

CHAPTER 9 Students

Article I Equal Educational Opportunities

Section 9-1.1. Equal Educational Opportunities; non-discrimination.—

A. Each student should be given the opportunity to develop and achieve to the maximum extent possible being limited only by individual differences. Therefore, Suffolk Public Schools will foster an educational environment that provides equal educational opportunities for all students.

B. Educational programs and services will be designed to meet the varying needs of all students and will not discriminate against any individual for reasons of race, creed, color, gender, national origin, economic status or disability.

Further, no student will on the basis of gender be excluded from participating in or denied the benefits of or subjected to discrimination under any educational program or activity conducted by Suffolk Public Schools. Suffolk Public Schools will treat its students without discrimination on the basis of gender as this pertains to course offerings, athletics, counseling, employment assistance and extracurricular activity. (Adopted February 9, 1995)

Legal Authority - Civil Rights Act of 1964, as amended in 1972, Title VI, VII and IX.

Section 9-1.2. Disability Discrimination Prohibited. — The School Board does not discriminate against individuals on the basis of disability. Where a student believes that he or she has been discriminated against on the basis of disability, the student shall have the right to file an informal or formal grievance as provided for in this Article. (Adopted June 13, 2013; Ordinance Number 12/13-89; Effective Date: July 1, 2013)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-1.3. Filing a Complaint of Disability Discrimination; Complaint Investigation; Action by Superintendent; Appeal. — A. Any student who believes he or she has been the victim of discrimination on the basis of a disability should submit a complaint alleging discrimination as soon as possible to the compliance officer designated in this policy (Compliance Officer) or to any other school or School Division staff. The complaint should be submitted as soon as possible and generally within 15 school days of the alleged discrimination. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the Compliance Officer, their supervisor, or to any other school or School Division staff.

The complainant should use the “Complaint of Discrimination” form to

make a complaint of discrimination. However, oral complaints shall also be accepted. The complaint should be filed with the school principal, other school or school division staff, or the Compliance Officer. School or school division staff receiving a complaint of discrimination shall forward it to the school principal; who shall immediately forward the complaint of discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Superintendent.

The complaint and the identity of the complainant, the individual who reported the alleged discrimination (if other than the complainant), and the persons allegedly responsible for the discrimination will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint, or as authorized by the complainant.

B. Upon receipt of a report or complaint of discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school staff or a third party designated by Suffolk Public Schools. The investigation shall be completed as soon as practicable, which should generally be not more than 15 school days after receipt of the complaint of alleged discrimination by the Compliance Officer. Within 3 school days of receiving the complaint, the Compliance Officer shall send written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination.

Also upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. If the Compliance Officer determines that more than 15 school days will be required to investigate the complaint, he or she will notify the complainant and the persons allegedly responsible for the discrimination of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded. The investigation may consist of personal interviews with the complainant, the persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The School Division shall take necessary steps to protect the complainant and others pending the completion of the investigation.

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

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

maintained and distributed in accordance with the Family Educational Rights and Privacy Act.

C. Within 10 school days of receiving the Compliance Officer's report, the Superintendent or designee shall issue a decision regarding: (1) whether this policy was violated and, if so (2) what action, if any, will be taken. This decision must be provided in writing to the complainant. If the Superintendent determines that discrimination occurred, the School Division shall take prompt, appropriate action to address and remedy the harm and prevent any recurrence. Such action may include discipline up to and including recommending that a student be expelled or that an employee be discharged.

D. If the Superintendent or designee determines that no discrimination occurred, the complainant may appeal this determination to the School Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Superintendent, who shall forward the Compliance Officer's report and any documentation or information deemed relevant by the Compliance Officer during the course of the investigation to the School Board. The School Board shall make a decision within 30 calendar days of receiving the record. The School Board may require oral or written argument from the complainant, the Superintendent, and any other individual it deems appropriate. An extension of the 30 calendar day limit may occur if necessary as determined by the School Board Chair. If the Superintendent or designee determines that discrimination occurred and discipline is imposed, the disciplined person (i.e. student or employee) may appeal the disciplinary sanction in accordance with existing School Board policies and regulations. (Adopted June 13, 2013; Ordinance Number 12/13-90; Effective Date: July 1, 2013)

Legal Authority - Virginia Code § 22.1-78 (1950), as amended

Section 9-1.4. Compliance Officer — The School Board has designated the Assistant Superintendent for Administrative Services to serve as the Compliance Officer responsible for investigating Complaints of disability discrimination and preventing and remedying disability discrimination. The Compliance Officer shall do the following: (a) receive reports and complaints of discrimination; (b) conduct or oversee the investigation of any alleged discrimination; (c) assess the training needs of the School Division in connection with this policy; and (d) arrange necessary training to achieve compliance with this policy. (Adopted June 13, 2013; Ordinance Number 12/13-91; Effective Date: July 1, 2013)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-1.5. Informal Procedure; Retaliation; False Charges — A. If the complainant and the person allegedly responsible for the discrimination agree,

the school principal, designee, or the Compliance Officer may arrange for them to resolve the complaint informally with the assistance of a counselor, teacher, or other school employee. If the complainant and the person allegedly responsible for the discrimination agree to attempt 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 in Section 9-1.3. If the complaint is resolved informally, the counselor, teacher, or other school or School Division staff shall notify the School Principal of the resolution. The School Principal shall notify the complainant, the persons allegedly responsible for the discrimination, and the Compliance Officer in writing that the complaint has been resolved informally.

