

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { X } ACTION { X } CLOSED MEETING { }

SUBJECT: SUPERINTENDENT’S REPORT - ACTION

VSBA Policies – 1st Reading

BACKGROUND: VSBA policies are reviewed and updated throughout the year.

BBFA **Conflict of Interests and Disclosure of Economic Interests**
(Option 1) Policy updated to reflect changes to State and Local Government Conflict of Interests Act by HB 1362. Cross References updated.

CBCA **OPTIONAL** **Disclosure Statement Required of Superintendent**
Policy updated to reflect amendment of Va. Code § 2.2-3115 by HB 1362.
Not Adopted by BCPS.

EEA **Student Transportation Services**
Policy and Legal Reference updated to reflect amendments to 20 U.S.C. § 6312 by the Every Student Succeeds Act (ESSA) and accompanying regulations.

EFB **Free and Reduced Price Food Services**
Policy updated to correspond to revisions to Policy JHCH School Meals and Snacks.

GA **Personnel Policies Goals**
Policy updated to reflect enactment of 20 U.S.C. § 7926 (part of the Every Student Succeeds Act). Legal References and Cross References updated.

GAH **NEW** **School Employee Conflict of Interests**
Policy addresses the application of the State and Local Government Conflict of Interests Act to school board employees.

GBM **Professional Staff Grievances**
Legal References updated to reflect revision of Virginia Board of Education regulations.

GCPF **Suspension of Staff Members**
Policy updated to reflect Legal Reference.

IJ **Guidance and Counseling Program**
Policy and Legal Reference updated.

JFCC **Student Conduct on School Buses**
Policy, Legal References and Cross References updated.

JHC **Student Health Services**
Title of Policy updated. Second and third paragraphs of policy deleted to avoid duplication of information in Policy GCPD Professional Staff Discipline. Cross References updated.

Continued

BATH COUNTY SCHOOL BOARD

AGENDA ITEM: INFORMATION { X } ACTION { X } CLOSED MEETING { }

SUBJECT: SUPERINTENDENT’S REPORT - ACTION

VSBA Policies – 1st Reading (continued)

JHCF Student Wellness
Policy updated to reflect adoption of federal regulations implementing the Healthy, Hunger Free Kids Act of 2010.

JHCH School Meals and Snacks
Policy updated to reflect guidance from the U.S. Department of Agriculture for implementation of the Healthy, Hunger-Free Kids Act of 2010.

JO Student Records
Section regarding Military Recruiters and Institutions of Higher Learning updated to reflect amendment of 20 U.S.C. § 7908 by the Every Student Succeeds Act (ESSA). Section regarding High School Credit Bearing Courses Taken in Middle School, and corresponding Legal Reference, removed to avoid duplication of new policy JOA Student Transcripts. Section regarding Disclosure of Education Records updated to reflect Legal References.

JOA NEW Student Transcripts
Policy reflects adoption of 8 VAC 20-160-30.

KG Community Use of School Facilities
Legal References updated to include action taken by the 2016 General Assembly enacting HB 942.

LC-E [School Division] Charter School Application Addendum
Revised to reflect changes made to the Virginia Board of Education Charter School Application required by SB 734.

LEB Advanced/Alternative Courses for Credit
Policy updated to reflect amendment of Va. Code § 22.1-253.13:1 by HB 1676.

RECOMMENDATION: Policy updates are provided for first reading. Two are new and one is optional. Second reading, including required regulations, for policy approval will be scheduled for the April 4, 2017 board meeting.

CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS

A. Purpose

The BLANK School Board seeks, through the adoption of this policy, to assure that the judgment of its members, officers and employees will be guided by a policy that defines and prohibits inappropriate conflicts and requires disclosure of economic interests as defined by the General Assembly in the State and Local Government Conflict of Interests Act (the Act).

B. Areas of Regulation

The Act establishes five principal areas of regulation applicable to Board members, officers and employees of the BLANK School Division. They are:

- special anti-nepotism rules relating to School Board members and superintendents of schools
- general rules governing public conduct by School Board members regarding acceptance of gifts and favors
- prohibited conduct regarding contracts
- required conduct regarding transactions
- disclosures required from School Board members

C. Definitions

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidiary relationship, that exists when

- one business entity has a controlling ownership interest in the other business entity;
- a controlling owner in one entity is also a controlling owner in the other entity;
or
- there is shared management or control between the business entities.

Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means any individual or entity carrying on a business or profession, whether or not for profit.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency which involves the payment of money appropriated by the General Assembly or political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision of it.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in Va. Code § 30-355.

"Employee" means all persons employed by a governmental or advisory agency.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of Va. Code § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan forbearance or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission or pass is used; honorary degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution or program's financial aid standards and procedures applicable to the general public; a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945 et seq.; any gift related to the private profession or occupation of the School Board member or employee or of a member of the School Board member's or employee's immediate family; food or beverages consumed while attending an event at which the School Board member or employee is performing official duties related to his public service; food and beverages received at or registration or attendance fees waived for any event at which the School Board member or employee is a featured speaker, presenter or lecturer; unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento or similar item that is given in recognition of public, civic, charitable or professional service; a devise or inheritance; travel disclosed pursuant to the Campaign Finance Disclosure Act (Va. Code § 24.2-945 et seq.); travel paid for or provided by the government of the United States, any of its territories or any state or any political subdivision of such state; travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other

entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; gifts with a value of less than \$20; or gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew or first cousin; a person to whom the donee is engaged to be married; the donee's or donee's spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother or step-sister or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the School Board member or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the School Board. For purposes of this definition, "person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this policy.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the School Board member or employee and who is a dependent of the School Board member or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to a School Board member or employee or to a member of the immediate family of the School Board member or employee. Such interest shall exist by reason of

- ownership in a business if the ownership interest exceeds three percent of the total equity of the business;

- annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business;
- salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed \$5,000 annually;
- ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income or salary, other compensation, fringe benefits or benefits from the use of property;
- personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or
- an option for ownership of a business or real or personal property if the ownership interest will consist of the first or fourth bullets above.

"Personal interest in a contract" means a personal interest which an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business which is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or governmental agency, or represents or provides services to any individual or business and such property, business, or represented or served individual or business is

- the subject of the transaction or
- may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction.

Notwithstanding the foregoing, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee or elected member of a local governing body is appointed by the local governing body to serve on a governmental agency or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is a result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

D. Special Anti-Nepotism Rules Relating to School Board Members and Superintendents

1. The School Board may not employ or pay, and the superintendent may not recommend for employment, the father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent or of a School Board member. This provision shall not be construed to prohibit the employment, promotion or transfer within the school division, of any person within a relationship described above when such person
 - has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of any member of the Board or superintendent; or
 - has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of such relationship; or
 - was employed by the School Board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the School Board or superintendent.

A person employed as a substitute teacher may not be employed to any greater extent than he was employed by the School Board in the last full school year prior to the taking of office of such Board member or superintendent or to the inception of such relationship.

2. No family member (as listed in section D.1., above) of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

E. General Rules Governing Public Conduct by School Board Members and Employees Regarding Gifts and Favors

1. Prohibited Conduct

~~Neither the School Board collectively, nor any~~ No member or employee of the Board, shall

- solicit or accept money, or anything else of value, for services performed within the scope of his or her official duties other than his or her regular compensation, expenses or other remuneration;
- offer or accept money, or anything else of value, for or in consideration of obtaining employment, appointment, or promotion of any person in the school division;
- offer or accept any money or anything else of value for or in consideration of the use of his public position to obtain a contract for any person or business with the school division.
- use for his or her own economic benefit, or anyone else's, confidential information gained by reason of his or her office, and which is not available to the public;
- ~~accept any money, loan, gift, favor or service~~ favor, service or business or professional opportunity that might reasonably tend reasonably tends to influence the discharge of duties him or her in the performance of his or her official duties;
- ~~accept any business or professional opportunity from which a School Board member may gain a financial benefit, where the member when he or she knows or should know that there is a reasonable likelihood that the opportunity is being offered with intent afforded him or her to influence his or her conduct in the performance of official duties.~~ duties;
- accept a gift from a person who has interests that may be substantially affected by the performance of the School Board member's or employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the Board member's or employee's impartiality in the matter affecting the donor;
- accept gifts from sources on a basis so frequent as to raise an appearance of the use of his or her public office or employment for private gain; or
- use his or her public position to retaliate or threaten to retaliate against any person for expressing views on matters of public concern or for exercising any right that is otherwise protected by law, provided, however, that this prohibition shall not restrict the authority of any public employer to govern conduct of its employees, and to take disciplinary action, in accordance with applicable law.

2. Prohibited Gifts

For purposes of this subsection:

"Person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable or professional organization, (iii) who are from a particular industry or profession or (iv) who represent persons interested in a particular issue.

School Board members and employees required to file a Statement of Economic Interests as prescribed in Va. Code § 2.2-3117 and members of their immediate families shall not solicit, accept or receive any single gift with a value in excess of \$100 or any combination of gifts with an aggregate value in excess of \$100 within any calendar year for the School Board member or employee or a member of the School Board or employee's immediate family from any person that the School Board member or employee or a member of the School Board's or employee's immediate family knows or has reason to know is (i) a lobbyist registered pursuant to Va, Code § 2.2-418 et seq.; (ii) a lobbyist's principal as defined in Va, Code § 2.2-419; or (iii) a person, organization or business who is or is seeking to become a party to a contract with the School Board. Gifts with a value of less than \$20 are not subject to aggregation for purposes of this prohibition.

Notwithstanding the above, School Board members and employees required to file a Statement of Economic Interests and members of their immediate families may accept or receive

1. a gift of food and beverages, entertainment or the cost of admission with a value in excess of \$100 when such gift is accepted or received while in attendance at a widely attended event and is associated with the event. Such gifts shall be reported on the Statement of Economic Interests;
2. a gift from a foreign dignitary with a value exceeding \$100 for which the fair market value or a gift of greater or equal value has not been provided or exchanged. Such gift shall be accepted on behalf of the Commonwealth or a locality and archived in accordance with guidelines established by the Library of Virginia. Such gift shall be disclosed as having been accepted on behalf of the Commonwealth or a locality, but the value of such gift shall not be required to be disclosed;
3. certain gifts with a value in excess of \$100 from a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board if such gift was provided to such School

- Board member or employee or a member of the immediate family of the School Board member or employee on the basis of a personal friendship. A lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board may be a personal friend of such School Board member or employee or the immediate family of the School Board member or employee. In determining whether a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board is a personal friend, the following factors shall be considered: (i) the circumstances under which the gift was offered; (ii) the history of the relationship between the person and the donor, including the nature and length of the friendship and any previous exchange of gifts between them; (iii) to the extent known to the person, whether the donor personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iv) whether the donor has given the same or similar gifts to other persons required to file the disclosure form prescribed in Va. Code §§ 2.2-3117 or 30-111; and
4. gifts of travel, including travel-related transportation, lodging, hospitality, food or beverages, or other thing of value, with a value in excess of \$100 that is paid for or provided by a lobbyist, lobbyist's principal or a person, organization or business who is or is seeking to become a party to a contract with the School Board when the School Board member or employee has submitted a request for approval of such travel to the Council and has received the approval of the Council pursuant to Va. Code § 30-356.1. Such gifts shall be reported on the Statement of Economic Interests.

