the transportation of students as required by state and federal laws and regulations.

The superintendent collaborates with the local social services agency to develop and implement clear written procedures governing how transportation to maintain children in foster care in their school of origin when in their best interest will be provided, arranged and funded for the duration of time in foster care. The procedures ensure that children in foster care needing transportation to the school of origin will promptly receive transportation in a cost-effective manner and in accordance with 42 U.S. C. § 675(4)(A) and ensure that, if there are additional costs incurred in providing transportation to maintain children in foster care in their school of origin, the school division will provide transportation to the school of origin if the local social services agency agrees to reimburse the local school division for the cost of such transportation, the school division agrees to pay for the cost of such transportation or the school division and the local social services agency agree to share the cost of such ~~transportation~~ transportation.

Students may be suspended from using school transportation services for violations of the Policy JFC Student Conduct, ~~Student Code of~~ Standards of Student Conduct or when the student endangers the health, safety or welfare of other riders. In such cases the parent or guardian is responsible for transporting the student to school.

Adopted

Legal Ref.: 20 U.S.C. § 6312.

Code of Virginia, §§ 22.1-78, 22.1-176, 22.1-221, 22.1-254.

Cross Refs.:	EEAB	School Bus Scheduling and Routing
	EEAC	School Bus Safety Program
	GDQ	<u>School Bus Drivers</u>
	IICA	Field Trips
	JCA	Transfer Requests by Student Victims of Crime
	JEC-R	School Admission
	JECA	Admission of Homeless Children
	JECB (Opt. 1)	Admission of Nonpublic Students for Part-Time Enrollment
	JEG	Exclusions and Exemptions from School Attendance
	<u>JFC</u>	<u>Student Conduct</u>
	JFCC	Student Conduct on School Buses
	JFC-R	Standards of Student Conduct
	LC-E	Charter School Application Addendum

SCHOOL BUS SAFETY PROGRAM

All buses and other vehicles owned and operated by the school division are inspected for safety in accordance with the regulations prescribed by the Department of Education.

All accidents, regardless of the amount of damage involved, are reported to the transportation supervisor.

Crashes involving school buses resulting in property damage of \$1,500 or more or personal injury are reported to the Virginia Department of Education at least once per month. The superintendent or superintendent's designee notifies the Virginia Department of Education of any school bus crash involving serious injuries, requiring professional medical treatment, or death within the next working day after the crash.

No person uses any wireless telecommunications device, whether handheld or otherwise, while driving a school bus, except in case of an emergency, or when the vehicle is lawfully parked and for the purposes of dispatching. Nothing in this policy prohibits the use of two-way radio devices or wireless telecommunications devices that are used hands free to allow live communication between the driver and school or public safety officials.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-16, 46.2-919.1.

8 VAC 20-70-130.

8 VAC 20-70-140.

~~COVID-19 VACCINATIONS~~

Generally¹

~~As required by Occupational Safety and Health Administration's COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS),^{2,3}~~

~~CHOOSE ONE~~

~~every employee of BLANK School Board other than those employees for whom a vaccine is medically contraindicated, for whom medical necessity requires a delay in vaccination, or who are legally entitled to a reasonable accommodation under federal civil rights laws because the employee has a disability or sincerely held religious beliefs, practices, or observances that conflict with the vaccination requirement must be vaccinated against COVID-19 as detailed in this policy. New employees must be vaccinated as soon as practicable.~~

~~OR~~

~~employees may choose either to be fully vaccinated against COVID-19 or provide proof of regular testing for COVID-19 as detailed below and wear a face covering as detailed below.~~

~~This requirement does not apply to employees~~

- ~~• who do not report to a workplace where other individuals are present;~~
- ~~• while working from home; or~~
- ~~• who work exclusively outdoors.~~

~~FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY~~

¹~~This policy is based on an Emergency Temporary Standard (ETS) promulgated by the federal Occupational Safety and Health Administration (OSHA). The ETS went into effect on November 5, 2021 but quickly became the subject of litigation. OSHA has suspended activities related to the implementation and enforcement of the ETS pending future developments in the litigation. Although the ETS is not currently in effect, VSBA is distributing this sample policy in order for school boards to become familiar with the requirements of the ETS and to begin preparing to comply with it if/when OSHA reinstates implementation and enforcement of the ETS.~~

²~~The ETS applies to employers of 100 or more employees. School boards which employ fewer than 100 employees are not required to comply with the ETS or adopt this policy.~~

³~~The ETS establishes minimum standards that employers must implement. Nothing in the ETS prevents school boards from agreeing with employees and their representatives to additional measures not required by the ETS. The ETS does not supplant collective bargaining agreements or other collectively negotiated agreements that have negotiated terms that exceed the requirements of the ETS.~~

~~The superintendent is responsible for developing and implementing procedures to implement this policy and related federal and state⁴ regulations.~~

~~Vaccination Status~~

~~The superintendent or superintendent's designee determines the vaccination status of each employee including whether the employee is fully vaccinated.~~

