

CHAPTER 1 General Provisions

Article 1 School Board Legal Status

Section 1-1.1. General Authority; Free Public Education Required. — A. The Constitution of Virginia, Article VIII, Section 1, requires that there be a system of free public elementary and secondary schools for all children of school age throughout the state and ensure that an educational program of high quality is continually maintained. A system of free public education shall exist in the City of Suffolk, Virginia, and the educational system in the City of Suffolk, Virginia shall be of high quality and available to all children of school age. (Adopted: November 10, 1994)

Legal Authority - Constitution of Virginia, Article VIII, §§1&7.

Section 1-1.2. Supervision of public schools generally.—A. Article VIII, Section 7, of the Constitution of Virginia, further provides that the supervision of schools in each school division shall be vested in a school board selected in accordance with the applicable provisions of the Code of Virginia. Based on this grant of authority, the supervision of public schools in the City of Suffolk, Virginia, shall be in the School Board of the City of Suffolk. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §§22.1-1; 22.1-2; 22.1-28; & 22.1-71, (1950), as amended

Section 1-1.3. Official Name; Corporate Status.—A. The School Board of the City of Suffolk is a body corporate whose official title shall be the Suffolk City School Board (hereinafter referred to as “School Board”). (Adopted: November 10, 1994)

Legal Authority – Virginia Code §22.1-52 (1950), as amended

Article 2 Involvement In Decision Making

Section 1-2.1. Community Participation Encouraged.—A. The School Board endorses the concept that community participation in the affairs of the public schools is essential if the school division and the community are to maintain mutual confidence and respect and work together to improve the quality of education for all students. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.17:7 (1950), as amended.

Section 1-2.2. Citizen Participation Encouraged.—A. All citizens of the school division will be encouraged to express ideas, concerns, and judgments about the schools to the school administration and to the School Board. Residents who are particularly qualified because of interest, training, or experience will be encouraged to assume an active role in school affairs. From time to time such persons may be invited by the School Board to serve on advisory committees or to assume some other position of service to assist the School Board in maintaining a high quality of education for its students. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:7 (1950), as amended.

Section 1-2.3. Comments considered; School Board has final authority.—A. The School Board and the administration will give due consideration to the advice they receive from individuals and community groups interested in the schools, especially those individuals and groups they have invited to advise them regarding specific concerns, but the School Board has the final authority over all matters affecting the school division and will use its best judgement in arriving at decisions that are in the best interest of the school division. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:7 (1950), as amended.

Article 3 Staff Involvement In Decision Making

Section 1-3.1. Employee Involvement Encouraged; Superintendent official representative. — A. In compliance with the Standards of Quality for Public Schools in Virginia, which mandates a system of a two-way communication between employees and the school board, the School Board encourages employees to contribute their ideas for the betterment of the school division and to participate in the decision making process of Suffolk Public Schools. However, nothing in this policy, or in any regulation promulgated pursuant to this policy, shall be construed to limit the authority of the School Board to make final decisions on all matters of school policy, nor shall it restrict communication between the administration and other employees in administrative and supervisory matters delegated by the School Board to the superintendent and staff.

B. All reports and recommendations to the School Board from any officer or employee under the direction and supervision of the superintendent shall be made through the office of the Superintendent, except when otherwise specifically directed by the School Board. All School Board actions requiring or authorizing the doing of anything by an officer or employee or requiring any report, shall be directed to the

superintendent, it being the intent of this section that the School Board and its members shall deal only with the superintendent in respect to all matters for which he or she is responsible.

C. The superintendent shall have the responsibility of making accessible School Board policies, rules, and regulations to all employees and to the community that pertain to them. The superintendent shall also see that lines of communication are kept open between employees and Suffolk Public Schools. The superintendent shall also develop regulations establishing a system of two-way communication between employees and the School Board and its administrative staff. In developing such a system, consideration shall be given to the views of teachers, parents and other concerned citizens.

D. The superintendent is the official representative of Suffolk Public Schools and serves as its chief administrative officer. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:7 (1950), as amended.

Section 1-3.2. Informal Communications.—A. This policy, and regulations adopted pursuant to this policy, shall not limit opportunities for informal communication nor shall it affect the integrity of any grievance procedure in matters where a formal grievance procedure is applicable. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:7 (1950), as amended.

Article 4

Student Involvement In Decision Making

Section 1-4.1. Student Involvement Encouraged. — A. The School Board recognizes the importance of student recommendations and responses relating to policies which impact directly upon them. Wherever practicable, representative student input on relevant issues will be sought and considered by the school administration. (Adopted: November 10, 1994)

Legal Authority - §22.1-253.13:7 (1950), as amended.