The \$100 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

No person shall be in violation of this policy if (i) the gift is not used by such person and the gift or its equivalent in money is returned to the donor or delivered to a charitable organization within a reasonable period of time upon the discovery of the value of the gift and is not claimed as a charitable contribution for federal income tax purposes or (ii) consideration is given by the donee to the donor for the value of the gift within a reasonable period of time upon the discovery of the value of the gift provided that such consideration reduces the value of the gift to \$100 or less.

3. Awards to Employees for Exceptional Service

Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or other employee of BLANK School Board of an award or payment in honor of

meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

F. Prohibited Conduct Regarding Contracts

1. No School Board member or employee shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board.
2. Exceptions - The above prohibition ~~shall not be~~ is not applicable to:
 - a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board
 - an employee's own contract of employment
 - contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public
 - a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board; however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract
 - the sale, lease or exchange of real property between ~~an officer a School Board member or employee and a governmental agency~~ the School Board, provided the ~~officer~~ Board member or employee does not participate in any way as ~~such officer~~ a Board member or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the ~~governing body of the governmental agency or by the administrative head thereof~~ School Board or superintendent
 - the publication of official notices
 - contracts between the School Board and an officer or employee of the School Board when the total of such contracts between the School Board and the officer or employee of the School Board or a business controlled by the officer or employee does not exceed \$10,000 per year or such amount exceeds

\$10,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Va. Code § 2.2-3115¹

- an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract
- contracts between an officer's or employee's governmental agency and a public service corporation, financial institution or company furnishing public utilities in which the officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating or approving the contract
- contracts for the purchase of goods or services when the contract does not exceed \$500
- grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency
- an officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee
- employment contracts and other contracts entered into prior to August 1, 1987, provided such contracts were in compliance with the Virginia Conflict of Interests Act (or the Comprehensive Conflict of Interests Act) at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. The employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of the persons is employed in a direct supervisory and/or administrative position with respect to the spouse or

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

¹ This provision applies only to school boards in towns and cities with a population of less than 10,000. School boards in divisions in counties and in towns and cities with a population of 10,000 or more should delete this provision.

other relative residing in his household and the annual salary of the subordinate is \$35,000 or more

G. Prohibited Conduct Regarding Transactions

1. Each School Board member and School Board employee who has a personal interest in a transaction

a. shall disqualify himself from participating in the transaction if

(i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidary or affiliated business entity relationship with the business in which he has a personal interest; or

(ii) he is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d. of this policy.

Any disqualification under this subsection shall be recorded in the School Board's public records. The School Board member or employee shall disclose his personal interests as required by Va. Code § 2.2-3115.E and shall not vote or in any manner act on behalf of the School Board in the transaction.

The member or employee shall not

(i) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is discussed; or

(ii) discuss the matter in which he has a personal interest with other governmental officers or employees at any time.

b. may participate in the transaction if he is a member of a business, profession, occupation or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration requirements of Va. Code § 2.2-3115.G;

c. may participate in the transaction when a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115.H; or

d. may participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.

2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided he complies with the disqualification and relevant disclosure requirements of this policy.

3. If disqualifications under subsection 1.a. of this section leave less than the number required by law to act, the remaining member or members of the Board shall constitute a quorum for the conduct of business and have authority to act for the Board by majority vote, unless a unanimous vote of all members is required by law, in which case authority to act shall require a unanimous vote of remaining members.
4. The provisions of this section shall not prevent a Board member or employee from participating in a transaction merely because such a Board member or employee is a defendant in a civil legal proceeding concerning such transaction.

H. Disclosure Requirements for School Board Members

1. School Board members² file, as a condition of assuming office, a disclosure statement of their personal interests and other information as is specified ~~on the Statement of Economic Interests form set forth in~~ required on the form prescribed by the Council pursuant to Va. Code § 2.2-3117 and thereafter file such statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April annually on or before January 15. The disclosure forms are filed and maintained as public records for five years in the office of the clerk of the School Board.
2. School Board members and employees required to file the Statement of Economic Interests who fail to file such form within the time period prescribed shall be assessed a civil penalty of \$250. The clerk of the School Board shall notify the attorney for the Commonwealth for the locality of any School Board member's or employee's failure to file the required form and the attorney for the Commonwealth shall assess and collect the civil penalty. The clerk shall notify the attorney for the Commonwealth within 30 days of the deadline for filing.
3. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real

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

² This provision applies to school board members in counties, cities and towns with populations in excess of 3,500. Other divisions should not include this provision in their policy.

estate and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.

4. Any Board member or employee who is required to disclose his interest under Section G.1.b. of this policy shall declare his interest by stating:
- the transaction involved;
 - the nature of the Board member's or employee's personal interest affected by the transaction;
 - that he is a member of a business, profession, occupation or group the members of which are affected by the transaction; and
 - that he is able to participate in the transaction fairly, objectively, and in the public interest.

The Board member or employee shall either make his declaration orally to be recorded in written minutes of the Board or file a signed written declaration with the clerk of the Board, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the board member or employee shall prepare and file the required declaration by the end of the next business day. The Board member or employee shall also orally disclose the existence of the interest during each School Board meeting at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

5. A Board member or employee who is required to declare his interest pursuant to subdivision G.1.c. of this policy shall declare his interest by stating
- (i) the transaction involved;
 - (ii) that a party to the transaction is a client of his firm;
 - (iii) that he does not personally represent or provide services to the client;
and
 - (iv) that he is able to participate in the transaction fairly, objectively and in the public interest.

The Board member or employee shall either make his declaration orally to be recorded in written minutes of the Board or file a signed written declaration with the clerk of the Board who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the Board member or employee shall prepare and file the required declaration by the end of the next business day.

I. Advisory Opinions

School Board members or employees subject to the Act may seek written opinions regarding the Act from the local Commonwealth's attorney; the local **[SELECT ONE: county, city or town]** attorney; or the Council. Good faith reliance on any such written opinion of the Commonwealth Attorney or the Council bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. An opinion of the **[SELECT ONE: county, city or town]** attorney may be introduced at trial as evidence that the School Board member or employee did not knowingly violate the Act.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.1, 2.2-3108, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3115, 2.2-3119, 2.2-3121 and 2.2-3124.

| | | |
|-------------|------------|---|
| Cross Ref.: | CBCA | Disclosure Statement Required of Superintendent |
| | <u>GAH</u> | <u>School Employee Conflict of Interests</u> |
| | GCCB | Employment of Family Members |

DISCLOSURE STATEMENT REQUIRED OF SUPERINTENDENT

The division superintendent shall, as a condition to assuming employment, file a disclosure statement of his or her personal interests and other information as is ~~specified on the form set forth in~~ required on the form prescribed by the Virginia Conflict of Interest and Ethics Advisory Council pursuant to Code of Virginia § 2.2-3117. Completed forms shall be 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 this statement annually on or before January 15.

Adopted:

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

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. The procedures describe how these requirements will be met in the event of a dispute over which agency or agencies will pay any additional costs incurred in providing transportation and which agency or agencies will initially pay the additional costs so that transportation is provided promptly during the pendency of the dispute.

Students may be suspended from using school transportation services for violations of the Student Code of 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.

34 C.F.R. 299.13.

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 |
| | 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 |

JFCC
JFC-R
LC-E

Student Conduct on School Buses
Standards of Student Conduct
Charter School Application Addendum

FREE AND REDUCED PRICE FOOD SERVICES

The BLANK school division provides free and reduced-price breakfasts, lunches and milk to students according to the terms of the National School Lunch Program, the National School Breakfast Program and the Special Milk Program.¹

School officials determine student eligibility based on guidelines established by federal law. Eligible students are provided nutritionally acceptable meals and milk free or at a reduced cost if state and federal resources for school food programs are available. The superintendent or designee establishes rules and procedures as needed to implement this policy.

The criteria for determining a student's eligibility and the procedures for securing free and reduced-price meals and milk is publicly announced at the beginning of each school year and provided to parents of all children in attendance at BLANK public schools.

The division's policy with regard to situations in which a student who is eligible for a reduced-price meal does not have money on account or in hand to cover the portion of the cost of the meal at the time of service is stated in Policy JHCH School Meals and Snacks. Policy JHCH School Meals and Snacks is delivered to all households at the start of the school year and to households that transfer into the school division during the school year.

The students who participate in the free or reduced-cost meals and milk programs are not overtly identified, distinguished or served differently than other students.

Adopted:

Legal Refs.: 42 U.S.C. §§ 1758, 1772 and 1773.

7 C.F.R. §§ 210.9, 220.20, 245.5, 245.8.

Code of Virginia, 1950, as amended, § 22.1-207.3.

8 VAC 20-290-10.

| | | |
|-------------|------|-------------------------|
| Cross Refs: | JHCF | Student Wellness |
| | JHCH | School Meals and Snacks |

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

¹ If the division does not participate in all three programs, the policy should be adapted accordingly.

PERSONNEL POLICIES GOALS

The goal of the employment policies and practices of the BLANK School Board is to promote the employment and retention of highly qualified personnel to effectively serve the educational needs of students.

No employee, contractor or agent of the BLANK School Board may assist a school board employee, contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the employee, contractor or agent knows, or has probable cause to believe, that such school employee, contractor or agent engaged in sexual misconduct regarding a minor or student in violation of law. This prohibition does not apply if the information giving rise to probable cause

1. A. has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and
B. has been properly reported to any other authorities as required by federal or state law, including title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 et seq.) and the regulations implementing it and
2. A. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor or agent engaged in sexual misconduct regarding a minor in violation of law;
B. the school employee, contractor or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
C. the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor or agent within 4 years of the date on which the information was reported to a law enforcement agency.