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

C. Students, school staff, or School Division staff who make false charges of discrimination shall be subject to disciplinary action. (Adopted June 13, 2013; Ordinance Number 12/13-92; Effective Date: July 1, 2013)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Article 2 School Attendance

Section 9-2.1. Established by School Board; criteria for determining; changes in attendance areas; exceptions; school overcrowding — A. School attendance areas for each school are established by the School Board. Students shall attend the school in the designated attendance area in which they have legal residence and to which they are assigned, unless special permission is granted by the School Board, superintendent or Pupil Personnel committee in regular session for good and sufficient reasons.

B. Attendance zones will be established based upon the capacity of the school, the number of children of school age living in the area, the natural boundaries, city limits and major traffic arteries, the safety of students going to and from school, the exceptional educational needs of students and the need to provide cultural, racial and economic balance.

C. Changes in attendance areas will be determined by the School Board upon recommendation of the superintendent based on the need to provide for the orderly administration of the schools, the competent instruction of students and the health, safety, best interest and general welfare of all students.

D. Children of contract employees for the purpose of attendance shall

have the option of considering their place of employment as their residence for purpose of enrolling their children in school. As part of this policy, the place of employment for each itinerate employee shall be defined as that individual's base school.

E. Exceptions may be granted for students (i) diagnosed as having a medical condition that cannot be reasonably accommodated in the designated attendance area; (ii) in need of specific educational services that are not reasonably available in the designated attendance area or (iii) in cases where the School Board determines that by requiring the student to attend a school in the designated attendance area would result in injury to the student's health, safety or normal development. Childcare considerations may be taken into account in granting a request for out of zone school attendance for students in the elementary grades, but shall not form the basis for granting a request for out of zone school attendance for students in the middle and high school grades.

F. Notwithstanding those exceptions set forth herein, the School Board reserves the right to deny a request for out of zone school attendance when the granting of such a request would result in school overcrowding. All such requests upon the recommendation of the superintendent or his designee shall be reviewed by the Board's Pupil Personnel Committee which will make appropriate recommendations to the School Board. Whenever the School Board approves an out of zone request, the approval is only for the school year in which it was approved. (Adopted February 9, 1995; Revised June 8, 2006; Ordinance Number 05/06-6; Effective Date: June 8, 2006)

Note: The 2006 revision in subsection E, line 3, deleted the word "an" education program and inserted the word "specific" educational "services; and deleted the word "is" and inserted "are". Also, in subsection E, inserted the following language on lines 7, 8, 9 and 10: "Childcare considerations may be taken into account in granting a request for out of zone school for students in the elementary grades, but shall not form the basis for granting a request for out of zone school attendance for students in the middle and high school grades." In subsection F, lines 1, 2 and 3 inserted the new language: "Notwithstanding those exceptions set forth herein, the School Board reserves the right to deny a request for out of zone school attendance when the granting of such a request would result in school overcrowding." and inserted the following language on lines 6 and 7, "Whenever the School Board approves an out of zone request, the approval is only for the school year in which it was approved."

Legal Authority - Virginia Code §22.1-3 (1950), as amended.

Section 9-2.2. Placement of Twins; when placement disruptive. — A. A parent of twins or higher order multiples in the same grade level may request that the children be placed in the same classroom or in separate classrooms if they are at the same elementary school. A parent must request the classroom placement no later than 3 days after the first day of each school year or 3 days after the first day of attendance of the children during a school year. Schools may recommend classroom placement to the parent.

B. Schools must provide the placement requested by the children's

parent, unless the superintendent or superintendent designee makes a classroom placement determination following the school principal's request, at the end of the initial grading period, and in consultation with the children's classroom teacher, based upon a determination that the requested classroom placement is disruptive to the school or is harmful to the children's educational progress. (Adopted June 13, 2013; Ordinance Number 12/13-93; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-91; Effective Date: July 1, 2016)

Note: The 2016 revision revised subsection which read "Schools must provide the placement requested by the children's parent, unless the division superintendent or his designee makes a classroom placement determination following the school principal's request, at the end of the initial grading period, and in consultation with the children's classroom teacher, based upon a determination that the requested classroom placement is disruptive to the school or is harmful to the children's educational progress" to read "Schools must provide the placement requested by the children's parent, unless the superintendent or superintendent designee makes a classroom placement determination following the school principal's request, at the end of the initial grading period, and in consultation with the children's classroom teacher, based upon a determination that the requested classroom placement is disruptive to the school or is harmful to the children's educational progress."