Article 5

Non-discrimination

Section 1-5.1. Policy Statement Generally. — A. The School Board is committed to nondiscrimination with regard sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, sexual orientation, gender identification or any other characteristic protected by law. This commitment will prevail in all of its

policies and practices concerning staff, students, educational programs and services, and individuals and entities with whom the Board does business. (Adopted: November 10, 1994; Revised April 14, 2016; Ordinance Number 15/16-7; Effective Date: July 1, 2016)

Note: The **2016** revision deleted “race, color, sex, age, religion, disability, national origin, or status as a parent” and inserted in its place that the School Board is committed to nondiscrimination with regard to “sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, sexual orientation, gender identification or any other characteristic protected by law.” Also, deleted the word “attitude” and inserted the word commitment in its place and added the words “and practices.”

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, Executive Order 11246, 1965, as amended by Executive Order 11375, Equal Employment Opportunity Act of 1972, Education Amendments of 1972, Title IX (P.L. 92-318 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August, 11, 1975), Age Discrimination in Employment Law, P.L. 95-256, Individuals with Disabilities Education Act of 1990 (P.L. 94-142), Rehabilitation Act of 1973, Constitution of Virginia, Article I, Section 11, Americans with Disabilities Act of 1990.

Section 1-5.2. Cooperative Learning Opportunities. — A. The school administration shall establish and maintain an atmosphere in which students can develop attitudes and skills for effective, cooperative learning, which will include:

- (a) Respect for the individual regardless of economic status, intellectual ability, race, national background, disabling condition, religion, sex, age, or other differentiating factors.
- (b) Respect for cultural differences.
- (c) Respect for economic, political, and social rights of others.
- (d) Respect for the rights of others to seek and maintain their own identities. (Adopted November 10, 1994)

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, Executive Order 11246, 1965, as amended by Executive Order 11375, Equal Employment Opportunity Act of 1972, Education Amendments of 1972, Title IX (P.L. 92-318 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August, 11, 1975), Age Discrimination in Employment Law, P.L. 95-256, Individuals with Disabilities Education Act of 1990 (P.L. 94-142), Rehabilitation Act of 1973, Constitution of

Virginia, Article I, Section 11, Americans with Disabilities Act of 1990.

Section 1-5.3. Discrimination Prohibited.—A. The School Board, school administration and employees of Suffolk Public Schools shall maintain good human relations by prohibiting discrimination in employment, assignment, and promotion of personnel; in the location and use of facilities; in educational offerings and instructional materials. (Adopted: November 10, 1994)

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, Executive Order 11246, 1965, as amended by Executive Order 11375, Equal Employment Opportunity Act of 1972, Education Amendments of 1972, Title IX (P.L. 92-318 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August, 11, 1975), Age Discrimination in Employment Law, P.L. 95-256, Individuals with Disabilities Education Act of 1990 (P.L. 94-142), Rehabilitation Act of 1973, Constitution of Virginia, Article I, Section 11, Americans with Disabilities Act of 1990.

Section 1-5.4. Collaborate with other agencies. — A. The School Board and the school administration shall use every opportunity to work with other institutions and agencies to develop improved human relations in the schools and to make channels available through which citizens can communicate their human relations concerns to the School Board and its employees. (Adopted: November 10, 1994)

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, Executive Order 11246, 1965, as amended by Executive Order 11375, Equal Employment Opportunity Act of 1972, Education Amendments of 1972, Title IX (P.L. 92-318 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August, 11, 1975), Age Discrimination in Employment Law, P.L. 95-256, Individuals with Disabilities Education Act of 1990 (P.L. 94-142), Rehabilitation Act of 1973, Constitution of Virginia, Article I, Section 11, Americans with Disabilities Act of 1990.

Section 1-5.5. Compliance Officer designated under Title IX. — A. The School Board will designate an individual(s) to act as the division's compliance officer under the provisions of Title IX. All students and employees will be notified of the name, office address and telephone number of the designated individual(s). (Adopted: November 10, 1994)

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, Executive Order 11246, 1965, as amended by Executive Order 11375, Equal Employment Opportunity Act of 1972, Education Amendments of 1972, Title IX (P.L. 92-318 45 CFR, Parts 81, 86 (Federal Register June 4, 1975, August, 11, 1975), Age Discrimination in Employment Law, P.L. 95-256, Individuals with Disabilities Education Act of 1990 (P.L. 94-142), Rehabilitation Act of 1973, Constitution of Virginia, Article I, Section 11, Americans with Disabilities Act of 1990.