~~Each vaccinated employee must provide acceptable proof of vaccination status, including whether the employee is fully or partially vaccinated. Acceptable proof of vaccination status is:~~

- ~~• The record of immunization from a health care provider or pharmacy;~~
- ~~• A copy of the COVID-19 Vaccination Record Card;~~
- ~~• A copy of medical records documenting the vaccination;~~
- ~~• A copy of immunization records from a public health, state, or tribal immunization information system;~~
- ~~• A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the health care professional(s) or clinic site(s) administering the vaccine(s);~~
- ~~• In instances where an employee is unable to produce acceptable proof of vaccination as listed in the previous bullets, a signed and dated statement by the employee
 - ~~○ attesting to the employee's vaccination status (fully vaccinated or partially vaccinated)⁵;~~
 - ~~○ attesting that the employee has lost and is otherwise unable to produce proof required by this policy; and~~
 - ~~○ including the following language: "I declare (or certify, verify, or state) that this statement about my vaccination status is true and accurate. I understand that knowingly providing false information regarding my vaccination status may subject me to criminal penalties."~~~~

~~Any employee who does not provide one of the acceptable forms of proof of vaccination status will be treated as not fully vaccinated.~~

~~The superintendent or superintendent's designee maintains a record of each employee's vaccination status and preserves acceptable proof of vaccination for each employee who is fully or partially vaccinated. The superintendent or superintendent's~~

~~FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY~~

~~⁴In developing procedures, the superintendent may want to review 16 VAC 25-220-40.~~

~~⁵An employee who attests to the employee's vaccination status should, to the best of the employee's recollection, include the following information in the attestation: the type of vaccine administered; the date(s) of administration; and the name of the health care professional(s) or clinic site(s) administering the vaccine(s).~~

~~designee also maintains a roster of each employee's vaccination status. These records and roster are employee medical records and are maintained as such records in accordance with 29 C.F.R. § 1910.1020 and are not disclosed except as required or authorized by federal law or regulation. These records and roster are not subject to the retention requirements of 29 C.F.R. § 1910.1020(d)(1)(i) but must be maintained and preserved while this policy remains in effect.~~

~~When the School Board has ascertained employee vaccination status prior to the effective date of the ETS through another form of attestation or proof, and retained records of that ascertainment, the Board does not require additional proof of vaccination status for employees whose fully vaccinated status has been documented prior to the effective date of the ETS. The Board's records of ascertainment of vaccination status for each such person constitute acceptable proof of vaccination.~~

~~School Board Support For Employee Vaccinations~~

~~The School Board~~

- ~~• provides a reasonable amount of time to each employee to receive primary vaccination dose(s);~~
- ~~• provides up to 4 hours paid time, including travel time, at the employee's regular rate of pay for this purpose; and~~
- ~~• provides reasonable time and paid sick leave to recover from side effects experienced following any primary vaccination dose to each employee for each dose.~~

~~COVID-19 Testing For Employees Who Are Not Fully Vaccinated.~~

~~Employees who are not fully vaccinated must be tested as follows.~~

~~Employees who report at least once every 7 days to a workplace where other individuals are present~~

- ~~• must be tested for COVID-19 at least once every 7 days; and~~
- ~~• must provide documentation⁶ of the most recent COVID-19 test result no later than the 7th day following the date on which the employee last provided a test result.~~

~~Employees who do not report during a period of 7 or more days to a workplace where other individuals are present (e.g., teleworking for two weeks prior to reporting to a workplace with others)~~

- ~~• must be tested for COVID-19 within 7 days prior to returning to the workplace; and~~

~~FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY~~

~~⁶The procedures developed by the superintendent should include information on how and to whom the documentation must be provided.~~

- ~~must provide documentation⁷ of that test result upon return to the workplace.~~

~~If an employee does not provide documentation of a COVID-19 test result as required by this policy, the employee will be removed from the workplace until the employee provides a test result.~~

~~When an employee has received a positive COVID-19 test, or has been diagnosed with COVID-19 by a licensed healthcare provider, the employee is not required to undergo COVID-19 testing as otherwise required by this policy for 90 days following the date of the employee's positive test or diagnosis.~~

~~The superintendent or superintendent's designee maintains a record of each test result provided by each employee or obtained during tests conducted by the school division. These records are employee medical records and are maintained in accordance with 29 C.F.R. § 1910.1020 and are not disclosed except as required or authorized by federal law or regulation. These records are not subject to the retention requirements of 29 C.F.R. § 1910.1020(d)(1)(i) but must be maintained and preserved while this policy remains in effect.~~

~~Employee Notification To School Board Of A Positive COVID-19 Test And Removal~~

~~Regardless of COVID-19 vaccination status or any COVID-19 testing required by this policy, each employee must promptly notify _____⁸ when the employee receives a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider. Any employee who receives a positive COVID-19 test or is diagnosed with COVID-19 by a licensed healthcare provider is immediately removed from the workplace and remains removed until the employee~~