Legal Authority - Virginia Code § 22.1-79.3.F. (1950), as amended.

Article 3

Transfer Request by Student Victims of Crime

Section 9-3.1. Basis for transfers; transportation services.—A. Transfer requests may be made by any student who has been the victim of any documented crime against the person pursuant to Chapter 4 (§18.2-51 *et. seq.*) of Title 18.2 including crimes by mobs, kidnapping and related offenses, assault and bodily wounds, robberies, extortion or other threats, sexual assault and seduction when the crime was committed (i) by another student attending classes in the school; or (ii) by an employee of the School Board; or (iii) by any volunteer, contract worker or any other person who regularly performed services in the school; or (iv) if the crime was committed upon the school property or on any school bus owned or operated by Suffolk Public Schools. The student upon whom the crime was committed may request a transfer if as a direct result he or she suffered physical, psychological or economic harm. Upon written request from the student's parents or the student, if such student is an emancipated minor, transfer under this section to another comparable school within Suffolk Public Schools shall only be permitted by the School Board if space is available.

B. Any transportation services for such students shall be provided in accordance with School Board policy.

C. For purposes of this policy, "victim" means any student who has been the victim of a crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia, and who has suffered physical, psychological, or

economic harm as a direct result of the commission of such crime. (Adopted August 14, 1997; Revised June 9, 2016; Ordinance Number 15/16-92; Effective Date: July 1, 2016)

Note: The **2016** revision added subsection C.

Legal Authority - Virginia Code §§ 22.1—3, 22.1-3.3 (1950), as amended.

Section 9-3.2. Transfer from Persistently Dangerous School; Remain in Effect — A. Any student attending a school which has been designated as a persistently dangerous school by the Virginia Department of Education will be offered the opportunity to transfer to another school in the division which is not so designated. If there is not another school in the division to which students may transfer, the division may explore other appropriate options such as an agreement with a neighboring division to accept transfer students.

B. In the event that a student elects to transfer, the transfer may remain in effect as long as the student’s original school is identified as persistently dangerous. (Adopted June 9, 2016; Ordinance Number 15/16-93; Effective Date: July 1, 2016)

Legal Authority - 20 U.S.C. § 7912

Article 4 School Censor

Section 9-4.1. Censor required; agent appointed. —A. The School Board shall assure that every three (3) years a census is taken of all persons who reside within the school district of Suffolk Public Schools who have reached age of five and who have not reached the age of 20 on or before December 31 immediately following the census.

B. On recommendation of the superintendent, the School Board shall appoint agents to take the census. Each agent shall receive compensation for his or her services from School Board funds in the amount to be fixed by the School Board. A reasonable travel allowance may be allowed at the discretion of the School Board. (Adopted February 9, 1995)

Legal Authority - Virginia Code §§22.1-281 through 22.1-286 (1950), as amended.

Article 5 Compulsory Attendance Ages

Section 9-5.1. Ages of children required to attend; homebound instruction; other exceptions. — A. Every parent, guardian, or other person having control or charge of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed his or her eighteenth birthday shall send such child to a public or otherwise provide the child with an education in accordance with state law, unless the child is exempt from the state's compulsory attendance requirement. The requirements of this policy apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in Va. Code §§ 22.1-253.13:1.C and 22.1-254.01.

B. Further, in the case of any five-year-old child, the requirements of this policy may be alternatively satisfied by sending the child to any public educational pre-kindergarten program, including a Head Start program, or in a private, denominational, or parochial educational pre-kindergarten program.

C. Notification by parents of the intent to provide home instruction shall be processed in accordance with the requirements of state law and policies adopted by the School Board.

D. The requirements of this policy shall not apply to (i) any person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan, and (ii) any child who has obtained a high school diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements. (Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 1213-94; Effective Date: July 1, 2013)

Note: The **2013** revision added the following language to subsection A, Every “parent, guardian, other person having control or charge of any” child who “will have” and deleted “has reached his or her” and replaced with “reached the fifth” birthday. This revision further added the following language: “otherwise provide the child with an education in accordance with state law, unless the child is exempt from the state’s compulsory attendance requirement. The requirements of this policy apply to (i) any child in the custody of the Department of Juvenile Justice or the Department of Corrections who has not passed his eighteenth birthday and (ii) any child whom the division superintendent has required to take a special program of prevention, intervention, or remediation as provided in Va. Code §§ 22.1-253.13:1.C and 22.1-254.01. A new subsection B was added. Subsection C was revised by deleting “regulations established” and in its place inserted the words “policies adopted” and also deleted the word “Administration” and put in its place “School Board.” In subsection D, subpart (i) deleted any “child who has obtained a high school diploma, its equivalent or a certificate of completion” and inserted in its place any “person 16 through 18 years of age who is housed in an adult correctional facility when such person is actively pursuing a general educational development (GED) certificate but is not enrolled in an individual student alternative education plan, and (ii) any child who has obtained a high school

diploma or its equivalent, a certificate of completion, or a GED certificate, or who has otherwise complied with compulsory school attendance requirements.