Section 1-5.6. Discrimination based on disability prohibited. — A. Section 504 of the Rehabilitation Act of 1973 and its accompanying regulations apply to all school divisions receiving federal funds. Under this body of law, a school division, which would include Suffolk Public Schools, may not do any of the following:

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- (1) Discriminate against qualified persons with a disability in any aspect of employment solely on the basis of the disability;
- (2) Fail or refuse to make facilities, programs, and activities accessible, usable, and open to qualified persons with a disability;
- (3) Fail or refuse to provide free appropriate education at elementary and secondary levels, including non-academic and extracurricular services and activities, to qualified persons with a disability;
- (4) Exclude any qualified person(s) with a disability, solely on the basis of the disability, from participating in any preschool education or day care program or activity or any adult education or vocational program or activity;
- (5) Fail or refuse to provide each qualified person(s) with a disability the same health, welfare, and other social services as are provided other persons. (Adopted November 10, 1994)

Legal Authority - Section 504, Rehabilitation Act of 1973; Individuals with Disabilities Education Act of 1990, American with Disabilities Act of 1990.

Section 1-5.7. Discrimination declared unfair. — A. The School Board is further of the opinion that to discriminate against qualified persons with a disability, solely on the basis of the disability is unfair, and to the extent reasonably possible, qualified persons with a disability should be in the mainstream of life in a school community. Accordingly, employees of Suffolk Public Schools will comply with the above requirements of the law and any policies approved by the School Board to ensure a policy of nondiscrimination on the sole basis of a disability. (Adopted: November 10, 1994)

Legal Authority - Section 504, Rehabilitation Act of 1973; Individuals with Disabilities Education Act of 1990, American with Disabilities Act of 1990.

Section 1-5.8. Compliance Officer designated under 504. — A. The School Board will designate an individual(s) to act as the school division's compliance officer under the provisions of Section 504 of the Rehabilitation Act. All students and employees will be notified of the name, office address, and telephone number of the designee. (Adopted November 10, 1994)

Legal Authority - Section 504, Rehabilitation Act of 1973; Individuals with Disabilities Education Act of 1990, American with Disabilities Act of 1990.

Section 1-5.9. Regulations required. — A. The school administration shall develop regulations consistent with the provisions of this Article and to carry into effect the non-discrimination provisions set forth in this policy. (Adopted: November 10, 1994)

Legal Authority - Section 504, Rehabilitation Act of 1973; Individuals with Disabilities Education Act of 1990, American with Disabilities Act of 1990.

Article 6

Prohibition Against Harassment and Retaliation

Section 1-6.1 Statement of Policy; Harassment prohibited; School personnel defined; Prompt investigations required. — A. The School Board is committed to maintaining an educational environment and workplace that is free from harassment. In accordance with law, the School Board prohibits harassment against students, employees or others on the basis of sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. The School Board is an equal opportunity employer.

B. It is a violation of this policy for any student or school personnel to harass a student or school personnel based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status or genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity, by students, school personnel or third parties participating in, observing or otherwise engaged in school sponsored activities.

C. For the purpose of this policy, school personnel includes School Board members, school employees, agents, volunteers, contractors or other persons subject to the supervision and control of the school division.

D. Suffolk Public Schools (i) promptly investigates all complaints, written or verbal, of harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists at school or any school sponsored activity; (ii) promptly takes appropriate action to stop any harassment; (iii) takes appropriate action against any student or school personnel who violates this policy; and (iv) takes any other action reasonably calculated to end and prevent further harassment of school personnel or students. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-2000e-17, 42 U.S.C. § 2000ff-1.34 C.F.R. part 106.9

Section 1-6.2. Definitions and Examples of certain prohibited conduct; Additional prohibited conduct; Complaint procedure. — A. The following definitions shall apply to this policy:

- (1) Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when (a) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education; (b) submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or (c) that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment).

- (2) Examples of conduct which may constitute harassment based on sex if it meets the immediately preceding definition include: (a) unwelcome sexual physical contact; (b) unwelcome ongoing or repeated sexual flirtation or propositions, or remarks; (c) sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments or sexually degrading descriptions; (d) graphic comments about an individual's body; (e) sexual jokes, notes, stories, drawings, gestures or pictures; (f) spreading sexual rumors; (g) touching an individual's body or clothes in a sexual way; (g) displaying sexual objects, pictures, cartoons or posters; (h) impeding or blocking movement in a sexually intimidating manner; (i) sexual violence; (j) display of written materials, pictures, or electronic

images; (k) unwelcome acts of verbal, nonverbal, written, graphic, or (l) physical conduct based on sex or sex stereotyping.