Adopted:

Legal Ref.: 20 U.S.C. § 7926.

Code of Virginia, 1950, as amended, § 22.1-295.

| | | |
|--------------|----------------|--|
| Cross Refs.: | AC | Nondiscrimination |
| | <u>GAE/JHG</u> | <u>Child Abuse and Neglect Reporting</u> |
| | GB | Equal Employment Opportunity/Nondiscrimination |
| | GBL | Personnel Records |
| | GBN | Staff Hiring Procedure |

SCHOOL EMPLOYEE CONFLICT OF INTERESTS

A. Purpose

The State and Local Government Conflict of Interests Act (the Act), applies to public school employees and officials. The Act creates uniform standards of conduct for all public employees and officials. The Act also defines and prohibits inappropriate conflicts of interest and requires disclosure of economic interests in some circumstances. The purpose of this policy is to provide an introduction to the Act for employees. Additional information regarding the Act may be obtained from Policy BBFA Conflict of Interests and Disclosure of Economic Interests and from the Virginia Conflict of Interest and Ethics Advisory Council (the Ethics Council) which assists with compliance with the Act.

B. Compliance

School board employees are required to read and be familiar with the Act. The superintendent provides employees with information regarding how to access the Act and how to contact the Ethics Council.¹

The Act's provisions are complex and their application is fact-specific. A violation of the Act could result in civil or criminal penalties. Therefore, if an employee has any question whether an interest the employee has in a contract or transaction involving the school division is prohibited under the Act, the employee should contact the superintendent's office or the Ethics Council for assistance.

C. Areas of Regulation

The Act prohibits school employees from having a "personal interest," as that term is defined by the Act, in certain contracts and transactions that involve the division and from engaging in other specified conduct related to the schools. The prohibited personal interest also may be that of the school employee's immediate family (a spouse or any other person who resides in the same household as the employee and who is a dependent of the employee).

Under the Act, an employee may be considered to have a prohibited conflict arising from:

- a personal interest in a contract;
- a personal interest in a transaction;
- business opportunities tied to official acts;

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

¹ The superintendent may want to provide information, such as links to the Act and to the Ethics Council's website or other ways to access the Act and related information, to accompany this policy.

- misuse of confidential information; or
- receipt or solicitation of certain gifts.

Examples of prohibited conduct include:

- soliciting or accepting money or other thing of value for services performed within the scope of the employee's official duties, except for the employee's compensation, expenses or other remuneration paid by the division;
- using for the employee's own economic benefit or that of another party, confidential information that the employee has acquired by reason of the employee's public position and which is not available to the public;
- accepting any money, loan, gift, favor, service or business or professional opportunity that reasonably tends to influence the employee in the performance of the employee's official duties;
- accepting any business or professional opportunity when the employee knows that there is a reasonable likelihood that the opportunity is being afforded to influence the employee in the performance of the employee's official duties;
- entering into contracts with the school division under certain circumstances;
- accepting a gift from a person who has interests that may be substantially affected by the performance of the employee's official duties under circumstances where the timing and nature of the gift would cause a reasonable person to question the employee's impartiality in the matter affecting the donor; and
- accepting gifts from sources on a basis so frequent as to raise an appearance of the use of the employee's position for private gain.

D. Advisory Opinions

Employees may seek written opinions regarding application of the Act from the local Commonwealth's Attorney, the local **SELECT ONE** [county, city or town] attorney or the Ethics Council. Good faith reliance on a written opinion of the Commonwealth's Attorney or the Ethics Council bars prosecution for a knowing violation of the Act provided the opinion was made after a full disclosure of the facts. An opinion of the local **SELECT ONE** [county, city or town] attorney may be introduced at trial as evidence that the employee did not knowingly violate the Act.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 2.2-3101, 2.2-3102, 2.2-3103, 2.2-3103.2, 2.2-3104.4, 2.2-3109, 2.2-3110, 2.2-3112, 2.2-3119, 2.2-3120 and 2.2-3124.

| | | |
|--------------------|-------------|--|
| <u>Cross Ref.:</u> | <u>BBFA</u> | <u>Conflict of Interests and Disclosure Requirements</u> |
| | <u>CBCA</u> | <u>Disclosure Statement Required of Superintendent</u> |
| | <u>DJG</u> | <u>Vendor Relations</u> |
| | <u>GCCB</u> | <u>Employment of Family Members</u> |
| | <u>GCQA</u> | <u>Nonschool Employment by Staff Members</u> |
| | <u>KGA</u> | <u>Sales and Solicitations in Schools</u> |
| | <u>KJ</u> | <u>Advertising in the Schools</u> |

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, and 22.1-306 et seq.

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

SUSPENSION OF STAFF MEMBERS

Employees of BLANK School Board, whether full-time or part-time, permanent or temporary, may be suspended for good and just cause

- when the safety or welfare of the school division or the students therein is threatened or
 - when the employee has been charged by summons, warrant, indictment or information with the commission of
 - a felony; or
 - a misdemeanor involving
 - sexual assault as established in Article 7 (§18.2-61 et seq.) of Chapter 4 of Title 18.2, of the Code of Virginia,
 - obscenity and related offenses as established in Article 5 (§18.2-372 et seq.) of Chapter 8 of Title 18.2, of the Code of Virginia,
 - drugs as established in Article 1 (§18.2-247 et seq.) of Chapter 7 of Title 18.2, of the Code of Virginia,
 - moral turpitude, or
 - the physical or sexual abuse or neglect of a child; ~~or an equivalent offense in another state.~~
- or an equivalent offense in another state.

Except when an employee is suspended because of being charged by summons, warrant, indictment or information with the commission of any of the above-listed offenses, the superintendent or appropriate central office designee shall not suspend an employee for longer than sixty (60) days and shall not suspend an employee for a period in excess of five (5) days unless such employee is advised in writing of the reason for the suspension and afforded an opportunity for a hearing before the school board in accordance with Va. Code §§ 22.1-311 and 22.1-313, if applicable. Any employee so suspended shall continue to receive his then applicable salary unless and until the school board, after a hearing, determines otherwise. No employee shall be suspended solely on the basis of the employee's refusal to submit to a polygraph examination requested by the School Board.

Any employee suspended because of being charged by summons, warrant, information or indictment with any of the above-listed criminal offenses may be suspended with or without pay. In the event an employee is suspended without pay, an amount equal to the employee's salary while on suspended status shall be placed in an interest-bearing demand escrow account. Upon being found not guilty of one of the above-listed criminal offenses or upon the dismissal or nolle prosequi of the charge, such employee shall be reinstated with all unpaid salary and accrued interest from the escrow account, less any earnings received by the employee during the period of suspension, but in no event shall such payment exceed one year's salary.

In the event an employee is found guilty by an appropriate court of any of the above-listed criminal offenses and, after all available appeals have been exhausted and such conviction is upheld, all funds in the escrow account shall be repaid to the School Board.

If an employee is suspended because of information appearing on his/her criminal history record, the School Board shall provide a copy of the information obtained from the Central Criminal Records Exchange to the employee.

No employee will have his insurance benefits suspended or terminated because of suspension in accordance with this policy.

The placing of a school employee on probation pursuant to the terms and conditions of Va. Code § 18.2-251 shall be deemed a finding of guilt.

Adopted:

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-296.2, 22.1-315.

Cross Refs.

| | |
|------|--|
| GBMA | Support Staff Grievances |
| GCDA | Effect of Criminal Conviction or Founded Complaint of Child Abuse or Neglect |
| GCPD | Professional Staff Discipline |
| GDG | Support Staff Probationary Period |

GUIDANCE AND COUNSELING PROGRAM

School Guidance and Counseling Services

Each school provides the following guidance and counseling services to all students:

- Academic guidance 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.
- Career guidance which helps students to acquire information and plan action about work, jobs, apprenticeships and post-secondary educational and career opportunities.
- 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.

No student is required to participate in any counseling program to which the student's parents object.

The guidance and counseling program does not include the use of counseling techniques which are beyond the scope of the professional certification or training of counselors, including hypnosis, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.

Parents are notified annually about the counseling programs which 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.

Employment Counseling and Placement Services

The School Board provides to secondary students employment counseling and placement services to furnish information relating to the employment opportunities available to students graduating from or leaving the schools in the school division. Such information includes all types of employment opportunities, including, but not limited to, apprenticeships, the military, career education schools and the teaching profession. In providing such services, the School Board consults and cooperates with the Virginia Employment Commission, the Department of Labor and Industry, local business and labor organizations and career schools.

If the School Board provides access to one or more of its high schools and contact with such high school's student body or other contact with its high school students during a school or school division-sponsored activity to persons or groups for occupational, professional or educational recruitment, it provides equal access on the same basis to official recruiting representatives of the military forces of the Commonwealth and the United States.

Academic and Career Plans

Schools develop a personal Academic and Career Plan for each seventh-grade student with completion by the fall of the student's eighth-grade year. Plans are developed for students who transfer from other than a Virginia public school into the eighth grade as soon as practicable following enrollment. Students who transfer into a Virginia public school after their eighth-grade year have an Academic and Career Plan developed upon enrollment.

The components of the Plan include, but are not limited to, the student's program of study for high school graduation and a postsecondary career pathway based on the student's academic and career interests.

The Academic and Career Plan is developed in accordance with guidelines established by the Board of Education and signed by the student, student's parent or guardian and school official(s) designated by the principal. The Plan is included in the student's record and is reviewed and updated, if necessary, before the student enters the ninth and eleventh grades. The school meets its obligation for parental involvement if it makes a good faith effort to notify the parent or guardian of the responsibility for the development and approval of the Plan.

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-130.1, 22.1-209.

8 VAC 20-131-140.

8 VAC 20-620-10.

Cross Ref.: IGAD Career and Technical Education
 JO Student Records

STUDENT CONDUCT ON SCHOOL BUSES

Students are required to conduct themselves on school buses in a manner consistent with established standards for classroom behavior.

The school principal may suspend or revoke the riding privileges of students and/or take other disciplinary actions for students who are disciplinary problems on the bus. Parents (or guardians) of children whose behavior and misconduct on school buses violates the Student Code of Conduct or otherwise endangers the health, safety and welfare of other riders shall be notified that their child/children face the loss of school bus riding privileges and/or other disciplinary actions.

If a student's riding privileges are suspended or revoked, the student's parents are responsible for seeing that the student gets to and from school safely.