Legal Authority - Virginia Code §22.1-254 (1950), as amended.

Section 9-5.2. Mandatory and discretionary release from compulsory school attendance requirement; special rule for children sixteen and above; failure to comply with alternative placement. —A. The School Board shall excuse from attendance at school (i) any child who, together with his parents, by reason of bona fide religious training or belief, is conscientiously opposed to attendance at school. For the purpose of this section “bona fide religious training or belief” does not include essentially political, sociological or philosophical views or a merely personal moral code; or (ii) on the recommendation of the juvenile and domestic relations district court for the City of Suffolk for such period of time as the court determines appropriate, any child who, together with his parents, is opposed to attendance at a school by reason of concern for the child’s health, as verified by competent medical evidence, or (iii) by reason of the child’s reasonable apprehension for personal safety when such concern or apprehension in that child’s specific case is determined by the court, upon consideration of the recommendation of the principal and superintendent, to be justified.

B. The School Board may excuse from school attendance (i) on recommendation of the principal and superintendent, and with the written consent of the parent or guardian, any child who the School Board determines, in accordance with regulations of the Board of Education, cannot benefit from education in Suffolk Public Schools; or (ii) on recommendation of the juvenile and domestic relations district court of the City of Suffolk, any child who, in the judgment of the court, cannot benefit from education at school.

C. Any request for exemption from attendance shall be presented annually in writing to the superintendent or his/her designee.

D. The compulsory education requirements do not apply to (i) Children suffering from contagious or infectious diseases; (ii) Children whose immunizations against communicable diseases have not been completed; (iii) Children under 10 years of age who live more than two miles from a public school unless public transportation is provided within one mile of the place where such children live; and (iv) Children between the ages of 10 and 17, inclusive, who live more than 2.5 miles from a public school unless public transportation is provided within 1.5 miles of the place where such children.

E. The School Board may allow the compulsory attendance requirements to be met pursuant to an individual student alternative education plan developed in conformity with guidelines prescribed by the Board of Education under the following conditions: (1) The student must be at least sixteen years of age; (2) There shall be a meeting of the student, the student’s parents, and the principal or his designee of the school in which the student is enrolled to develop

the plan, which must include the following: (a) Career guidance counseling; (b) Mandatory enrollment and attendance in a general educational development preparatory program or other alternative education program approved by the school board, with attendance reported to the principal or his designee; (c) Mandatory enrollment in a program to earn a Board of Education-approved career and technical education credential, such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; (d) Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma; (e) Counseling on the economic impact of failing to complete high school; and (f) Procedures for re-enrollment.

F. The School Board may, in accordance with the procedures set forth in Va. Code § 22.1-276.01 et seq. and upon a finding that a school-age child has been (i) charged with an offense relating to the Commonwealth's laws, or with a violation of school board policies, on weapons, alcohol or drugs, or intentional injury to another person; (ii) found guilty or not innocent of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent of the school division pursuant to subsection G of Va. Code § 16.1-260; (iii) suspended pursuant to Va. Code § 22.1-277.05; or (iv) expelled from school attendance pursuant to Va. Code §§ 22.1-277.06, 22.1-277.07, or subsection B of § 22.1-277, require a student to attend an alternative education program as provided by Va. Code § 22.1-209.1:2 or 22.1-277.2:1.

Whenever a court orders any pupil into an alternative education program, including a program of general educational development, offered in the public schools, the School Board will determine the appropriate alternative education placement of the pupil regardless of whether the pupil attends the public schools it supervises or resides within its school division.

G. A student for whom an individual student alternative education plan has been granted pursuant to this subsection, and who fails to comply with the conditions of such plan, shall be deemed in violation of the compulsory school attendance law. Students enrolled in an alternative education plan shall be counted in the average daily membership of Suffolk Public Schools. (Adopted November 11, 1999; Ordinance Number 99/00-30; Revised December 14, 2006; Ordinance 06/07-10; Effective: July 1, 2007; Revised June 13, 2013; Ordinance Number 12/13-95; Effective Date: July 1, 2013)

Note: The 2013 revision deleted from "school" attendance in subsection A and inserted in its place attendance "at school". In subsection A, subpart (ii) the word "pupil" was deleted and "child" was inserted in its place. Also, in subpart (iii) the word "pupil" was deleted and "child" was inserted in its place, and in place of "with" consideration was changed to "upon" consideration and "by" was deleted and "of the recommendation of" the principal... was inserted. In subsection B, the word "pupil" was deleted and "child" was inserted in its place and the words cannot benefit from "public school" was deleted and in its place was inserted cannot benefit from "education at school." A new subsection C and D were also added. Along with a new subsection E, which was

formerly subsection C, and a new subsection F. The **2006** revision inserted in line 9 the words “for such period of time as the court determines appropriate”.