- (3) Harassment based on race, national origin, disability or religion consists of physical or verbal conduct, which may include use of cell phones or the internet, relating to an individual's race, national origin, disability or religion when the conduct (a) creates an intimidating, hostile or offensive working or educational environment; (b) substantially or unreasonably interferes with an individual's work or education; or (c) otherwise is sufficiently serious to limit an individual's employment opportunities or to limit a student's ability to participate in or benefit from the education program.
- (4) Examples of conduct which may constitute harassment based on race, national origin, disability or religion if it meets the immediately preceding definition include: (a) graffiti containing racially offensive language name calling, jokes or rumors; (b) physical acts of aggression against a person or his property because of that person's race, national origin, disability or religion; (c) hostile acts which are based on another's race, national origin, religion or disability; (d) written or graphic material which is posted; or (e) circulated and which intimidates or threatens individuals based on their race, national origin, disability or religion

B. Behavior that is not unlawful may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including, but not limited to, socioeconomic level, sexual orientation, perceived sexual orientation or gender identity.

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

The reporting party should complete the Report of Harassment Form when making complaints of harassment. However, oral reports and other written reports are also accepted. The complaint should be filed with either the building principal or one of the Compliance Officers designated in this policy. The principal shall immediately

forward any report of alleged prohibited harassment to the Compliance Officer. Any complaint that involves the Compliance Officer or principal shall be reported to the superintendent.

The complaint, and identity of the complainant and alleged harasser, will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint. (Adopted: April 14, 2016; Ordinance Number 151/6-8; Effective July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-2000e-17, § 2000ff-1.34 C.F.R. part 106.9

Section 1-6.2:1. Disability Harassment Prohibited; What constitutes harassment; Range of behaviors— A. It is the policy of the School Board to maintain a working and learning environment for all its employees and students which provides for fair and equitable treatment, including freedom from disability harassment. It is a violation of School Board Policy for any employee or student, male or female, to harass another employee or student because of disability.

B. Disability harassment consists of physical, written, or verbal conduct relating to an individual's disability when the conduct (1) creates an intimidating, hostile or offensive working or educational environment; or (2) substantially or unreasonably interferes with an individual's work or education; or (3) otherwise sufficiently limits an individual's employment opportunities or limits a student's ability to participate in or benefit from the education program.

C. The range of behaviors that may constitute disability harassment include, but are not limited to, the following: (1) imitating any manner of speech or movement that specifically relates to a person's disability; (2) interfering with necessary equipment and/or services; (3) denying access to academic and extracurricular activities due to a person's disability or as punishment for accommodations made for a person's disability; (4) inappropriate staring and/or pointing at a person with a disability; (5) with malicious intent, impeding the movement of a person with a disability; (6) manipulating the person with a disability to elicit a response that would create a negative impact on that person; (7) name calling, teasing, jokes, rumors, or other derogatory or dehumanizing remarks involving a person's disability, necessary equipment, services, and/or accommodations; (8) physical acts of aggression or assault against a person or his/her property because of the person's disability; (9) threatening or intimidating conduct directed at another because of the other's disability or necessary use of accommodations; (10) written or graphic material which is posted or circulated and which intimidates or threatens individuals based on their disability; or (11) other kinds of aggressive conduct such as theft or damage to property which is related to an individual's disability. (Adopted: May 13, 2010; Revised May 13, 2010; Order

Number 09/10-1; Effective Date: May 13, 2010)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-2000e-17, 42 U.S.C. § 2000ff-1.34 C.F.R. part 106.9

Section 1-6.3. Investigation of complaints; What investigation consists of; Factors to be considered; Written report required; Employees required to cooperate fully. — A. Upon receipt of a report of alleged prohibited harassment, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be not later than 14 school days after receipt of the report by the Compliance Officer. Upon receiving the complaint, the Compliance Officer shall acknowledge receipt of the complaint by giving written notice to both the person complaining of harassment and the person accused of harassment that the complaint has been received.

Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the complainant and, in cases involving potential criminal conduct, determining whether law enforcement officials should be notified. If the Compliance Officer determines that more than 14 school days will be required to investigate the complaint, the complainant and the accused shall be notified of the reason for the extended investigation and of the date by which the investigation will be concluded. If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Service in accordance with Policy Section 9-20.13 regarding Child Abuse and Neglect Reporting.

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

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

constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

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

E. All employees shall cooperate with any investigation of alleged harassment conducted under this policy or by an appropriate state or federal agency. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-2000e-17, 34 § 2000ff-1.34 C.F.R. part 106.9.

Section 1-6.4 Action by superintendent. — Within 5 school days of receiving the Compliance Officer’s report, the superintendent or superintendent’s designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the complainant and the alleged perpetrator. If the superintendent or superintendent’s designee determines that it is more likely than not that prohibited harassment occurred, the School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the superintendent or superintendent’s designee determines that prohibited harassment occurred, the superintendent or superintendent’s designee may determine that school-wide or division-wide training be conducted or that the complainant receives counseling. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§2000e - 2000e-17, 42 U.S.C. §2000ff-1.34 C/F.R. C.F.R. part 106.9.