The bus driver is responsible for maintaining the orderly behavior of students on school buses and shall report misconduct to the student's principal and provide a copy of the report to the transportation office.

Adopted:

Legal Ref.: Code of Virginia, 1950 as amended, §§ 22.1-78, 22.1-176, ~~22.1-181, 22.1-293(B), (D)~~, 22.1-293.

| | | |
|--------------|----------------|--|
| Cross Refs.: | <u>CLA</u> | <u>Reporting Acts of Violence and Substance Abuse</u> |
| | <u>EEA</u> | <u>Student Transportation Services</u> |
| | <u>JFC</u> | <u>Student Conduct</u> |
| | <u>JFC-R</u> | <u>Standards of Student Conduct</u> |
| | <u>JFCD</u> | <u>Weapons in School</u> |
| | <u>JGD/JGE</u> | <u>Student Suspension/Expulsion</u> |
| | <u>JGDA</u> | <u>Disciplining Students with Disabilities</u> |
| | <u>KGC</u> | <u>Use of Tobacco and Electronic Cigarettes on School Premises</u> |

STUDENT HEALTH SERVICES AND REQUIREMENTS

The BLANK School Board may employ school nurses, physicians, physical therapists, occupational therapists and speech therapists who meet such standards as may be determined by the Board of Education. Subject to the approval of the local appropriating body, a local health department may provide personnel for health services for the school division.

~~With the exception of school administrative personnel and employees who have the specific duty to deliver health related services, no licensed instructional employee, instructional aide, or clerical employee shall be disciplined, placed on probation, or dismissed on the basis of such employee's refusal to (i) perform nonemergency health-related services for students or (ii) obtain training in the administration of insulin and glucagon. However, instructional aides and clerical employees may not refuse to dispense oral medications.~~

~~For the purposes of this policy, "health related services" means those activities which, when performed in a health care facility, must be delivered by or under the supervision of a licensed or certified professional.~~

Adopted:

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

| | | |
|--------------|-------|--|
| Cross Refs.: | EBBA | First Aid/CPR Certified Personnel <u>Emergency First Aid, CPR and AED Certified Personnel</u> |
| | GCPD | Professional Staff Discipline |
| | GCPF | Suspension of Staff Members |
| | JHCA | Physical Examinations of Students |
| | JHCB | Student Immunizations |
| | JHCC | Communicable Diseases |
| | JHCCA | Blood Borne Contagious or Infectious Diseases |
| | JHCD | Administering Medicines to Students |

STUDENT WELLNESS

Policy Statement

The BLANK School Board recognizes the link between student health and learning and desires to provide a comprehensive program promoting healthy eating and physical activity in division students.

Goals

The Based on review and consideration of evidence-based strategies and techniques, the BLANK School Board has established the following goals to promote student wellness.

Nutrition Promotion and Education

[The following list contains *EXAMPLES* of goals your division may want to consider for inclusion in its policy. Each division must determine its own goals after reviewing and considering evidence-based strategies and techniques and include them in its policy.]

Students receive nutrition education that teaches the skills they need to adopt and maintain healthy eating behaviors.

Nutrition education is offered in the school cafeteria as well as in the classroom, with coordination between the foodservice staff and other school personnel, including teachers.

Students receive consistent nutrition messages from all aspects of the school program.

Division health education curriculum standards and guidelines address both nutrition and physical education.

Nutrition is integrated into the health education or core curricula (e.g., math, science, language arts).

Schools link nutrition education activities with the coordinated school health program.

Staff who provide nutrition education have appropriate training.

The level of student participation in the school breakfast and school lunch programs is appropriate.

Schools are enrolled as Team Nutrition Schools¹, and they conduct nutrition education activities and promotions that involve parents, students and the community.

Physical activity

The BLANK school division has a goal of making a program of physical fitness 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 physical activities. The division's goal for the implementation of its physical fitness program is **[INCLUDE DIVISION'S INDIVIDUAL GOAL HERE]**.

[The following list contains *EXAMPLES* of goals your division may want to consider for inclusion in its policy. Each division must determine its own goals after reviewing and considering evidence-based strategies and techniques and include them in its policy.]

Students are given opportunities for physical activity during the school day through physical education (PE) classes, daily recess periods for elementary school students and the integration of physical activity into the academic curriculum where appropriate.

Students are given opportunities for physical activity through a range of before- and/or after-school programs including, but not limited to, intramurals, interscholastic athletics and physical activity clubs.

Schools work with the community to create ways for students to walk, bike, rollerblade or skateboard safely to and from school.

Schools encourage parents and guardians to support their children's participation in physical activity, to be physically active role models and to include physical activity in family events.

Schools provide training to enable staff to promote enjoyable, lifelong physical activity among students.

Other school-based activities

[The following list contains *EXAMPLES* of goals your division may want to consider for inclusion in its policy. Each division must determine its own goals

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

¹ Information on Team Nutrition can be found at <http://www.fns.usda.gov/tn/Default.htm>.

after reviewing and considering evidence-based strategies and techniques and include them in its policy.]

An adequate amount of time is allowed for students to eat meals in adequate lunchroom facilities.

All children who participate in subsidized food programs are able to obtain food in a non-stigmatizing manner.

The availability of subsidized food programs is adequately publicized in ways designed to reach families eligible to participate in the programs.

Environmentally-friendly practices such as the use of locally grown and seasonal foods, school gardens and nondisposable tableware have been considered and implemented where appropriate.

Physical activities and/or nutrition services or programs designed to benefit staff health have been considered and, to the extent practical, implemented.

Nutrition Guidelines

Generally

~~Nutrition guidelines have been selected by the division for all foods available on every school campus during the school day. The objectives of the guidelines are to promote student health and learning and reduce childhood obesity.~~

~~[The following list contains **EXAMPLES** of goals your division may want to consider for inclusion in its policy. Each division must determine its own goals and include them in its policy. Your division may also want to~~

- ~~• include guidelines for beverages sold within the school environment;~~
- ~~• establish separate guidelines for refreshments served at parties, celebrations and meetings during the school day; and~~
- ~~• specify that its guidelines will be based on nutrition goals, not profit motives.~~

~~Nutritional standards for the school breakfast and school lunch programs that meet or exceed state and federal standards are in place.~~

~~The nutritional content of foods and beverages donated for class parties or other school events is considered.~~

~~School-based marketing of foods and beverages, such as through advertisements in school publications, school buildings, athletic fields, and/or other areas accessible to students, and activities such as incentive programs, has been considered.~~

~~Outreach strategies to encourage families to reinforce and support healthy eating and physical activity are in place.~~

Nutrition Standards and Guidelines

The superintendent is responsible for creating

- regulations to develop and implement standards for all foods and beverages provided, but not sold, to students on the school campus during the school day; and
- standards and nutrition guidelines for all foods and beverages sold to students on the school campus during the school day that promote student health and reduce childhood obesity and are consistent with the applicable standards and requirements in 7 C.F.R. §§ 210.10, 210.11 and 220.8.

Marketing on the school campus during the school day is permitted only for those foods and beverages that meet the nutrition standards under 7 C.F.R. § 210.11.

Implementation

The School Board encourages parents, students, representatives of the school food authority, teachers of physical education, school health professionals, school administrators and the general public to participate in the development, implementation and periodic review and update of this policy.²

The [INSERT STAFF POSITION TITLE]³ ~~will be~~ is responsible for overseeing the implementation of this policy and ~~will develop~~ developing procedures for evaluating the policy, including indicators that will be used to measure its success.

~~The public, including parents, students, and others in the community, will be informed and updated about the content of implementation of the policy. Implementation procedures will include periodically measuring and making available to the public, at least once every three years, an assessment on of the implementation of the policy, including the extent to which schools are in compliance with the policy, the extent to which this policy compares to model school wellness policies and a description of the progress made in attaining the goals of the policy. The results of the triennial assessment are considered in updating the policy.~~

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

² The superintendent's regulation should provide more details regarding the opportunities for participation.

³ The School Board may designate more than one staff person to fulfill this responsibility.

The School Board retains the following records to document compliance with 7 C.F.R. § 210.31:

- the policy;
- documents demonstrating compliance with community involvement requirements, including requirements to make the policy and triennial assessments available to the public; and
- documentation of the triennial assessment of the policy.

Adopted:

Legal Refs: 42 U.S.C. § 1758b.

~~7 C.F.R. Pt. 210, App. B.~~

7 C.F.R. 210.3.

Code of Virginia, 1950, as amended, § ~~22.1-253.13:1.D.14~~ 22.1-253.13:1.

| | | |
|-------------|-----------|---|
| Cross Refs: | EFB | Free and Reduced Price Food Services |
| | IGAE/IGAF | Health Education/Physical Education |
| | JL | Fund Raising and Solicitation |
| | JHCH | School Meals and Snacks |
| | KQ | Commercial, Promotional and Corporate Sponsorships and Partnerships |

SCHOOL MEALS AND SNACKS

The BLANK School Board recognizes that students need adequate, nourishing food in order to learn, grow, and maintain good health.

Generally

To reinforce the division's nutrition education program, foods sold to students during regular school hours on school premises will be

[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]

- carefully selected so as to contribute to students' nutritional well-being and the prevention of disease;
- prepared in ways that will appeal to students, retain nutritive quality, and foster lifelong healthful eating habits; and
- served in age-appropriate quantities and at reasonable prices.

The BLANK School Board promotes high-quality school meals and snacks by

[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]

- involving students in the selection, tasting, and marketing of healthy foods and beverages that appeal to students;
- providing a variety of food options, such as fruits, vegetables, whole grains, and dairy foods, which are low in fat and added sugars;
- offering a variety of healthy choices that appeal to students, including cultural and ethnic favorites;
- restricting student access to unhealthy foods in vending machines, school stores, and other venues that compete with healthy school meals; and
- ensuring that healthy snacks and foods are provided in vending machines, school stores, and other venues within the division's control. The healthy options should cost the same or less than unhealthy alternatives.

The BLANK School Board strives to provide an environment conducive to good health by

[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]

- allowing an adequate amount of time and space for students to eat school meals;
- scheduling lunch periods at reasonable hours around midday;
- ensuring that drinking fountains are operable, clean, and convenient for use throughout the school day;
- offering extracurricular physical activity programs, such as physical activity clubs, intramural programs, or interscholastic athletics;

- discouraging the promotion and advertising of unhealthy foods;
- using non-food items rather than food items such as candy, cakes, soda, and foods high in fat, as incentives and rewards for good behavior or academic performance; and
- encouraging parents to support the division's nutrition education efforts by considering nutritional quality when selecting any snacks which they may donate for occasional class parties.