- ~~receives a negative result on a COVID-19 nucleic acid amplification test (NAAT) following a positive result on a COVID-19 antigen test if the employee chooses to seek a NAAT test for confirmatory testing;~~
- ~~meets the return to work criteria in the Centers for Disease Control and Prevention's (CDC) "Isolation Guidance"⁹; or~~
- ~~receives a recommendation to return to work from a licensed healthcare provider.~~

~~FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY~~

~~⁷The procedures developed by the superintendent should include information on how and to whom the documentation must be provided.~~

~~⁸Each school board should insert the person or office to whom notice should be given.~~

~~⁹https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fif-you-are-sick%2Fquarantine.html~~

Face Coverings

~~Each employee who is not fully vaccinated must wear a face covering when indoors and when occupying a vehicle with another person for work purposes, except~~

- ~~• when alone in a room with floor to ceiling walls and a closed door;~~
- ~~• for a limited time while eating or drinking at the workplace or for identification purposes in compliance with safety and security requirements;~~
- ~~• when wearing a respirator or facemask; or~~
- ~~• when the superintendent or superintendent's designee determines that the use of face coverings is not feasible or creates a greater hazard that would excuse compliance with this policy (e.g., when it is important to see the employee's mouth for reasons related to the employee's job duties, when the work requires the use of the employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the employee).~~

~~Any face covering required to be worn by this policy must be~~

- ~~• worn to fully cover the employee's nose and mouth; and~~
- ~~• replaced when wet, soiled, or damaged (e.g., is ripped, has holes, or has broken ear loops).~~

~~No employee is prevented from voluntarily wearing a face covering or facemask unless the superintendent or superintendent's designee demonstrates that doing so would create a hazard of serious injury or death, such as interfering with the safe operation of equipment.~~

~~Employees are permitted to wear a respirator instead of a face covering whether required or not.~~

Information Provided To Employees

~~The superintendent or superintendent's designee informs each employee, in a language and at a literacy level the employee understands, about~~

- ~~• the requirements of this policy as well as any additional policies, regulations or procedures established to implement this policy;~~
- ~~• COVID-19 vaccine efficacy, safety, and the benefits of being vaccinated, by providing the document, "Key Things to Know About COVID-19 Vaccines," available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html>;~~
- ~~• the requirements of 29 CFR § 1904.35(b)(1)(iv), which prohibits the School Board from discharging or in any manner discriminating against an employee for reporting a work-related injury or illness, and 29 U.S.C. § 660(c), which prohibits the Board from discriminating against an employee for exercising rights under, or as a result of actions that are required by, this policy. 29 U.S.C. § 660(e) also protects the employee from retaliation for filing an occupational safety or health complaint, reporting a work-related injury or illness, or otherwise exercising any rights afforded by the Occupational Safety and Health Act; and~~

- ~~the prohibitions of 18 U.S.C. § 1001 and of 29 U.S.C. § 666(g), which provide for criminal penalties associated with knowingly supplying false statements or documentation.~~

~~Reporting COVID-19 Fatalities and Hospitalizations to OSHA~~

~~The superintendent or superintendent's designee reports to OSHA:~~

- ~~each work-related COVID-19 fatality within 8 hours of learning about the fatality~~
- ~~each work-related COVID-19 inpatient hospitalization within 24 hours of learning about the inpatient hospitalization~~

~~When reporting COVID-19 fatalities and in-patient hospitalizations to OSHA, the superintendent or superintendent's designee follows the requirements in 29 CFR part 1904.39, except for 29 CFR part 1904.39(a)(1) and (2) and (b)(6).~~

~~Availability Of Records~~

~~By the end of the next business day after a request, the superintendent or superintendent's designee makes available, for examination and copying, the individual COVID-19 vaccine documentation and any COVID-19 test results for a particular employee to that employee and to anyone having written authorized consent of that employee.~~

~~By the end of the next business day after a request by an employee or an employee representative, the superintendent or superintendent's designee makes available to the requester the aggregate number of fully vaccinated employees at a workplace along with the total number of employees at that workplace.~~

~~The superintendent or superintendent's designee provides to the Assistant Secretary of Labor for Occupational Safety and Health for examination and copying~~

- ~~within 4 business hours of a request, this policy, and the aggregate numbers of fully vaccinated employees at a workplace along with the total number of employees at that workplace; and~~
- ~~by the end of the next business day after a request, all other records and other documents required to be maintained by the ETS.~~

~~Definitions~~

~~COVID-19 (Coronavirus Disease 2019) means the disease caused by SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2). This policy also uses the term "COVID-19" when describing exposures or potential exposures to SARS-CoV-2.~~

~~COVID-19 test means a test for SARS-CoV-2 that is:~~

- ~~cleared, approved, or authorized, including in an Emergency Use Authorization (EUA), by the U.S. Food and Drug Administration (FDA) to detect current infection with the SARS-CoV-2 virus (e.g., a viral test);~~

- administered in accordance with the authorized instructions; and
- not both self-administered and self-read unless observed by _____¹⁰ or an authorized telehealth proctor. Examples of tests that satisfy this requirement include tests with specimens that are processed by a laboratory (including home or on-site collected specimens which are processed either individually or as pooled specimens), proctored over the counter tests, point of care tests, and tests where specimen collection and processing is either done or observed by _____¹¹.