Section 1-6.5 Appeal to School Board; Decision within 30 days; Grievance Procedure — A. If the superintendent or superintendent’s designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

If the superintendent or superintendent’s designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the School Board within 5 school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the School Board.

B. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may ask for oral or written argument from the aggrieved party, the superintendent and any other individual the School Board deems

relevant. Written notice of the School Board's decision will be given to both the alleged harasser and the person allegedly harassed.

C. Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§2000e - 2000e-17, 42 U.S.C. §2000ff-1.34 C/F.R. C.F.R. part 106.9.

Section 1-6.6. Compliance Officer and Alternate Compliance Officer; Duties of Compliance Officer. — A. The School Board has designated the Chief of Operations, for Suffolk Public Schools, whose address is 100 N. Main Street, Suffolk, Virginia 23434, phone number 757-925-6750, as the Compliance Officer responsible for identifying, investigating, preventing and remedying prohibited harassment. The School Board has also designated Deputy Superintendent for Suffolk Public Schools, whose address is 100 N. Main Street, Suffolk, Virginia 23434, phone number 757-925-6750 as the Alternate Compliance Officer.

B. The Compliance Officer shall (i) receive reports or complaints of harassment; (ii) conduct or oversee the investigation of any alleged harassment; (iii) assess the training needs of the school division in connection with this policy; (iv) arrange necessary training to achieve compliance with this policy; and (v) ensure that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity and has the authority to protect the alleged victim and others during the investigation. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§2000e - 2000e-17, 42 U.S.C. §2000ff-1.34 C/F.R. C.F.R. part 106.9.

Section 1-6.7. – Informal Procedure. — If the complainant and the person accused of harassment agree, the student's principal or principal's designee may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator.

If the complainant and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Formal Procedures set forth herein. The principal or principal's designee shall notify the complainant and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-17, 34 C.F.R. part 106.9.

Section 1-6.8. Retaliation. – Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations, of how to report any subsequent problems. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority – 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-17, 34 C.F.R. part 106.9.

Section 1-6.9. Right to Alternative Complaint Procedure. — Nothing in this policy shall deny the right of any individual to pursue other avenues of recourse to address concerns relating to prohibited harassment including initiating civil action, filing a complaint with outside agencies or seeking redress under state or federal law. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority - 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-17, 34 C.F.R. part 106.9.

Section 1-6.10. Prevention and Notice of Policy. — A. Training to prevent harassment prohibited by law or by this policy is included in employee and student orientations as well as employee in-service training.

B. This policy is (1) displayed in prominent areas of each division building in a location accessible to students, parents and school personnel (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees are notified annually of the names and contact information of the Compliance Officers. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority - 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-17, 34 C.F.R. part 106.9.

Section 1-6.11. False Charges. — Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings. (Adopted: April 14, 2016; Ordinance Number 15/16-8; Effective Date: July 1, 2016)

Legal Authority - 20 U.S.C. §§ 1681-1688; 29 U.S.C. § 794; 42 U.S.C. §§ 2000d-2000d-7; 42 U.S.C. §§ 2000e-17, 34 C.F.R. part 106.9.

Article 7

Educational Philosophy of Suffolk Public Schools

Section 1-7.1. Mission Statement. — A. The mission of Suffolk Public Schools is to partner with the community we serve, provide effective educational experience and prepare every student to find success in our complex society. (Adopted: November 10, 1994)

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, 42 U.S.C. 2000, 29 C.F.R. 1604.11 (1987); Executive Order 11246, 1965, as amended by Executive Order 11375; Equal Employment Opportunity Act of 1972, Title VII; Education Amendments of 1972, Title IX (Public Law 92-318), 45 C.F.R., Parts 81, 86 (Federal Register June 4, 1975, August 11, 1975).

Section 1-7.2. Educational Philosophy Generally. — **Section 1-7.2. Educational Philosophy Generally.** — A. The School Board is committed to providing equal opportunity for every student to achieve maximum intellectual, social, emotional and physical growth and to ensuring that each student be equipped to communicate effectively with other people, to be competent both in the work place and in higher education and to feel confident of the ability to make creative and constructive decisions in his/her life.