The BLANK School Board supports nutrition education and physical education by ***[The following list contains EXAMPLES your division may want to include in its policy. Each division should also consider other best practices to be included in the policy.]***

- ensuring that qualified nutrition education and physical education specialists focus on knowledge and skill development so students are able to learn and adopt healthy eating and physical activity behaviors;
- offering nutrition education in the school dining area(s) and in the classroom, with coordination between food service staff and teachers; and
- eliminating any stigma attached to, and preventing public identification of, students who are eligible for free and reduced-price meals.

Meals and Snacks

Meals and snacks offered as part of the National School Lunch Program or the School Breakfast Program meet, at a minimum, the requirements established by state and federal law and regulation.

Schools make potable water available and accessible without restriction to children at no charge in the place(s) where lunches are served during the meal service.

Unpaid Meal Charges¹

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

¹The U.S. Department of Agriculture directs divisions which participate in the National School Lunch Program or School Breakfast Program to have a policy in place for participating children who do not have money in their account or in hand to cover the cost of the meal at the time of service. SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies, July 8, 2016, <https://www.fns.usda.gov/sites/default/files/cn/SP46-2016os.pdf>

The U.S. Department of Agriculture directs the division's policy on unpaid meal charges to be delivered to all households at the start of the school year and to households that transfer into the school division during the school year. SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies, July 8, 2016. The division may also wish to publicize the policy in other ways, such as by inclusion in student handbooks and/or in online portals used to access student accounts.

Students² who do not have money on account or in hand to cover the cost of a meal³ at the time of service **CHOOSE ONE** [may be permitted to charge the meal] **OR** [may be given an alternative meal **OR** [insert local practice].⁴ Students may charge no more than [\$ **OR** meals] to their accounts.⁵

A student carrying a negative balance of \$ _____ or more is not permitted to charge any additional amounts. A student who is not permitted to charge any additional amounts is permitted to buy a meal if the student has cash on hand. Reasonable efforts are used to avoid calling attention to a student's inability to pay.

Notices of low or negative balances in a student's meal account are sent⁶ to parents and the school principal. Parents are expected to pay all meal charges in full by the last day of the school year.

If a parent regularly fails to provide meal money or send food to school with the student and the student does not qualify for free or reduced benefits the child nutrition director⁷ will inform the principal, who will determine the next course of action, which may include notifying the department of social services of suspected child neglect and/or taking legal steps to recover the unpaid meal charges.⁸

The superintendent ensures that federal child nutrition funds are not used to offset the cost of unpaid meals and that the child nutrition program is reimbursed for bad debt.⁹ In order to accomplish those goals, the following procedures¹⁰ are followed:

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² Divisions may choose to create different rules for students at different grade levels.

³ This policy assumes that students are not permitted to charge a la carte or extra items. If a division does permit students to charge such items, the policy, or an accompanying regulation, should clarify that fact.

⁴ Neither state nor federal law requires schools to permit students to charge meals or to provide alternative meals. If the division charges students for alternative meals, that information should be included here.

⁵ If the division does not permit students to charge meals, the policy should be adjusted accordingly.

⁶ Divisions may want to provide more detail regarding the points at which notice will be sent either in the policy or in an accompanying regulation. For example, a division may provide notice any time the balance in an account reaches a certain point and/or may provide a periodic report regardless of the balance in the account.

⁷ Divisions may substitute the title of a different staff person.

⁸ Any other steps that the division may take to recover funds should be added here.
FOOTNOTE IS FOR REFERENCE ONLY AND SHOULD BE DELETED FROM FINAL POLICY.

- At least one written notice is provided to a student and the student's parent or guardian prior to the student being denied reimbursable meals for exceeding the division's charge limit.
- If payment of the negative balance is not received within _____ working days of the maximum charge limit being reached, the debt will be turned over to the superintendent or superintendent's designee for collection. If the debt is not paid within _____ days of notice being given, it is considered bad debt for the purposes of federal law concerning unpaid meal charges.

Competitive Foods

Definitions

"Competitive food" means all food and beverages other than meals reimbursed under programs authorized by the National School Lunch Act and the Child Nutrition Act of 1966 available for sale to students on the school campus during the school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

"School day" means the period from the midnight before to 30 minutes after the end of the official school day.

All competitive food sold to students on the school campus during the school day meets the nutrition standards specified by federal and state law and regulation.¹¹

Each school may conduct _____¹² school-sponsored fundraisers per school year during which food that does not meet the nutrition guidelines for competitive foods may be available for sale to students.

⁹ The U.S. Department of Agriculture directs that information regarding the collection of delinquent meal charge debt be included in this policy. More information regarding how federal regulations apply to the nonprofit school food service account (NSFSA) may be found in SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016, <https://www.fns.usda.gov/sites/default/files/cn/SP47-2016os.pdf>.

¹⁰ Any additional procedures followed in the division should be included here or in an accompanying regulation.

¹¹ School boards may impose additional restrictions on competitive foods, provided that they are not inconsistent with federal regulations.

The BLANK School Board is responsible for maintaining records that document compliance with this policy. Those records include receipts, nutrition labels and/or product specifications for the competitive food available for sale to students.

Adopted:

Legal Refs: U.S. Department of Agriculture, SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies, July 8, 2016.

U.S. Department of Agriculture, SP 47-2016, Unpaid Meal Charges: Clarification on Collection of Delinquent Meal Payments, July 8, 2016.

Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-207.4.

Virginia Board of Education, A Resolution to Establish and Define Exemptions for School-Sponsored Fundraisers Pending Incorporation in the Proposed Regulations Governing Nutritional Guidelines for Competitive Foods Available for Sale in the Public Schools (Nov. 19, 2015).

| | | |
|-------------|-----------|---|
| Cross Refs: | EFB | Free and Reduced Price Food Services |
| | IGAE/IGAF | Health Education/Physical Education |
| | JHCF | Student Wellness |
| | JL | Fund Raising and Solicitation |
| | KQ | Commercial, Promotional and Corporate Sponsorships and Partnerships |

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

¹² Each school board must select the number of school-sponsored fundraisers that will be permitted. The maximum number permitted is 30.

STUDENT RECORDS

Generally

The BLANK School Board maintains accurate and complete records for every student enrolled in the public schools in accordance with all federal and state laws.

The superintendent and/or his designee(s) is 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 also provides for notification of all school division personnel of policy and procedures for management of education records and notification of parents and students of their rights regarding student records, including the right to obtain, upon request, a copy of this policy.

Definitions

For the purposes of this policy, the BLANK Public Schools uses the following definitions.

Authorized representative – any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 CFR § 99.31(a)(3) to conduct, with respect to federal- or state-supported education programs, any audit or evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Directory information - information contained in a student's education record that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information may include information such as the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, grade level, enrollment status, dates of attendance, participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors, and awards received, and the most recent educational institution attended. Directory information may not include the student's social security number. Directory information may include a student identification number or other unique personal identifier used by a student for accessing or communicating in electronic systems if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number, password, or other factor known or possessed only by the authorized user or a student ID number or other unique personal identifier that is displayed on a student ID badge, if the identifier cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity such as a PIN or password or other factor known or possessed only by the authorized user.

Early childhood education program – a Head Start program or an Early Head Start program, a state licensed or regulated child care program, or a program that serves children from birth through age six that addresses the children’s cognitive, social, emotional, and physical development and is a state prekindergarten program, a program under section 619 or Part C of the Individuals with Disabilities Education Act, or a program operated by a local educational agency.

Education program - any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Education records - any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the BLANK School Board or an agent of the school division which contains information directly related to a student, except

- records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to another person except a temporary substitute for the maker of the record;
- records created and maintained for law enforcement purposes by the BLANK School Board’s law enforcement unit, if any. A law enforcement unit is any individual, office, department, or division of the school division that is authorized to enforce any local, state, or federal law, refer enforcement matters to appropriate authorities or maintain the physical security and safety of the school division;
- in the case of persons who are employed by the BLANK School Board but who are not in attendance at a school in the division, records made and maintained in the normal course of business which relate exclusively to the person in his capacity as an employee;
- records created or received after an individual is no longer in attendance and that are not directly related to the individual’s attendance as a student;
- grades on peer-graded papers before they are collected and recorded by a teacher; and
- any electronic information, such as email, even if it contains personally identifiable information regarding a student, unless a printed copy of the electronic information is placed in the student’s file or is stored electronically under an individual student’s name on a permanent and secure basis for the purpose of being maintained as an educational record. For purposes of this policy, electronic information that exists on a back-up server, a temporary archiving system, or on a temporary basis on a computer is not an education record and is not considered as being maintained.

Eligible student - a student who has reached age 18.

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

Student - any person who is or has been in attendance at BLANK Public Schools regarding whom the school division maintains education records or personally identifiable information.

Dissemination and Maintenance of Records About Court Proceedings

Adjudications

The superintendent shall disseminate the notice or information regarding an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G. contained in a notice received pursuant to 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 (1) provide direct educational and support services to the student and (2) have a legitimate educational interest in such information.

A parent, guardian, or other person having control or charge of a student, and, with consent of a parent or in compliance with a court order, the court in which the disposition was rendered, shall be notified in writing of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense listed in subsection G of Va. Code § 16.1-260 was based and the reasons therefor. The parent or guardian shall also be notified of his or her right to review, and to request an amendment of, the student's scholastic record.

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

Any notice of disposition received pursuant to Va. Code § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in Va. Code § 22.1-253.13:4.

Petitions and Reports

The superintendent shall not disclose information contained in or derived from a notice of petition received pursuant to Va. Code § 16.1-260 or report received pursuant to Va. Code § 66-25.2:1 except as follows:

- If the juvenile is not enrolled as a student in a public school in the division to which the notice or report was given, the superintendent shall promptly so notify the intake officer of the juvenile court in which the petition was filed or the Director of the Department which sent the report and may forward the notice of petition or report to the superintendent of the division in which the juvenile is enrolled, if known.
- Prior to receipt of the notice of disposition in accordance with Va. Code § 16.1-305.1 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. The principal may further disseminate the information regarding a petition, after the student has been taken into custody, whether or not the child has been released, only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety or the appropriate educational placement or other educational services.
- If the superintendent believes that disclosure of information regarding a report received pursuant to Va. Code § 66-25.2:1 to school personnel is necessary to ensure the physical safety of the student, other students, or school personnel, he may disclose the information to the principal of the school in which the student is enrolled. The principal may further disseminate the information regarding such report only to school personnel as necessary to protect the student, the subject or subjects of the danger, other students, or school personnel.