~~Face covering~~ means a covering that:

- completely covers the nose and mouth;
- is made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source);
- is secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers;
- fits snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and
- is a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.

This definition includes clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet this definition and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.

~~Facemask~~ means a surgical, medical procedure, dental, or isolation mask that is FDA-cleared, authorized by an FDA EUA, or offered or distributed as described in an FDA enforcement policy. Facemasks may also be referred to as "medical procedure masks."

~~Fully vaccinated~~ means:

- A person's status 2 weeks after completing primary vaccination with a COVID-19 vaccine with, if applicable, at least the minimum recommended interval between doses in accordance with the approval, authorization, or listing that is:
 - approved or authorized for emergency use by the FDA;
 - listed for emergency use by the World Health Organization (WHO); or

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

¹⁰ Each school board should insert the job title of any division employee authorized to observe a self-administered COVID-19 test.

¹¹ Each school board should insert the job title of any division employee authorized to do or observe specimen collection and processing.

- ~~o administered as part of a clinical trial at a U.S. site, if the recipient is documented to have primary vaccination with the active (not placebo) COVID-19 vaccine candidate, for which vaccine efficacy has been independently confirmed (e.g., by a data and safety monitoring board) or if the clinical trial participant at U.S. sites had received a COVID-19 vaccine that is neither approved nor authorized for use by FDA but is listed for emergency use by WHO; or~~
- ~~• A person's status 2 weeks after receiving the second dose of any combination of two doses of a COVID-19 vaccine that is approved or authorized by the FDA, or listed as a two-dose series by the WHO (i.e., a heterologous primary series of such vaccines, receiving doses of different COVID-19 vaccines as part of one primary series). The second dose of the series must not be received earlier than 17 days (21 days with a 4-day grace period) after the first dose.~~

~~Respirator means a type of personal protective equipment (PPE) that is certified by the National Institute for Occupational Safety and Health (NIOSH) under 42 CFR part 84 or is authorized under an EUA by the FDA. Respirators protect against airborne hazards by removing specific air contaminants from the ambient (surrounding) air or by supplying breathable air from a safe source. Common types of respirators include filtering facepiece respirators (e.g., N95), elastomeric respirators, and powered air purifying respirators (PAPRs). Face coverings, facemasks, and face shields are not respirators.~~

~~Workplace means a physical location (e.g., fixed, mobile) where the School Board's work or operations are performed. It does not include an employee's residence.~~

Adopted:

Legal Refs.: ~~29 U.S.C. §§ 655, 667~~

~~29 C.F.R. § 1910.501~~

~~Code of Virginia, 1950, as amended, § 40.1-22~~

~~16 VAC 25-220-40~~

~~Cross Ref.: AC Nondiscrimination~~
~~EBBB Personnel Training Viral Infections~~
~~GB Equal Employment Opportunity/Nondiscrimination~~
~~GBA/JFHA Prohibition Against Harassment and Retaliation~~
~~GBL Personnel Records~~
~~GBN Staff Hiring Procedures~~
~~GCPD Professional Staff Discipline~~
~~GCPF Suspension of Staff Members~~

~~JHCC Communicable Diseases~~

STAFF GIFTS AND SOLICITATIONS

Exchange of gifts between students and/or parents and staff is discouraged.

No school division employee solicits money, property, goods or services for personal use or use by staff or students during school hours on school property without written authorization from the superintendent or superintendent's designee.

Adopted:

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

Cross Refs.: GAH School Employee Conflict of Interest
~~JHCH~~ ~~School Meals and Snacks~~
JL Fund Raising and Solicitation
KGA Sales and Solicitations in Schools
KMA Relations with Parent Organizations
KQ Commercial, Promotional and Corporate Sponsorships and Partnerships

PROFESSIONAL STAFF GRIEVANCES

The BLANK School Board adopts the most recent version of Procedure for Adjusting Grievances promulgated by the Virginia Board of Education based on current statutory provisions.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ ~~22.1-253.13:7.C.8~~, 22.1-253.13:7 and 22.1-306 et seq.

8 VAC 20-90-10 through 8 VAC 20-90-80 and accompanying forms.

SUPPORT STAFF GRIEVANCES

The BLANK School Board adopts the following procedure in accordance with § 22.1-79(6) of the Code of Virginia, as amended.¹² Nothing in this procedure is intended to create, nor shall it be construed as creating, a property right in employment, nor shall this procedure be interpreted to limit in any way whatsoever the School Board's exclusive final authority over the employment and supervision of its personnel.