B. In order to carry out the educational philosophy set forth in subsection A above, Suffolk Public Schools shall: (i) provide the necessary trained and dedicated leadership, qualified personnel, equipment and materials to assure an appropriate education for every student; (ii) treat all members of the school community equitably with the highest degree of respect; and (iii) allocate and use assets fairly and efficiently. (Adopted: November 10, 1994; Revised April 14, 2016; Ordinance Number 15/16-9; Effective Date: April 14, 2016)

Note: The 2016 revision deleted the following language in subsection A, “The School Board is committed to excellence in education, equality of educational opportunity, and the recognition of each student’s individuality. As students differ in their rate of physical, mental, emotional and social growth and vary in their needs and abilities, learning opportunities shall be provided that are consistent with personal development and potential. Programs shall emphasize diagnostic and prescriptive potential. Programs shall emphasize diagnostic and prescriptive instruction, allowing an individual approach to each student’s learning style and educational needs.” And inserted in its place the following language, “The School Board is committed to providing equal opportunity for every student to achieve maximum intellectual, social, emotional and physical growth and to ensuring that each student be equipped to communicate effectively with other people, to be competent both in the work place and in higher education and to feel confident of the ability to make creative and constructive decisions in his/her life.” A new subsection B was also added, and the former subsection B, which read, “The educational program shall introduce each student to a variety of interest and subject areas that offer exposure to the range of opportunities available in later years. These experiences produce the basis for further education and future employment. As students demonstrate increased maturity, they may assume more responsibility for the decisions regarding their education” and subsection C, which read, “The school environment should be responsive and conducive to learning. The physical environment facilitates and enhances the learning experiences available to each student. A responsive environment includes competent, dedicated teachers using a variety of techniques and a classroom atmosphere where students can function and develop according to their abilities. Safety, physical comfort, and appearance also are vital environmental components” were all deleted.

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, Title VII, 42 U.S.C. 2000, 29 C.F.R. 1604.11 (1987); Executive Order 11246, 1965, as amended by Executive Order 11375; Equal Employment Opportunity Act of 1972, Title VII; Education Amendments of 1972, Title IX (Public Law 92-318), 45 C.F.R., Parts 81, 86 (Federal Register June 4, 1975, August 11, 1975).

Section 1-7.3. Program of Instruction Grades kindergarten through 12; Program components; additional requirements. A. Suffolk Public Schools shall develop and implement a program of instruction for grades kindergarten through 12 that is aligned to the Standards of Learning established by the Board of Education and that meets or exceeds the requirements of the Board of Education.

B. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

C. Suffolk Public Schools shall also implement:

1. programs in grades kindergarten through three that emphasize developmentally appropriate learning to enhance success
2. programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school; such programs shall include components that are research-based
3. career and technical education programs incorporated into the kindergarten through grade 12 curricula
4. educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to Va. Code §22.1-200.03
5. early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent

with state and federal law

6. early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs
7. educational alternatives for students whose needs are not met in programs prescribed elsewhere in the Standards of Learning
8. adult education programs for individuals functioning below the high school completion level
9. a plan to make achievements for students who are educationally at risk a division wide priority that shall include procedures for measuring the progress of such students
10. an agreement for postsecondary degree attainment with a community college in Virginia specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma; such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher
11. a plan to notify students and their parents of the availability of dual enrollment and Advanced Placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the Advanced Placement and International Baccalaureate examinations; this plan shall include notification to students and parents of the agreement with a community college in Virginia to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma
12. identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs
13. early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the

development of reading and mathematics skills for all students

14. incorporation of art, music, and physical education as a part of the instructional program at the elementary school level
15. a program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year; such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the School Board
16. a program of student services for grades kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development
17. the collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program
18. a program of instruction in each government course in the school division on all information and concepts in the civics portion of the U.S. Naturalization test (Adopted: September 8, 2016; Ordinance Number 16/17-1; Effective Date: July 1, 2017)

Legal Authority - Virginia Code §22.1-253.13:1 (1950), as amended.

Section 1-7.4. Programs and services. — A. The School Board commits itself to providing programs and services as stated in the Standards of Quality, but only to the extent that appropriate funding is provided by the state and local governments.

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

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

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

1. Participation in School Board conferences, workshops and conventions conducted by the Virginia and the National School Boards Association.
2. Division sponsored training sessions for School Board members.
3. Subscriptions to publications addressed to the concerns of School Board members. (Adopted November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:1 (1950), as amended.

Section 1-7.5. Posting of National Motto required. — The statement “In God We Trust,” the National Motto, which was enacted by Congress in 1956, shall be posted in a conspicuous place in each school for all students to read. (Adopted: April 3, 2003; Ordinance Number 02/03-09, Effective: July 1, 2003)

Legal Authority – Acts 2002 of the General Assembly, c. 891

Section 1-7.5:1. Posting of Bill of Rights; Assistance permitted. —A. The Bill of Rights of the Constitution of the United States shall be posted in conspicuous place in each school for all students to read.