Annual Notification

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

- the right to inspect and review the student's education records and the procedure for exercising this right;
- the right to request amendment of the student's education records that the parent believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedure for exercising this right;
- the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;

- the type of information designated as directory information and the right to opt out of release of directory information;
- that the school division releases records to other institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer;
- the right to opt out of the release of the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
- a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest; and
- the right to file complaints with the Family Policy Compliance Office in the United States Department of Education concerning the school division's alleged failure to comply with FERPA.

Procedure to Inspect Education Records

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

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

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

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

Copies of Education Records

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

Fees for Copies of Records

The fee for copies will be _____ per page. The actual cost of copying time and postage will be charged. The BLANK Public Schools does not charge for search and retrieval of the records. The BLANK Public Schools does not charge a fee for copying

an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

Types, Locations, and Custodians of Education Records

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

The following is a list of the types of records that the BLANK Public Schools maintain, their locations, and their custodians.

| Types | Location | Custodian | Information |
|---|----------|-----------|-------------|
| THE SCHOOL DIVISION WILL COMPLETE THIS SECTION AS APPROPRIATE. | | | |

Disclosure of Education Records

The BLANK Public Schools discloses education records or personally identifiable information contained therein only with the written consent of the parent or eligible student except as authorized by law. Exceptions which permit the school division to disclose education record information without consent include the following.

1. To school officials who have a legitimate educational interest in the records.
A school official is:
 - a person employed by the School Board
 - a person appointed or elected to the School Board
 - a person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
 - a contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education recordsA school official has a legitimate educational interest if the official is:
 - performing a task that is specified in his or her position description or by a contract agreement
 - performing a task related to a student's education
 - performing a task related to the discipline of a student
 - providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid
2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. ~~If records or information are released under this provision, the student's parents will be notified of the release, receive a copy of the~~

- ~~record(s), if they so desire, and have an opportunity for a hearing to challenge the content of the record.~~
3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.
 4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.
 5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or his designee may disclose identifying information from a pupil's scholastic record to state or local law-enforcement or correctional personnel, including a law-enforcement officer, probation officer, parole officer or administrator, or a member of a parole board, seeking information in the course of his duties; an officer or employee of a county or city agency responsible for protective services to children, as to a pupil referred to that agency as a minor requiring investigation or supervision by that agency; attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.
 6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which
 - specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
 - requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
 - requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
 - requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

7. To accrediting organizations to carry out their functions.
8. To parents of an eligible student who claim the student as a dependent for income tax purposes.
9. To the entities or persons designated in judicial orders or subpoenas as specified in FERPA.
10. To appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals. If the school division releases information in connection with an emergency, it will record the following information:
 - the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
 - the parties to whom the division disclosed the information.
11. To an agency caseworker or other representative of a state or local child welfare agency or tribal organization who has the right to access a student's case plan when such agency or organization is legally responsible for the care and protection of the student.
12. Directory information so designated by the school division.
13. When the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. § 14071, and the information was provided to the division under 42 U.S.C. § 14071 and applicable federal guidelines.

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

Unauthorized Disclosure of Electronic Records

In cases in which electronic records containing personally identifiable information are reasonably believed to have been disclosed in violation federal or state law applicable to such information, the school division shall notify, as soon as practicable, the parent of any student affected by such disclosure, except as otherwise provided in Va. Code §§ 32.1-127.1:05 or 18.2-186.6. Such notification shall include the (i) date, estimated date, or date range of the disclosure; (ii) type of information that was or is reasonably believed to have been disclosed; and (iii) remedial measures taken or planned in response to the disclosure.

Disclosure to Federal Agencies

Notwithstanding any other provision of law or policy, no member or employee of the BLANK School Board will transmit personally identifiable information, as that term is defined in FERPA and related regulations, from a student's record to a federal government agency or an authorized representative of such agency except as required by federal law or regulation.

Disclosure of Information Relating to Home Instructed Students

Neither the superintendent nor the School Board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of Policy LBD Home Instruction or subdivision B 1 of Va. Code § 22.1-254. However, the superintendent or School Board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this policy prohibits the superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

Audit or Evaluation of Education Programs

Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the federal Secretary of Education, and state and local educational authorities may have access to education records in connection with an audit or evaluation of federal- or state- supported education programs, or for the enforcement of or compliance with federal legal requirements that relate to those programs.

Any authorized representative other than an employee must be designated by a written agreement which

- designates the individual or entity as an authorized representative;
- specifies the personally identifiable information to be disclosed, specifies that the purposes for which the personally identifiable information is disclosed to the authorized representative is to carry out an audit or evaluation of federal- or state-supported education programs, or to enforce or comply with federal legal requirements that relate to those programs; and specifies a description of the activity with sufficient specificity to make clear that the work falls within the exception of 34 CFR § 99.31(a)(3) including a description of how the personally identifiable information will be used;
- requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
- specifies the time period in which the information must be destroyed; and
- establishes policies and procedures, consistent with FERPA and other federal and state confidentiality and privacy provisions, to protect personally identifiable information from further disclosure and unauthorized use, including limiting use of personally identifiable information to only authorized representatives with legitimate interests in the audit or evaluation of a federal- or state-supported education program or for compliance or enforcement of federal legal requirements related to such programs.

Military Recruiters and Institutions of Higher Learning

The BLANK Public Schools ~~will provide,~~ provides, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses and telephone listings unless a parent or eligible student has submitted a written request that the student's name, address and telephone listing not be released without the prior written consent of the parent or eligible student.

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

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

Record of Disclosure

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

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

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

Directory Information

The BLANK School Board notifies parents and eligible students at the beginning of each school year what information, if any, it 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 notify the division, in writing, that he or she does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

Parents and eligible students may not use the right to opt out of directory information disclosures to 1) prevent disclosure of the student's name, identifier or institutional email address in a class in which the student is enrolled; or 2) prevent an educational agency or institution from requiring the student to wear, to display publicly or to disclose a student ID card or badge that exhibits information designated as directory information and that has been properly designated as directory information.

**SCHOOL BOARD SHALL INSERT
LIST OF DIRECTORY INFORMATION**

Correction of Education Records

The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows.

1. Parents or the eligible student must request in writing that the BLANK Public Schools amend a record. In so doing, they should identify the part of the record they want changed and specify why they believe it is inaccurate, misleading or in violation of the student's privacy or other rights.
2. BLANK Public Schools shall decide whether to amend the record in accordance with the request within a reasonable period of time. If it decides not to comply, the school division shall notify the parents or eligible student of the decision and advise them of their right to a hearing to challenge the information believed to be inaccurate, misleading or in violation of the student's rights.
3. Upon request, BLANK Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place and time of the hearing. The hearing shall be held within a reasonable period of time after the request.
4. The parent or eligible student may, at his or her own expense, be assisted or represented by one or more individuals of his or her own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence

- relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. BLANK Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
 7. If BLANK Public Schools decides that the information is inaccurate, misleading or in violation of the student's right of privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended.
 8. If BLANK Public Schools decides that the challenged information is not inaccurate, misleading or in violation of the student's right of privacy, it will notify the parents or eligible student that they have a right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student's education records as long as the contested portion is maintained and disclosed whenever the school division discloses the portion of the record to which the statement relates.

~~High School Credit Bearing Courses Taken in Middle School~~

~~For any high school credit bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course. The School Board specifies, by regulation, the deadline and procedure for making such a request. Notice of this provision is provided to parents.~~

Confidentiality of HIV and Drug and Alcohol Treatment Records

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

Adopted:

Legal Refs.: 18 U.S.C. §§ 2331, 2332b.
20 U.S.C. §§1232g, 7908.
42 U.S.C. § 290dd-2.

34 C.F.R. 99.3, 99.7, 99.10, 99.20, 99.21, 99.22, 99.31, 99.32, 99.33,
99.34, 99.35, 99.36, 99.37.

Code of Virginia, 1950, as amended, §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-254.1, 22.1-287, 22.1-287.01, 22.1-287.02, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23.1-405, 32.1-36.1.

~~8 VAC 20-131-90.~~

| | |
|-----------------|---|
| Cross Refs.: IJ | Guidance and Counseling Program |
| JEC | School Admission |
| JEC-R | School Admission |
| JECA | Admission of Homeless Children |
| JFC | Student Conduct |
| JGDA | Disciplining Students with Disabilities |
| JGD/JGE | Student Suspension/Expulsion |
| JHCB | Student Immunizations |
| JHCD | Administering Medicines to Students |
| <u>JOA</u> | <u>Student Transcripts</u> |
| JRCA | School Service Providers' Use of Student Personal Information |
| KBA-R | Requests for Information |
| KBC | Media Relations |
| KNB | Reports of Missing Children |
| KP | Parental Rights and Responsibilities |
| LBD | Home Instruction |
| LEB | Advanced/Alternative Courses for Credit |

STUDENT TRANSCRIPTS

Generally

Secondary school transcripts contain information as specified by the Virginia Board of Education.

Test Record

The superintendent is responsible for establishing a procedure by which parents, guardians or others with legal control of a student can elect in writing to have the student's test record excluded from the student transcript. The test record includes at least the highest score earned, if applicable, on college performance-related standardized tests such as SAT and ACT, excluding Standards of Learning (SOL) test scores.

High School Credit-Bearing Courses Taken in Middle School

For any high school credit-bearing course taken in middle school, parents may request that grades be omitted from the student's transcript and the student not earn high school credit for the course. The superintendent specifies, by regulation, the deadline and procedure for making such a request. Notice of this provision is provided to parents.

Adopted:

Legal Refs.: 8 VAC 20-131-90.

8 VAC 20-160-30.

Cross Refs.: JO

Student Records

COMMUNITY USE OF SCHOOL FACILITIES

The School Board may permit use of school property by members of the community when such use will not impair the efficiency of the school. The superintendent shall develop guidelines and applications for use of school property. Requests for the use of any school facilities shall be made to the superintendent or superintendent's designee. The superintendent shall report actions taken under this policy to the School Board at the end of each month.

If the School Board permits the use of its facilities by members of the community or the distribution of literature on school property or at school functions, it will permit such use or such distribution by the Boy Scouts of America, the Girl Scouts of the United States of America, and other youth groups designated as patriotic societies by federal law, to the same extent and in the same manner as all other persons or groups.