The following words and terms are defined as indicated when used in this procedure, unless the context clearly indicates otherwise.

"Days" means calendar days unless a different meaning is clearly expressed in this procedure. Whenever any period of time fixed by this procedure shall expire on a Saturday, Sunday or legal holiday, the period of time for taking action under this procedure shall be extended to the next day that is not a Saturday, Sunday or legal holiday. Working days" means those days that the BLANK School Board office is open for business.

"Dismissal" means the termination of employment of any covered employee with or without cause during the term of such employee's employment.

"Employee" or "employees" means all full-time employees of the BLANK School Board who have completed the required probationary period except the ~~division~~ superintendent and those employees covered under the provisions of Articles 2 and 3 of Chapter 15 of Title 22.1 of the Code of Virginia, as amended. "Employee" does not mean a part-time or temporary employee.

"Grievance" means a complaint or dispute involving the dismissal or other disciplinary action of an employee. A dismissal, reassignment or other action pursuant to a Reduction in Force (RIF) is not a disciplinary action and is not grievable. Employee evaluations are not disciplinary actions and are not grievable. "Grievance" does not mean a complaint or dispute regarding the suspension of an employee. The procedure for the suspension of employees is set forth in Policy GCPF Suspension of Staff Members.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

¹ Virginia law requires school divisions which had not adopted a grievance procedure for employees not covered under Va. Code §§ 22.1-293 et seq. and 22.1-306 et seq. prior to January 1, 1991 to adopt a procedure in accordance with Va. Code § 22.1-79(6). The procedure created in this policy is designed for use by divisions which had not adopted a procedure prior to January 1, 1991.

² School boards which adopt collective bargaining agreements should ensure that the terms of the agreements and this policy are consistent.

Procedure

1. Written notice of the proposed dismissal or other disciplinary action, along with a statement of the reasons for the action, shall be given to the employee by the employee's ~~building administrator/department head.~~ building administrator or department head. Upon receipt of the recommendation, the employee is required to meet with a Human Resources administrator.³ During this meeting the employee receives a copy of this policy as notice of the employee's grievance rights. The employee may file a written request for a hearing with the superintendent within ten (10) working days of receiving the written notice. The failure to file such a request within the prescribed time will constitute a waiver of the right to a hearing and the ~~proposed~~ dismissal or other disciplinary action will become final without a hearing or further notice.
2. Upon receiving a timely written request, the superintendent shall select an ~~external hearing officer~~ impartial hearing administrator to hear the grievance.⁴ ~~The hearing officer will be selected from a list approved by the School Board.~~ The hearing ~~officer~~ administrator will hold a hearing within fifteen (15) working days of receipt of the employee's request. Notice of the hearing shall be given orally or in writing to the employee at least five (5) working days before the hearing. The employee and the school division will share the cost of the hearing ~~officer~~ administrator and the cost of recording the hearing equally.
3. The employee and the employee's supervisor may be represented by legal counsel or a lay advocate at the hearing, but not both. The division may also be represented by legal counsel at the hearing. The hearing will be private and the hearing ~~officer~~ administrator will have full discretion over the conduct of the hearing. However, the employee and the division representative may make opening statements, may present all material and relevant evidence, including the testimony of witnesses, and may cross examine witnesses. Witnesses may be questioned by the hearing ~~officer.~~ administrator.
4. The hearing ~~officer~~ administrator shall give the employee and the division representative a written decision within ten (10) working days after the

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³ Divisions which do not have a designated Human Resources administrator should substitute the title of another staff person here.

⁴ ~~School boards have three options with regard to who hears the grievance. They are: 1) having the grievance heard by a hearing officer appointed by the board, 2) having the school board hear the grievance and 3) having the grievance heard by a three member fact finding panel. Boards which adopt this policy are exercising the option of having grievances heard by a hearing officer. If a school board chooses to have grievances heard by the board or a three member fact finding panel, it should consult with local counsel to develop procedures to implement that decision.~~

completion of the hearing. The decision shall be based on the evidence relevant to the issues produced at the hearing in the presence of each party.

5. ~~The employee may appeal the decision~~ The decision may be appealed to the School Board by providing written notice of appeal to the superintendent within five (5) working days of receiving the decision of the hearing ~~officer~~ administrator. Upon timely appeal, the School Board shall decide the appeal on the written record and render its decision within thirty (30) days of the appeal.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-79(6), 22.1-311, 22.1-313.

Cross Refs.: GCPF Suspension of Staff Members
 GDG Support Staff ~~Probation~~ Probationary Period

PROGRAMS FOR STUDENTS WITH DISABILITIES

Generally

The BLANK School Board provides a free, appropriate public education for all children and youth with disabilities, ages 2 through 21, inclusive, who are residents of BLANK or who are not residents of BLANK but are residents of Virginia and who are enrolled in a full-time virtual school program provided by the Board. To the maximum extent appropriate, students with disabilities are educated with children who are not disabled.