Legal Authority - §22.1-254 (1950), as amended.

Section 9-5.3. Appointment and duties of attendance officers.—Suffolk Public Schools may appoint persons to serve as attendance officers whose primary purpose will be the enforcement of the compulsory attendance law. Any attendance officer may pick up any child who is reported to be truant from any Suffolk Public School by a school principal or superintendent or when the attendance officer reasonably determines a child to be a public school student and by reason of the child’s age and circumstances believes that the child is truant from public school. The attendance officer may deliver any such child to the appropriate public school. (Adopted November 11, 1999; Ordinance Number 99/00-31)

Legal Authority - Virginia Code § 22.1-266 (1950), as amended.

Article 6

Entrance Age/Admission of Persons of Not of School Age

Section 9-6.1. Discretion of School Board.—An individual who resides within the school division and is beyond school age (who has reached his or her twentieth birthday on or before August 1 of the school year) may at the discretion of the School Board be admitted into Suffolk Public Schools. Such individuals may be charged tuition at the discretion of the School Board. (Adopted February 9, 1995)

Legal Authority – Virginia Code § 22.1-5 (1950), as amended.

Article 7

School Admission

Section 9-7.1. Persons eligible for school admission; admission requirements; when tuition charged; foster care enrollment.—A. A person of school age (i.e. a person who has reached his or her fifth birthday on or before September 30 of the school year and who has not reached twenty (20) years of age on or before August 1 of the school year) is eligible for admission on a non-tuition basis if residing in the school division of Suffolk Public Schools. A person of school age shall be deemed to reside within the school division of Suffolk Public Schools when the following exists:

1. When the person is living with a natural parent or a

- parent by legal adoption in the school division of Suffolk Public Schools;
2. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;
 3. When the parents of such person are unable to care for the person and the person is living not solely for school purposes with another person who resides in the school division and is the court-appointed guardian or has legal custody of the person;
 4. When the person is living with a parent, guardian or person in loco parentis in a temporary shelter in the school division not solely for school purposes; or
 5. When the person is living in the school division not solely for school purposes as an emancipated minor.
 6. When the person has been placed in a foster care placement within the school division by a local social services agency. Suffolk Public Schools will cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines to enhance continuity of instruction. The child will be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and Suffolk Public Schools that such attendance is in the best interest of the child. No person of school age who is the subject of a foster care placement will be charged tuition regardless of whether the child is attending the school in which he was enrolled prior to the most recent foster care placement or is attending a school in the receiving school division.

B. Except as otherwise provided in this section, no pupil shall be admitted for the first time to any public school in any school division in Virginia unless the person enrolling the pupil presents, upon admission, a certified copy of the pupil's birth record. The principal or his designee shall record the official state birth number from the pupil's birth record into the pupil's permanent school record and may retain a copy in the pupil's permanent school record. If a certified copy of the pupil's birth record cannot be obtained, the person so enrolling the pupil shall submit an affidavit setting forth the pupil's age and explaining the inability to present a certified copy of the birth record. If the school division cannot ascertain a child's age because of the lack of a birth certificate, the child shall nonetheless be admitted into the public schools if the division superintendent determines that the

person submitting the affidavit presents information sufficient to estimate with reasonable certainty the age of such child.

If a certified copy of the birth record is not provided the administration shall immediately notify the local law enforcement agency. The notice to the local law-enforcement agency shall include copies of the submitted proof of the pupil's identity and age and the affidavit explaining the inability to produce a certified copy of the birth record.

Within 14 days, after enrolling a transfer student, Suffolk Public Schools shall request documentation that a certified copy of the pupil's birth record was presented when the pupil was enrolled in the former school. Whenever a child is enrolled in Suffolk Public Schools, Suffolk Public Schools shall provide the child with a student identification number.

C. The School Board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia.

D. Tuition rates are established each year in accordance with the provisions of § 22.1-5 of the Code of Virginia. Certain other students may be admitted into the public schools of Suffolk Public Schools and may be charged tuition in accordance with Section 22.1-5 (1950) of the Code of Virginia and pursuant to regulations promulgated by Suffolk Public Schools.