Adopted:

Legal Refs.: 20 U.S.C. § 7905

Code of Virginia, 1950, as amended, §§ 22.1-79.3, 22.1-130.1, 22.1-131, 22.1-132.

Acts 2016, c. 647.

Cross Refs.: IGDA
KF

Student Organizations
Distribution of Information/Materials

[SCHOOL DIVISION] CHARTER SCHOOL APPLICATION ADDENDUM

Any person, group or organization may submit an application for the formation of a charter school. Applicants must follow state law and School Board policy regarding charter schools. A complete [SCHOOL DIVISION] Charter School Application (“Application”) consists of (i) the Applicant’s *Virginia Public Charter School Application* package submitted to the State Board of Education, (ii) the result of the State Board of Education’s review of the Applicant’s state application, and (iii) the [SCHOOL DIVISION] *Charter School Application Addendum* prepared in accordance with this policy. However, Charter School applications initiated by the BLANK School are not required to receive Board of Education review and comment prior to action by the School Board.

Applications must be received by the [INSERT PERSON]¹ on or before [INSERT DATE]² prior to the year in which the charter school desires to open. An original plus [INSERT NUMBER]³ copies of the application must be submitted. An application fee of \$[INSERT AMOUNT]⁴ shall be submitted with the application. Applicants must follow the application addendum format provided below.

I. Goals and Objectives; Educational Program

Provide a statement of the goals and objectives of the proposed public charter school. The following components must be addressed:

- A. A description of the performance-based goals. To the extent possible, the application should include the academic performance indicators, measures and metrics that will guide the BLANK School Board’s evaluations of the charter school and should include, at minimum:

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

¹ Designate one person, the “review team” chairman, to receive applications and serve as the contact person with applicants to answer questions.

² Set a deadline for receiving applications. Because Virginia law is silent as to the timing of applications, any reasonable deadline is permissible. Choose a timeframe, perhaps 8-12 months prior to the opening of a charter school, that gives your review team enough time to thoroughly evaluate the application and make recommendations to the School Board.

³ The applicant should provide enough copies of the application for each stage of review.

⁴ Virginia law does not explicitly permit or prohibit an application fee. A reasonable fee to cover expenses associated with the application process may be desirable.

1. student academic proficiency;
 2. student academic growth;
 3. academic gaps in both proficiency and growth between major student subgroups;
 4. attendance;
 5. recurrent enrollment from year to year; and
 6. postsecondary readiness (for high schools).
- B. A description of the measurable educational objectives to be achieved by the public charter school.
- C. A description of the pupil performance standards and curriculum, which must meet or exceed any applicable Virginia Standards of Quality.
- D. A description of how the Virginia Standards of Learning (SOL) and the corresponding SOL Curriculum Framework will be used as the foundation for curricula to be implemented for each grade or course in the public charter school. Include within the description how the goals and objectives of the curricula will meet or exceed the Virginia Standards of Learning, address student performance standards related to state and federal assessment standards and include measurable outcomes.
- E. A description of any internal and external assessment to be used to measure pupil progress towards achievement of the school's pupil performance standards, in addition to the SOL assessments prescribed by Va. Code § 22.1-253.13:3.
- F. A description of the public charter school assessment plan to obtain student performance data, which includes how the data will be used to monitor and improve achievement and how program effectiveness will be measured over a specified period of time. Also provide benchmark data on how student achievement will be measured and how these data will be established and documented in the first year of operation and how the data will be measured over each year of the term of the charter. The benchmark data should address targets for student improvement to be met in each year.
- G. The timeline for achievement of pupil performance standards, in accordance with the Virginia SOL.

- H. An explanation of the corrective actions to be taken in the event that pupil performance at the public charter school falls below the standards outlined in the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia*, (8 VAC 20-131-310).

- I. Information regarding the minimum and maximum enrollment per grade for each year during the term of the charter contract, as well as class size and structure for each grade served by the public charter school.

- J. Information regarding the proposed calendar and a sample daily schedule, including any plans to open prior to Labor Day.

- K. A description of plans for identifying and successfully serving students with disabilities, English Learners, academically at-risk students and gifted and talented students which include the extent of the involvement of the School Board in providing such services.

- L. If applicable, the following components should be addressed:
 - 1. any plans to utilize virtual learning in the educational program, including identification of the virtual learning source and a description of how virtual learning will be used and an estimate of how many students are expected to participate.
 - 2. a general description of any alternative accreditation plans, in accordance with the Virginia Board of Education's *Regulations Establishing Standards for Accrediting Public Schools in Virginia* (8 VAC 20-131-280), that the public charter school will request the School Board to submit to the Virginia Board of Education for approval.
 - 3. a general description of any alternative accreditation plan for serving students with disabilities, in accordance with the Virginia Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia* (8 VAC 20-131-40) that the public charter school will request the School Board to submit to the Virginia Board of Education for approval.

II. Evidence of Support

Provide evidence that an adequate number of parents, teachers, pupils or any combination thereof, supports the formation of a public charter school. The following components must be addressed:

- Information and materials indicating how parents, the community and other stakeholders were involved in supporting the application for the public charter school.
- Tangible evidence of support for the public charter school from parents, teachers, students and residents, or any combination thereof, including but not limited to information regarding the number of persons and organizations involved in the process and petitions related to the establishment of the charter school.
- A description of how parental involvement will be used to support the education needs of the students, the school's mission and philosophy and its educational focus.

III. Statement of Need

Describe the need for a public charter school in the school division or relevant part of the school division. The following components must be addressed:

- A statement of the need for a public charter school that describes the targeted school population to be served and the reasons for locating the school in its proposed location.
- An explanation of why the public charter school is being formed. (Is the school being formed at the requests of parents or community organizations? How was the need determined? What data were examined as part of the needs assessment? Briefly describe the need and include a summary of the quantitative data.)
- An explanation of why a public charter school is an appropriate vehicle to address the identified need.

IV. Applicant Information

List the name, address, phone number and qualifications of the applicant(s) and designate an applicant contact person.

V. III. Facility

Describe the facility(ies) to be used for the charter school or the plan for the acquisition of a facility. The description should address

- how the facility provides suitable instructional space;
- provisions for library services;
- provisions for the safe administration and storage of student records;
- provisions for the safe administration and storage of student medications;

- the applicant's plan for complying with building and fire codes and the federal Americans with Disabilities Act (ADA);
- information on emergency evacuation plans;
- information regarding site location and preparation;
- the structure of operation and maintenance services; and
- financial arrangements for the facility, including any lease arrangements with the School Board or other entities and whether any debt will be incurred.

If the facility is not property of the school division, then the following must be provided: ~~(1) a certificate of occupancy; (2) a health inspection certificate; (3) an annual fire certificate of inspection; (4) proof of compliance with federal, state and local health and safety laws and regulations; and (5) a copy of the lease or contract under which the charter school will use the facility.~~

- a certificate of occupancy;
- a health inspection certificate;
- an annual fire certificate of inspection;
- proof of compliance with federal, state and local health and safety laws and regulations; and
- a copy of the lease or contract under which the charter school will use the facility.

If the facility is property of the school division, then describe plans, if any, for alteration or renovation.⁵

VI. III.—Enrollment Lottery Process

Describe the enrollment process that is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions. The following components must be addressed:

- A description of the lottery process to be used for the establishment of a waiting list for students for whom space is not available.
- A description of a tailored admission policy that meets the specific mission or focus of the public charter school, if applicable.
- A timeline for when the lottery process will begin for the first academic year of enrollment and when parents will be notified of the outcome of the lottery process.
- A description of any enrollment-related policies and procedures that address special situations, such as the enrollment of siblings and children of faculty and founders and the enrollment of nonresident students, if applicable.

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⁵ The School Board may not charge rent for available school division facilities.

- An explanation of how the applicant will ensure that, consistent with the public charter school's mission and purpose, community outreach has been undertaken so that special populations are aware of the formation of the public charter school and that enrollment is open to all students residing in the school division where the public charter school is located or in school divisions participating in a regional charter school.
- A description of how the transfer of student records and other program information to and from the public charter school will be accomplished.
- A description of how students seeking enrollment after the school year begins will be accommodated.

In the case of the conversion of an existing public school, describe how students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process.

VII. Employment Terms and Conditions

Provide an explanation of the relationship that will exist between the proposed public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees. At the discretion of the School Board, charter school personnel may be employees of the School Board, or Boards, granting the charter. Any personnel not employed by the School Board shall remain subject to the provisions of Va. Code §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4. The following components must be addressed:

- A plan that addresses the qualification of teachers and administrators at the public charter school, including compliance with state law and regulation regarding Virginia Board of Education licensing requirements.
- A plan to provide high-quality professional develop programs.
- Provisions for the evaluation of staff at regular intervals and in accordance with state law and regulation.
- Provisions for a human resource policy for the public charter school that is consistent with state and federal law.
- Notification to all school employees of the terms and conditions of employment.

VIII. Transportation

Describe how the public charter school plans to meet the transportation needs of its pupils. The following components must be addressed:

- A. A description of how the transportation of students will be provided:
1. by the local school division;
 2. by the public charter school;
 3. by the parent(s); or
 4. though a combination of these options.

B. If transportation services will be provided by the public charter school, explain whether the school will contract for transportation with the School Board or with another entity or have its own means of transportation and indicate whether transportation will be provided to all students attending the school.

C. A description of transportation services for students with disabilities in compliance with Va. Code § 22.1-221 and the Board of Education's *Regulations Governing Special Education Programs For Children With Disabilities in Virginia* (8 VAC 20-131-40).

D. A description of transportation services for students in foster care in compliance with federal law.

IX. Residential Charter Schools

If the application is for a residential charter school for at-risk students, the following components must be addressed:

A. A description of the residential program to include:

1. the educational program;
2. a facilities description to include grounds, dormitories and staffing;
3. a program for parental education and involvement;
4. a description of after-care initiatives;
5. the funding sources for the residential facility and other services provided;
6. any counseling and other social services to be provided and their coordination with current state and local initiatives; and
7. a description of enrichment activities available to students.

B. A description of how the facility will be maintained including, but not limited to:

1. janitorial and regular maintenance services and
2. security services to ensure the safety of students and staff.

II. X. Services to be Provided by the School Board

List the services and their estimated costs that the applicant wishes the School Board to provide; for example, food service, payroll or conducting criminal background checks.⁶ Also, list services and their estimated costs that will be provided by others.