An Individualized Education Program (IEP) is developed and ~~maintained~~ implemented for each child with a disability served by the BLANK School Board. The program is developed in a meeting of the child's IEP team, which includes the child's teachers, ~~parent(s), parent,~~ the student (when appropriate), a school division representative qualified to provide or supervise the provision of special education services, an individual who can interpret the instructional implications of evaluation results and other individuals at the discretion of the ~~parents parent~~ or school division in accordance with State and federal law and regulations. This IEP is reviewed at least annually.

Parents of students with disabilities are provided guidance from the Virginia Department of Education regarding the Applied Studies Diploma and its limitations at a student's annual IEP program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

The IEP includes areas specified by state and federal statutes and regulations.

Explanation of Procedural Safeguards

A copy of the procedural safeguards available to the ~~parent(s) parent~~ of a child with a disability is given to the ~~parent(s), parent,~~ The procedural safeguards notice includes a full explanation of all the procedural safeguards available.

Child Find

The BLANK School Board maintains an active and continuing child find program designed to identify, locate and evaluate those children residing in the division who are birth to 21 inclusive who are in need of special education and related services

The School Board provides all applicable procedural safeguards including written notice to the parents of the scheduled screening and, if the child fails the screening, the results of the screening, confidentiality and maintenance of the student's scholastic record.

Adopted:

PROGRAMS FOR GIFTED STUDENTS

The BLANK School Board ~~shall approve~~ approves a comprehensive plan for the education of gifted students that includes the components identified in Board of Education regulations. The development process for the plan includes opportunities for public review of the school plan. The plan for the education of gifted students ~~shall be~~ is accessible through the division's website and ~~the division will ensure that~~ printed copies of the plan are available to citizens who do not have online access.

The school division has uniform procedures for screening, referring, identifying, and serving students in kindergarten through twelfth grade who are gifted in general intellectual or specific academic aptitude.¹

The school division ~~will provide~~ provides written notification to and ~~seek~~ seeks written consent from parents and legal guardians to conduct any required assessment to determine a referred student's eligibility for the division's gifted education program, and to provide services for an identified gifted student in the division's gifted education program.

The School Board may establish a local advisory committee composed of parents, school personnel, and other community members appointed by the School Board. The committee will reflect the ethnic and geographical composition of the school division. If established, the committee will annually review the division's plan for the education of gifted students, including revisions, and determine the extent to which the plan for the previous year was implemented. The findings of the annual program effectiveness and the recommendations of the committee will be submitted annually in writing to the ~~division~~ superintendent and the School Board.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-18.1, ~~22.1-253.13:1.D.6.~~ 22.1-253.13:1.

8 VAC 20-40-40.

8 VAC 20-40-55.

8 VAC 20-40-60.

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY.

¹ School divisions may, but are not required to, also identify and serve gifted students in career and technical aptitude or visual or performing arts aptitude, or both. If your division does identify and serve such students, you should include a sentence mentioning it here.

Cross Refs.: BCF
IKEB

Advisory Committees to the School Board
Acceleration

STUDENT ORGANIZATIONS

Generally

Public school facilities are devoted primarily to instructional programs and school-sponsored activities. Curriculum-related student organizations are an extension of the regular school program. Their function is to enhance the participants' educational experience and supplement course materials. The activities of these organizations should bear a clear relationship to the regular curriculum.

Secondary school students may organize and conduct meetings of noncurriculum-related groups. Any secondary school which permits one or more noncurriculum-related student group to meet on school premises during noninstructional time ~~will provide~~ provides equal access to any students who wish to conduct a meeting without discrimination on the basis of the religious, political, philosophical, or other content of the speech at such meetings.

Noncurriculum-related student groups may use school facilities provided that

- the group's meetings are voluntary and student-initiated;
- the group is not sponsored by the school, the government, or any government agent or employee;
- agents or employees of the school or government are present at religious meetings only in a nonparticipatory capacity;
- meetings do not materially and substantially interfere with the orderly conduct of educational activities at the school; and
- nonschool persons do not direct, conduct, control, or regularly attend activities of the group.

Meetings of Student Organizations

The principal of each school ~~will determine~~ determines the times and places which are available for the meetings of student organizations. The principal ~~will also develop~~ also develops procedures for scheduling meetings of student organizations. Meeting times ~~will be~~ are limited to non-instructional time.

Faculty Involvement

Curriculum-related student organizations must be sponsored and supervised by one or more school faculty members and approved by the principal. Faculty sponsors ~~will~~ participate in the supervision and direction of all activities of the organization and ~~will~~ attend all meetings and activities.

Noncurriculum-related student organizations do not have a faculty sponsor. However, a member of the school's staff ~~shall attend~~ attends every meeting or activity of such organizations in a nonparticipatory capacity for purposes of general supervision. The organization is responsible for assuring the presence of a staff member for its meetings.

No school employee ~~will be~~ is compelled to attend a meeting of any student organization if the content of such meeting is contrary to the beliefs of that school employee.