E. Prior to admission to Suffolk Public Schools the parent, guardian, or other person having control or charge of the child shall provide, upon registration, (i) a sworn statement or affirmation indicating whether the student has been expelled from school attendance at a private school or in a public school division of the Commonwealth or another state for an offense in violation of school board policies relating to weapons, alcohol or drugs, or for the willful infliction of injury to another person. This document shall be maintained as a part of the student's scholastic record; and (ii) a sworn statement or affirmation indicating whether the student has been found guilty of or adjudicated delinquent for any offense listed in subsection G of Va. Code § 16.1-260 or any substantially similar offense under the laws of any state, the District of Columbia, or the United States or its territories. This document shall be maintained by the superintendent and by any others to whom he 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 § 16.1-260, the notice shall become a part of the student's disciplinary record.

F. A student, who has been expelled or suspended for more than thirty days from attendance at school by a school board, or a private school in Virginia or in another state, or for whom admission has been withdrawn by a private school

in Virginia or another state, may be excluded from school attendance in Suffolk Public Schools regardless of whether such student has been admitted to another school division or private school in Virginia or in another state subsequent to such expulsion, suspension, or withdrawal of admission, upon a finding that the student presents a danger to the other students or staff of Suffolk Public Schools after (i) written notice to the student and his/her parent that the student may be subject to exclusion, including the reasons therefor, and (ii) notice of the opportunity for the student or his parent to participate in a hearing to be conducted by the superintendent or his designee regarding such exclusion; and (iii) a hearing of the case has been conducted by the superintendent or his/her designee; and (iii) a decision has been to exclude the student from attendance. The student or his parent may request that the School Board conduct a review of the decision within 15 days from notice of the decision made by the superintendent or his/her designee. The School Board may affirm, reverse or alter the decision to exclude the student and the conditions for admission or readmission of the student. In any event, upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, the student may petition the School Board for admission or readmission to school. If the petition for admission or readmission is rejected, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may petition the School Board for admission or readmission. However, the School Board shall not impose any additional conditions for admission or readmission on the student than those previously imposed. But prior to admission, the student must document compliance with, or eligibility for exemption from, the physical examination and immunization requirements contained in §§ 22.1-270, 22.1-271.2 and 32.1-46 of the Code of Virginia and policies of the School Board.

This policy does not preclude contractual arrangements between the School Board and agencies of the federal government or school boards of other jurisdictions to permit students not otherwise eligible to attend Suffolk Public Schools.

For the purpose of this section the superintendent's designee shall be a (i) trained hearing officer or (ii) professional employee within the administrative offices of Suffolk Public Schools who reports directly to the superintendent and who is not a school based instructional or administrative employee.

G. When a child is registered in Suffolk Public Schools as a result of foster care placement, the information required under this section must be furnished by the local social services agency or licensed child-placing agency that made the placement. If the person enrolling a child who has been placed in foster care by a local social services agency is unable to produce a report of a comprehensive physical examination and/or proof of immunization, the student shall be immediately enrolled; however, the person enrolling the child shall provide a written statement that, to the best of his knowledge, the student is in good health and is free from communicable or contagious disease. In addition, the

placing social service agency shall obtain and produce the required documents or otherwise ensure compliance with the statutory requirements for the foster child within 30 days after the child's enrollment. (Adopted February 9, 1995; Revised October 9, 2003; Ordinance 03/04-1; Effective: July 1, 2004; Revised December 14, 2006; Ordinance 06/07-11; Effective: July 1, 2007; Revised June 13, 2013; Ordinance Number 12/13-96; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-94; Effective Date: July 1, 2016)

Note: The 2016 revision deleted the former subsection C which read "Each student will present a federal social security number within 90 days of his enrollment. In any case in which a student is ineligible, pursuant to guidelines promulgated by the Board of Education, to obtain a social security number or the parent is unwilling to present such number, the superintendent or his designee may assign another identifying number to the student or waive this requirement" to read "The School Board assigns a unique student identification number, determined in accordance with a system developed by the Department of Education, to each student enrolled in the division. No student identification number includes or is derived from the student's social security number. Each student retains the student's identification number for as long as the student is enrolled in a public elementary or secondary school in Virginia."

Legal Authority - Virginia Code §§22.1-3.1 and 22.1-3.2 (1950), as amended.

Section 9-7.1:1 Admission of certain persons to the public schools. — No person of school age shall be denied admission or charged tuition when (i) such person's custodial parent has been deployed outside of the United States as a member of the Virginia National Guard or as a member of the United States Armed Forces; and (ii) such person's custodial parent has executed a Special Power of Attorney under Title 10, United States Code, §1044b providing for the care of the person of school age by an individual who is defined as a parent within the meaning of Virginia Code §22.1-1 during the time of his deployment outside the United States; and (iii) such person has been attending a public school in this Commonwealth while residing with his custodial parent. The person of school age shall be allowed to attend a school in the school division in which the individual providing for his care, pursuant to the Special Power of Attorney under Title 10, United States Code, §1044b, resides or, when practicable, to continue to attend the school in which he was enrolled while residing with his custodial parent. (Adopted May 12, 2005; Ordinance 04/05-21; Effective: July 1, 2005)

Legal Authority - Virginia Code §22.1-5 (1950), as amended.