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III. XI. **Timeline**

Provide a detailed timeline, identifying each step required to establish the charter school, including, but not limited to, staff hiring, location and purchase of materials, implementing the evaluation plan, obtaining necessary services, opening an appropriate facility and consulting with experts, if necessary. **Please remember that, as with establishing Regional Vocational and Governor's Schools, it will take at least 8-12 months to implement the proposal.**

IV. XII. **Health and Safety**

Describe the procedures the charter school will implement to ensure the health and safety of the students and employees, including: ~~how and if the management committee will conduct a state criminal record check on all employees; how the charter school will conduct fingerprinting and federal criminal record checks, if applicable; how the charter school will comply with the requirement to report child abuse; and how the charter school will comply with Occupational Safety & Health Act requirements.~~

- how and if the management committee will conduct a state criminal record check on all employees;
- how the charter school will conduct fingerprinting and federal criminal record checks, if applicable;
- how the charter school will comply with the requirement to report child abuse; and
- how the charter school will comply with Occupational Safety & Health Act requirements.

XIII. **Indemnity**

Assure that the School Board will be defended, held harmless and indemnified against any claim, action, loss, damage, injury, liability, cost or expense of any kind as a result of the operation of the charter school or actions by its agents, employees, invitees or contractors.

V. XIV. **Renewal**

Assure that if the charter school wants to renew its contract, it shall apply at least six months prior to the expiration of the contract.

VI. XV. **Emergency Displacement Plan Plans: Pupils and Employees**

⁶ Any services provided by the School Board must be at cost. However, service agreements between the School Board and a charter school shall not be a financial incentive or disincentive to the establishment of a charter school.

A. Describe the plan for the displacement of pupils, teachers and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers and employees upon termination or revocation of the charter.

The following components must be addressed:

1. Identification of a member of the school's leadership who will serve as a single point of contact for all activities that may need to take place for the school to close, including but not limited to the transfer of students to another school, the management of student records and the settlement of financial obligations.
2. A notification process to parents/guardians of students attending the school and teachers and administrators of the closure date.
3. A notification process to parents/guardians of students attending the public charter school of alternative public school placements within a set time period from the date that the closure is announced.
4. Provisions for ensuring that student records are provided to the parent/guardian or another school identified by the parent or guardian within a set time period. If the student transfers to another school division, provisions for the transfer of the student's record to the school division to which the student transfers shall be made upon request of that school division.
5. Notification to the School Board of a list of all students in the school and the names of the schools to which these students will transfer.
6. A placement plan for school employees that details the assistance to be provided, if any, within a set period of time from the date of closure. For teachers and administrators, the plan of assistance should address finding employment with the school division where the public charter school is located or other public school divisions.
7. A close-out plan related to financial obligations and audits, the termination of contracts and leases, and the sale and/or disposition of assets within a set period of time from the date of closure. The plan shall include the disposition of the school records and financial accounts upon closure.

B. Describe the plan for the placement of students and employees if the charter school facility is destroyed (e.g. by flood or fire) or unable to be occupied or dissolved for any reason.

VII. XVI. Management and Operation

Describe the management and operation of the charter school, including the nature and extent of parental, professional educator and community involvement. List the names and addresses and relevant experience of the proposed management committee.⁷ This section should include: ~~(1) a detailed description of the relationship~~

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~~between the management committee and the local school board, including the charter school spokesperson (i.e. who is accountable to the school board); (2) how the charter school will be accountable to the public, including a plan for compliance with the Virginia Freedom of Information Act, the Virginia Public Records Act, and reporting requirements; (3) how the management committee is selected and its relationship to the teachers and administrators; (4) a description of the rules and procedures followed to arrive at policy and operational decisions; and (5) summaries of the job descriptions of key personnel, including the school leader/principal.~~

- a detailed description of the relationship between the management committee and the School Board, including the charter school spokesperson (i.e. who is accountable to the School Board);
- how the charter school will be accountable to the public, including a plan for compliance with the Virginia Freedom of Information Act, the State and Local Government Conflict of Interests Act, the Virginia Public Records Act and reporting requirements;
- how the management committee is selected and its relationship to the teachers and administrators;
- a description of the rules and procedures followed to arrive at policy and operational decisions; and
- summaries of the job descriptions of key personnel, including the school leader/principal.

The following components must also be addressed:

A. An explanation of how support services will be funded and delivered. These services include, but are not limited to:

1. food services;
2. school health services;
3. custodial services;
4. extracurricular activities; and
5. security services

B. An explanation of any partnership or contractual relationships (education management organization, food services, school health services, custodial services, security services, etc.) central to the school's operations or mission, including information regarding the relationship of all contractors to the governing board of the public charter school, and information regarding how contractors and the employees of the contractors having direct contract with students will comply with Va. Code § 22.1-296.1.

C. Plans for recruiting and developing school leadership and staff.

⁷ Only parents of students in the charter school, teachers and administrators working in the charter school or representatives of any community sponsor may be members of the management committee.

VIII. XVII. Financial Plan: Evidence of Economical Soundness, Proposed Budget and Annual Audit

Provide a budget and any other information that illustrates the proposed charter school is economically sound for both the charter school and the school division.⁸ Include detailed sources of revenue and expenditures for the proposed term of the charter (at most five years) and a description of the manner in which an annual audit of the financial and administrative operations of the charter school, including any services provided by the school division, will be conducted.⁹ Anticipated gifts, grants or donations and a student fee schedule should be included.¹⁰ The following components must also be included:

- Proposed start-up and three-year budgets with clearly stated assumptions and information regarding projected revenues and expenditures.
- Proposed start-up and three-year cash flow projections with clearly stated assumptions and indications of short- and long-term sources of revenue.
- A proposed funding agreement with the School Board including information regarding anticipated local, state and federal per-pupil-amounts to be received and any information pertaining to the maintenance of facilities. In accordance with Va. Code § 22.1-212.14, the per pupil funding provided to the charter school will be negotiated in the charter agreement and will be commensurate with the average school-based costs of educating the students in the existing schools in the division or divisions unless the cost of operating the charter school is less than that average school-based cost. To the extent discussions have been held with the school division, please describe the outcome of those discussions. If there have been no discussions to date, please indicate the reason.

IX. XVIII. Legal Liability and Insurance Coverage

Describe the proposed arrangement between the charter school and the School Board regarding their respective legal liability and applicable insurance coverage, including the types of insurance that will be obtained for the public charter school, its property, its employees, the charter school management committee and the School

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⁸ See review criteria related to the Financial Plan.

⁹ This section should include the manner in which the school division can ensure fiscal and administrative compliance with the charter.

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¹⁰ Although a charter school may not charge tuition, student fees may be assessed in accordance with Board of Education Regulations, 8 VAC 20-370-10. See also Superintendent's Memo No. 95 (May 13, 1994).

Board and its agents and the levels of insurance sought. Types of insurance include, but are not limited to,

- general liability;
- health;
- property;
- property and casualty (including vehicle coverage);
- officer and employee liability; and
- workers' compensation.¹¹

~~Insurance coverage should include health, property and casualty (automobile liability, general liability, property, officer and employee liability) and workers' compensation.~~

XIX. Disclosures

Disclose ownership or financial interest in the public charter school by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and require that the applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of the charter. The following components must be addressed:

- A description of how the applicant and members of the management committee will disclose any ownership or financial interest.
- Information regarding the frequency by which such disclosures will be made during the term of the charter.
- A description of ownership or financial interest of the applicant and/or members of the management committee in the proposed charter school. This includes any relationships that parties may have with vendors performing services at the school.

~~X.~~ XX. Waivers¹²

¹¹ Although not required by law, it may be prudent to have the charter school agree to indemnify the School Board. See section XXIII below. Also, the School Board may wish to ask for evidence of insurability or as a condition of final approval, copies of purchased insurance plans or, the School Board may carry charter school insurance under its existing policies.

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¹² Although not required by law to be in the charter application, waivers must be included in the charter contract. Moreover, the School Board is required to request, on behalf of the charter school, the releases from state regulation. For these two reasons, it is wise to include the waivers in the application.

Describe and justify any waiver from School Board policies and state regulations that the charter school requests. The Standards of Quality, and by reference the Standards of Accreditation and Standards of Learning, may not be waived. **Please note that state law only allows waivers of policy and regulation. With the exception of the Virginia Public Procurement Act, no No waiver of state statutes or federal statutes or regulations is permitted.**

XI. XXI. Discrimination

Assure that the charter school will follow state and federal law prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or the need for special education services and shall be subject to any court-ordered desegregation plan in effect in the school division.

XXII. Assurance

By signing and submitting this application for a public charter school, the applicant expressly assures the School Board that if the application is approved by the School Board, the school leadership of the public charter school will be retained on contract no later than 60 days prior to the opening date of the school.

XII. XXIII. Signatures

The Applicant hereby certifies that the information and assurances contained within the *Virginia Public Charter School Application* submitted on behalf of the proposed charter school to the Virginia Board of Education and the information contained in this *Public Charter School Application Addendum* is correct.

Name of Authorized Official:

Title:

Signature of Authorized Official:

Date:

ADVANCED/ALTERNATIVE COURSES FOR CREDIT

BLANK School Board ~~will enter into~~ has an agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from the community college concurrent with a high school diploma. The agreement will specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

BLANK School Board may enter into agreements for postsecondary credential, certification or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 of the Code of Virginia that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification or license concurrent with a high school diploma and (ii) the credentials, certifications or licenses available for such courses.

Beginning in the middle school years, students ~~will be~~ are counseled on opportunities for beginning postsecondary education and opportunities for obtaining industry certifications, occupational competency credentials, or professional licenses in a career and technical education field prior to high school graduation. Such opportunities ~~will include~~ access to at least three Advanced Placement courses or three college-level courses for degree credit. Students taking advantage of such opportunities ~~shall not be~~ are not denied participation in school activities for which they are otherwise eligible. Wherever possible, students ~~will be~~ are encouraged and afforded opportunities to take college courses simultaneously for high school graduation and college degree credit (dual enrollment), under the following conditions:

- Written approval of the high school principal prior to participation in dual enrollment must be obtained.
- The college must accept the student for admission to the course or courses.
- The course or courses must be given by the college for degree credits (no remedial courses will be accepted).

Adopted:

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-253.13:1.

8 VAC 20-131-140.

Cross Ref.: IGBI
IKF

Advanced Placement Classes and Special Programs
Graduation Requirements