Compliance with Law and Policy

Student organizations shall not engage in any activity which is contrary to law, division policy, or school rules; which disrupts or clearly threatens to disrupt the orderly operation of the school; or which would adversely affect the health, safety or welfare of any students or staff members. Failure to comply with these provisions ~~shall be~~ is grounds for disciplinary action.

Adopted:

Legal Refs.: 20 U.S.C. § 4071.

Code of Virginia, 1950, as amended, § 22.1-23.3.

Cross Refs.: KF Distribution of Information/Materials
 KG Community Use of School Facilities

STUDENT-ATHLETE SUDDEN CARDIAC ARREST

In order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian must review, on an annual basis, information provided by the school division on symptoms that may lead to sudden cardiac arrest. After reviewing the materials, each student-athlete and the student-athlete's parent or guardian must sign a statement acknowledging receipt of such information, in a manner approved by the Virginia Board of Education.

A student-athlete who is experiencing symptoms that may lead to sudden cardiac arrest must be immediately removed from play. A student-athlete who is removed from play shall not return to play until he is evaluated by and receives written clearance to return to physical activity by an appropriate licensed health care provider as determined by the Virginia Board of Education. The licensed health care provider evaluating student-athletes may be a volunteer.

The superintendent is responsible for developing, biennially reviewing, and updating procedures to implement this policy.¹

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-271.8.

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

¹ Va. Code 22.1-271.8 requires that this policy also be updated biennially.

© 2/22 VSBA SCHOOL DIVISION NAME

RESTRAINT AND SECLUSION OF STUDENTS

Physical restraint and seclusion may only be used by BLANK School Board staff¹ for the purpose of behavioral intervention in accordance with this policy and the Virginia Board of Education Regulations Governing the Use of Seclusion and Restraint in Public Elementary and Secondary Schools in Virginia.² The School Board encourages the use of positive behavioral interventions and supports to reduce and prevent the need for the use of physical restraint and seclusion.

The superintendent is responsible for developing procedures to address the requirements of the Board of Education Regulations. Those procedures shall include:

- examples of the positive behavioral interventions and support strategies consistent with the student's rights to be treated with dignity and to be free from abuse that the school division uses to address student behavior, including the appropriate use of effective alternatives to physical restraint and seclusion;
- a description of initial and advanced training for school personnel that addresses appropriate use of effective alternatives to physical restraint and seclusion and the proper use of restraint and seclusion;
- a statement of the circumstances in which physical restraint and seclusion may be employed, which shall be no less restrictive than that set forth in 8 VAC 20-750-40 and 8 VAC 20-750-50;
- provisions addressing the
 - notification of parents regarding incidents of physical restraint or seclusion, including the manner of such notification;
 - documentation of the use of physical restraint and seclusion;
 - continuous visual monitoring of the use of any physical restraint or seclusion to ensure the appropriateness of such use and the safety of the student being physically restrained or secluded, other students, school personnel, and others. These provisions shall include exceptions for emergency situations in which securing visual monitoring before implementing the physical restraint or seclusion would, in the reasonable judgment of the school personnel implementing the physical restraint or seclusion, result in serious physical harm or injury to persons;
 - securing of any room in which a student is placed in seclusion. These provisions shall ensure that any seclusion room or area meet specifications for size and viewing panels that ensure the

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

¹ School divisions that utilize school resource officers must address the use of seclusion and restraint in their memorandum of understanding with the local law enforcement agency that employs the school resource officers.

² School boards that do not permit the use of physical restraint and seclusion should not adopt this policy.

student's safety at all times, including during a fire or other emergency; and

- the appropriate use and duration of seclusion based on the age and development of the student³.

The School Board reviews this policy at least annually and updates it as appropriate. The superintendent reviews the procedures at least annually and updates them as appropriate.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-16, 22.1-78, 22.1-279.1, 22.1-279.1:1.

8 VAC 20-750-40.

8 VAC 20-750-50.

8 VAC 20-750-70.

Cross Refs.:	BF	Board Policy Manual
	CH	Policy Implementation
	EB	School Crisis, Emergency Management, and Medical Emergency Response Plan
	IGBA	Programs for Students with Disabilities
	JFC	Student Conduct
	JGA	Corporal Punishment
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury
	KNAJ	Relations with Law Enforcement Authorities

FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

³ A school board that does not authorize the use of seclusion should not adopt this ~~requirement.~~ requirement and should remove references to seclusion throughout the policy.

SALES AND SOLICITATIONS IN SCHOOLS

No one may sell or offer for sale, within the schools, on school grounds, or at school-sponsored activities, any product or service except when the sale will benefit the educational program of the schools.

Solicitations for contributions to charitable organizations, dues for employee organizations, contributions for the benefit of professional organizations, or for school organizations may only be made outside school hours.¹ Individual discussions between school division employees during school hours are not prohibited.