Section 9-7.2. Contractual arrangements not precluded.—This policy does not preclude contractual arrangements between the School Board and agencies of the federal government or between the School Board and other jurisdictions to permit students not otherwise eligible to attend Suffolk Public Schools. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-5 (1950), as amended.

SUFFOLK PUBLIC SCHOOLS

Section 9-7.3. Admission of homeless children; determining residency for persons living in temporary housing — A. The School Board is committed to educating homeless children and youth. The superintendent shall develop guidelines for contacting shelter agencies, ministerial associations and other community service providers to identify homeless children within the City. Such children will be provided with educational services including specialized services to meet their needs as determined and directed by the superintendent.

B. If a person resides within housing or temporary shelter that is situated in more than one school division, the person shall be deemed to reside in and shall be entitled to attend a public school within either school division. However, if a person resides in housing or temporary shelter that is located solely in the school division of Suffolk Public Schools, but the geographical boundaries on which the housing or temporary shelter is located lies within more than one school division, the residency for such person for school purposes shall be Suffolk Public Schools. (Adopted February 9, 1995; Revised November 11, 1999; Ordinance Number 99/00-32)

Note: The 1999 revision to Section 9-7.3 added subsection B relative to persons residing in temporary housing or shelter.

Legal Authority - Virginia Code §22.1-3 (1950), as amended.

Section 9-7.4. Admission of non-public students for part-time enrollment. — Private and home school students shall not be permitted to enroll part-time in Suffolk Public Schools or to participate in academic or extra-curricular activities. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Article 8

Student Absences/Excuses/Dismissals

Section 9-8.1. Parental responsibility; parent contact required; note required.—A. School attendance is directly related to academic achievement and the development of good habits which are important in the world of work. Optimum student attendance is a cooperative effort and the School Board expects parents and students to take an active roll in accepting the responsibility for good attendance.

Each parent/guardian in charge of a child within the compulsory attendance age shall be responsible for such child's regular and punctual attendance at school as required under the provisions of law.

B. Every reasonable effort will be made to contact a parent/guardian of each absent student every day and a log will be kept of call attempts.

SUFFOLK PUBLIC SCHOOLS

C. Students who are absent must bring a valid note explaining the reasons for absence upon returning to school. Unexcused absences will be handled in accordance with procedures established by the superintendent. (Adopted February 9, 1995; Revised January 14, 1999)

Legal Authority - Virginia Code §§22.1-254 and 22.1-258 (1950), as amended.

Section 9-8.2. School hours generally; reasons for absences; report required.—A. Students shall attend school for a full day (5-1/2 hours) unless otherwise excused. Secondary students shall be scheduled for a full school day unless they are enrolled in a work cooperative work study program. All other exceptions to a full day schedule must be approved on an individual basis by the superintendent or designee.

B. If the following should occur: (1) a student fails to report to school for a total of five (5) scheduled school days for the school year; and (2) there is no indication that the student's parent is aware of and supports the student's absence; and (3) a reasonable effort to notify the parents to obtain an explanation for the student's absence has failed, then the principal or designee shall make a reasonable effort to ensure that direct contact is made with the parent, either in person or through telephone conversation by the attendance officer, to obtain an explanation for the student's absence and to explain to the parent the consequences of continued nonattendance. The attendance officer, student, and the student's parent shall jointly develop a plan to resolve the student's nonattendance. Such plan shall document the reasons for the student's non-attendance.

C. If the student is absent an additional day after direct contact with the student's parent and the attendance officer has received no indication that the student's parent is aware of and supports the student's absence, the attendance officer shall schedule a conference within ten (10) school days with the student, his parent, and school personnel, which conference may include other community service providers, to resolve issues related to the student's non-attendance. Upon the next absence by such student without indication to the attendance officer that the student's parent is aware of and supports the student's absence, the school principal or his designee shall notify the attendance officer or the superintendent, as the case may be, who shall enforce the provisions of the Compulsory Attendance law by either (i) filing a complaint with the juvenile and domestic relations court alleging that the student is a child in need of supervision as defined in state law; or (ii) instituting proceedings against the parent pursuant to state law. In filing a complaint against the student, the attendance officer shall provide written documentation of the efforts to comply with the provisions of this section. In the event that both parents have been awarded joint physical custody of the student and the school has received notice of the custody order, both parents shall be notified at the last known addresses of the parents.

D. At the end of each school year, each principal shall report to the

superintendent the number of students by grade level for whom a conference was scheduled as required by this section. The superintendent shall compile such grade level information for Suffolk Public Schools and provide this information to the Superintendent of Public Instruction annually. (Adopted February 9, 1995; Revised November 11, 1999; Ordinance Number 99/00-33)

Note: The **1999** revision to Section 9-8.2 changed the number of days in subsection B from three consecutive school days to a total of five school days in a school year which will then trigger a reasonable effort to make direct contact with the child's parent concerning the child's absence from school and the development of a plan to prevent further absences. This revision also added subsections C and D.