B. The School Board may accept contributions in cash or in-kind assistance from any person to defray the cost of implementing this policy. (Adopted: January 15, 2004; Ordinance Number 03/04-11, Effective: July 1, 2004)

Legal Authority – Section 1 of Chapter 891 of the 2003 Acts of Assembly

Article 8 Evaluations

Section 1-8.1. Evaluations generally. — A. One of the primary responsibilities of the School Board is to properly evaluate overall educational objectives of Suffolk Public Schools. Evaluations are the only means of learning whether the educational goals adopted by the School Board are being achieved.

B. A comprehensive program of evaluations in the public schools should cover: (1) the curriculum and instructional programs, (2) pupils, dropouts, and graduation percentages, (3) school personnel, (4) buildings and equipment, (5) business operations, and (6) operations of the School Board.

C. Appraising the success of the instructional programs is particularly important. Only through a keen awareness of the strengths and shortcomings of the

instructional program can the School Board work toward improving the instructional program.

D. The School Board should also look at its own actions as well as those of the superintendent, school attorney, and school staff as a means of learning whether the educational goals adopted by the School Board are being achieved. The Board should work toward maintaining an awareness of the opinions of teachers, pupils, and the community as it relates to the goals and objectives of the School Board.

E. The School Board will make evaluations a continuing process so that the School Board can determine whether the needs of the school division are being met. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:1 (1950), as amended.

Section 1-8.2. Evaluation of Operational Procedures. — A. The School Board will review its performance annually to ensure its proper discharge of responsibilities to the community. This evaluation will be based on a positive approach, which will indicate strengths of the School Board and areas that need improvement.

B. The evaluation should meet local needs and provide for objective examination. In order to help the School Board meet this goal, the following in the School Board's self-evaluation process:

- (1) School Board members shall be involved in the development of an instrument by which they will evaluate themselves.
- (2) The School Board's evaluation instrument should be completed by individual School Board members on a confidential basis, and submitted to the School Board Chairman, or the Board Chairman's designee, for compilation of all individual results.
- (3) The School Board shall meet, with all members present, to review and discuss the composite opinions and total results.
- (4) Each judgment shall be supported with as much rational and objective evidence as possible.

C. Upon final discussion of the results, the School Board will develop both short and long range goals and objectives to ensure continued proficiency in areas of excellence, to strengthen satisfactory or weak areas, and to eliminate those areas no longer applicable to the School Board's performance. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:1 (1950), as amended.

Section 1-8.3. Evaluation of the Superintendent. — A. It is the responsibility of the School Board to maintain and improve the quality of administration and instruction in Suffolk Public Schools. One of the primary methods used in carrying out this responsibility is to work cooperatively with the superintendent of schools to in improving the superintendent’s effectiveness

Annually, the superintendent of schools will provide to the School Board a work plan designed to implement the goals set for the division by the School Board. The School Board shall evaluate the superintendent after consulting (1) the uniform performance standards and criteria developed by the Board of Education and (2) the superintendent. The superintendent’s evaluations will include student academic progress as a significant component and an overall summative rating. Informal evaluations may also take place as the Board deems appropriate, provided that specific criteria for such appraisals be communicated to the superintendent.

Each School Board member will be involved in assessing the superintendent’s job performance on a continuing basis and by completing the annual evaluation instrument. Upon conclusion of the annual appraisal, the evaluation will be reviewed with the superintendent in a closed meeting of the School Board. (Adopted: November 10, 1994; Revised March 14, 2013; Ordinance 12/13-3; Effective Date July 1, 2013; Revised April 14, 2016; Ordinance 15/16-10; Effective Date: July 1, 2016)

Note: The 2016 revision deleted the words “for implementation” and inserted the words, “work” plan “designed” to implement the goals. Also deleted the words, The School Board shall “develop the instrument to evaluate the superintendent,” and inserted in its place, “The School Board shall evaluate the superintendent annually.” This revision also included the language, “The superintendent’s evaluations will include student academic progress as a significant component and an overall summative rating.”

Legal Authority - Virginia Code §§22.1-253.13:7.C.2 and 22.1-60.1 (1950), as amended.

Section 1-8.4. Evaluation of School Board Attorney. — A. The School Board will annually evaluate the performance of the School Board Attorney. In evaluating the School Board Attorney, the School Board should consider the working relationship between the School Board Attorney and the School Board, and the overall performance of the School Board Attorney in providing competent legal advice and legal representation to the School Board. (Adopted: November 10, 1994)

Legal Authority – Virginia §22-1.82 (1950), as amended.

Section 1-8.5. Evaluation of other staff generally. — A. All persons employed in Suffolk Public Schools will have their job performance evaluated. The evaluation of an employee’s job performance shall be a cooperative and continuing process with a formal appraisal periodically. The evaluation shall be at least in

duplicate, in writing, dated and signed by the employee and the evaluator, with one copy going to the central office personnel file and one copy to the employee. The purpose for the evaluation process shall be:

- (1) To raise the quality of instruction and educational service to children enrolled in Suffolk Public Schools;
- (2) To raise the standards of the school division as a whole;
- (3) To aid the individual to grow and improve.