Adopted:

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

Cross Refs.: DJG Vendor Relations
GAB/IIBEA Acceptable Computer System Use
GAH School Employee Conflict of Interests
GCQAB Tutoring for Pay
~~JHCH School Meals and Snacks~~
JL Fund Raising and Solicitation
KG Community Use of School Facilities
KJ Advertising in the Schools
KK Visitors to the Schools

FOOTNOTES ARE FOR REFERENCE ONLY AND SHOULD BE REMOVED FROM FINAL POLICY

¹School boards that approve collective bargaining agreements that adopt rules different from those stated here should amend the policy accordingly.

SERVICE ANIMALS IN PUBLIC SCHOOLS

A. Service Animals

An individual with a disability is permitted to be accompanied by the individual's service animal on school property when required by law, subject to the conditions of this policy.

A "service animal" means a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. (See, however, Section D regarding miniature horses.) The work or tasks performed by a service animal must be directly related to the individual's disability.

School officials can ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person's disability and may not require documentary proof of certification or licensing as a service animal.

B. Requirements That Must be Satisfied Before a Service Animal Will be Allowed on School Property

~~Vaccination: The service animal must be immunized against diseases common to that type of animal.~~
vaccinated as required by law.

Health: The service animal must be in good health.

Control: A service animal must be under the control of its handler at all times. The service animal must have a harness, backpack or vest identifying the dog as a trained service dog, a leash (blaze orange in color) for hearing dogs, a harness for guide dogs, or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control.

C. Service Dogs in Training

Experienced trainers of service animals may be accompanied on school property by a dog that is in training to become a service animal. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied

by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

Use of Harnesses, Vests, etc. A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

A dog that is in training to become a hearing dog or a currently trained hearing dog that is undergoing continuing training must be on a blaze orange leash.

A dog that is in training to become a service dog or a currently trained service dog that is undergoing continuing training must be in a harness, backpack, or a vest identifying the dog as a trained service dog.

The training cannot disrupt or interfere with a school's educational process. It is expected that training would not normally take place in the classroom during instructional time.

All requirements of this policy which apply to service animals, such as annual written requests, and supervision, care and damages, also apply to dogs in training.

D. Miniature Horses

The school division will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school division considers the following factors:

1. The type, size, and weight of the miniature horse and whether the facility can accommodate these features;
2. Whether the handler has sufficient control of the miniature horse;
3. Whether the miniature horse is housebroken; and
4. Whether the miniature horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

All additional requirements outlined in this policy, which apply to service animals, also apply to miniature horses.

E. Extra Charges

The owner or handler of a service animal is not required to pay an admission fee or a charge for the animal to attend events for which a fee is charged.

F. Supervision and Care of Service Animals

The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up.

G. Damages to School Property and Injuries

The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal.

H. Removal of Service Animals From School Property

A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

1. The animal is out of control and the animal's handler does not take effective action to control it;
2. The animal is not housebroken;
3. The presence of the animal poses a direct threat to the health or safety of others; or
4. The presence of an animal would require a fundamental alteration to the service, program, or activity of the school division.

If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal.

I. Denial of Access and Grievance

If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school division's Section 504 Coordinator.

Adopted:

Legal Refs.: 28 C.F.R. 35.104, 35.136

Code of Virginia, 1950, as amended, ~~§ 51.5-44.~~ §§ 3.2-6521, 51.5-44.

Cross Refs.:	DJG	Vendor Relations
	GB	Equal Employment Opportunity/Nondiscrimination
	JB	Equal Educational Opportunities/Nondiscrimination
	JBA	Section 504 Nondiscrimination Policy and Grievance Procedures
	JFHA/GBA	Prohibition Against Harassment and Retaliation
	KK	School Visitors
	KGB	Public Conduct on School Property
	KN	Sex Offender and Crimes Against Minors Registry Information

REPORTS OF MISSING CHILDREN

The BLANK School Division ~~shall receive~~ receives reports of the disappearance of any child living within the school division from local law enforcement pursuant to Va. Code § 52-31.1.

Upon notification by a local law-enforcement agency of a child's disappearance, the principal of the school in which the child was enrolled at the time of the disappearance ~~shall indicate,~~ indicates, by mark, in the child's cumulative record that the child has been reported as missing. Upon notification by law enforcement that the child is located, the principal ~~shall remove~~ removes the mark from the record.

Upon receiving a request from any school or person for copies of the cumulative records and birth certificate of any child who has been reported by a local law-enforcement agency to be missing, the school being requested to transfer the records ~~shall immediately notify~~ immediately notifies the law-enforcement agency that provided the report to the school of the child's disappearance of the location of the school or person requesting the cumulative records and birth certificate of the child, without alerting the requestor of such report.

For the purposes of this policy, a "mark" means an electronic or other indicator that (i) is readily apparent on the student's record and (ii) ~~will immediately alert~~ immediately alerts any school personnel that the record is that of a missing child.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, ~~§§ 22.1-288.1; 52-31.1.~~ § 22.1-288.1.

Cross Refs.: KNAJ Relations with Law Enforcement Authorities