The superintendent of schools shall assure that appropriate and proper procedures for staff evaluations are implemented within the school division. (Adopted: November 10, 1994)

Legal Authority - Virginia Code §22.1-253.13:7.C.2 (1950), as amended.

Section 1-8.5:1. Training for administrative and supervisory personnel. —

A. Beginning September 1, 2000, all principals, assistant principals, and other administrative personnel who participate in the evaluation and documentation of employee performance, will receive training in evaluating and documenting the performance of employees, and the training and evaluation process shall include, but shall not be limited to, the evaluation of the employee's skills and knowledge and student academic progress. Prior to participating in the training and evaluation of any employee, all principals, assistant principals or other administrative personnel must have received such training. (Adopted: November 10, 1994)

Legal Authority — Virginia Code § 22.1-293.C. (1950), as amended.

Section 1-8.5:2. Evaluation of principals, assistant principals, and supervisors; evaluation of teachers. —A. In the evaluation of principals, assistant principals, and supervisors, and in making recommendations to the School Board for continued employment, the superintendent shall consider, among other things, the following: (i) the administrator's skills, knowledge and ability to perform the job assigned; (ii) the administrator's ability to improve the academic progress of students through innovative and stimulating educational opportunities; (iii) the administrator's ability to encourage and stimulate gains in learning at the building level; (iv) the administrator's overall effectiveness in addressing school safety issues and enforcing student discipline.

B. In the evaluation of teachers, the superintendent or designee will evaluate all teachers in a manner that is appropriate to the tasks performed and will address, among other things, the following: (i) student academic progress; (ii) the teacher's skills; (iii) knowledge of the subject matter; (iv) teaching methodology; and (v) classroom management. (Adopted: November 10, 1994)

Legal Authority—Virginia Code §22.1-294.B. (1950), as amended.

Section 1-8.6. Evaluation of Instructional Programs. — A. The School Board is committed to the ongoing evaluation of the instructional program of Suffolk Public Schools. This evaluation is essential to the continuing provision of high quality educational services in the City of Suffolk, Virginia. The superintendent of schools is charged with the responsibility of involving the entire school staff in a continuous program of curriculum study and evaluation that will encompass all aspects of the instructional program of Suffolk Public Schools. The superintendent of schools shall also report identified needs to the School Board, as well as progress made, in the instructional program of Suffolk Public Schools in an effort to meet the needs, interests, and expectations of all students enrolled in Suffolk Public Schools. (Adopted: November 10, 1994)

Legal Authority – Virginia Code §22.1-253.13:6 (1950), as amended.

Section 1-8.7. Six Year Improvement Plan Required. — A. The School Board shall revise, extend and adopt biennially a division wide six-year improvement plan which shall be developed with staff and community involvement. Prior to the adoption of any division wide six-year improvement plan, the School Board shall make the plan available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the division wide plan. The superintendent of schools shall prepare the biennial plan for presentation to the School Board. The division wide six-year improvement plan shall include the objectives of Suffolk Public Schools; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; a plan for managing enrollment changes, including consideration for the consolidation of schools and/or the construction of new schools to provide for a comprehensive and effective delivery of instructional services to students and economies in school operations; an evaluation of the appropriateness of providing certain regional services in cooperation with neighboring school divisions; a plan for implementing such regional services when appropriate; a technology component consistent with the six-year technology plan for Virginia adopted by the Board of Education; an assessment of the needs of Suffolk Public Schools and evidence of community participation in the development of the plan. A report shall be presented by the School Board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the division wide six-year improvement plan have been met during the previous two school years. (Adopted: November 10, 1994)

Legal Authority – Virginia Code §22.1-253.13:6.C (1950), as amended.

Article 9

School Board Member Compensation and Benefits

Section 1-9.1. School Board member salary; benefits; insurance. — A. Each member of the School Board shall receive an annual salary as provided by law. The salary of school board members shall only be increased upon an affirmative vote by the School Board.

B. Actual expenses incident to performance of official duties by a School Board member may be reimbursed on presentation of an expense voucher with receipts attached. Compensation is paid for mileage incurred for attendance at a meeting of the School Board or any other meeting held within the jurisdiction.

C. The School Board shall also provide liability insurance to cover negligent acts committed or alleged to be committed by the School Board and its members while discharging their duties. This insurance shall be purchased in accordance with the recommendations of consultants to the School Board. (Adopted November 10, 1994)

Legal Authority - Virginia Code §22.1-32 (1950), as amended