Legal Authority - Virginia Code §§22.1-254, 22.1-258 and 22.1-78 (1950), as amended.

Section 9-8.3. Attendance officer to make list of children not enrolled; duties of attendance officer. —A. The attendance officer for Suffolk Public Schools shall check the reports of students enrolled in Suffolk Public Schools with the last school census and with reports from the State Registrar of Vital Records and Health Statistics. From these reports and from any other reliable source, the attendance officer shall, within five (5) days after receiving the report of children enrolled in Suffolk Public Schools, make a list of children who are not enrolled in any school and who are not exempt from school attendance.

B. It shall be the duty of the attendance officer, on behalf of the School Board, to investigate all cases of non-enrollment and, when no valid reason is found therefor, to notify the parent, guardian or other person having control of the child to require the attendance of such child at school within three days from the date of such notice. (Adopted November 11, 1999; Ordinance Number 99/00-34)

Legal Authority - Virginia Code §22.1-261 (1950), as amended.

Section 9-8.4. Complaint to court when parent fails to comply.—A list of persons notified by the attendance officer pursuant to Section 9-8.3 shall also be sent to the appropriate school principal. If the parent (i) fails to enroll the child in school; or (ii) fails to otherwise comply with the compulsory attendance law; or (iii) refuses to participate in the plan to resolve the student's non-attendance or in the conference requested by the attendance officer as set forth in Section 9-8.2, it shall be the duty of the attendance officer, with knowledge and approval of the superintendent, to make a complaint against the pupil's parent in the name of the Commonwealth before the juvenile and domestic relations district court. If proceedings are instituted against the parent for failure to comply with the provisions of this policy and state law, the attendance officer is to provide documentation to the court regarding the attempts made to resolve the student's non-attendance or non-enrollment. (Adopted November 11, 1999)

Legal Authority - Virginia Code §22.1-262 (1950), as amended.

Section 9-8.5. Dismissal precautions; burden of proof.—A. The principal shall not release a student during the school day to any person to assume responsibility for the student unless authorized by the student’s custodial parent or legal guardian. Students shall be released only on written request and authorization of a custodial parent or legal guardian. The superintendent shall provide procedures for the release of pupils who are not residing with or under the supervision of a parent or legal guardian.

B. The burden of proof on the authority of the person to receive the student is on the requesting party. A formal check-out system shall be maintained at each school. (Adopted February 9, 1995; Revised June 14, 2001; Ordinance Number 00/01-16)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Article 9

Exclusions and Exemptions from School Attendance

Section 9-9.1. Students exempt from attendance; exemption must be approved by School Board; religious belief exemption.—A. Physically, incapacitated children or children suffering from contagious, communicable or infectious diseases shall be exempt from compulsory attendance when the physical incapacity is established by a written statement from a practicing physician attending the child giving the reasons for the student’s inability to participate in school. Children whose immunizations against communicable diseases have not been completed may be excluded from school attendance, unless such children have been exempted from the immunization requirements. Any child who will not have reached his sixth birthday on or before September 30 may be exempted from school attendance until the following year if approved by the State Board of Education.

Compulsory attendance regulations shall not apply to (i) children under ten (10) years of age who live more than two (2) miles from a public school unless public transportation is provided within one mile of the place where they live or (ii) children between ten and seventeen years of age who live more than 2-1/2 miles from a public school unless public transportation is provided within 1-1/2 miles of the place where the children live. Compulsory education differences shall be measured or determined by the nearest practical routes usable for either or riding from the entrance to the school ground or from the nearest bus stop to the residence of the children.

B. Any request for exemption from attendance shall be presented annually in writing to the superintendent or designee. Children may be exempted from attendance at school by the School Board if they cannot benefit from education. This must be with written consent of the parent or guardian and upon the

recommendation of the principal and the superintendent or the recommendations of the Juvenile and Domestic Relations District Court.

C. Request for exemptions from compulsory attendance requirements on the basis that such attendance is contrary to a religious belief and teachings of a student or the student's parent or legal guardian require that the parent or guardian must first demonstrate that such attendance actually interferes with the exercise of a sincerely held religious belief. The decision of whether or not to exempt a student on the basis of a bona fide religious belief shall be made in the first instance by the School Board upon recommendation by the superintendent or designee.

D. If a sincerely held religious belief can be accommodated by means other than exemptions from school attendance then such accommodations should be made unless it would substantially disrupt the administration of the educational process in the schools. The superintendent or designee together with the building principal shall examine with the parent or guardian the available accommodation option and determine whether an accommodation is appropriate within the curriculum and workable for the student. All other exemptions granted by the School Board shall be in accordance with existing law. (Adopted February 9, 1995; Revised September 14, 1995)

Legal Authority - Virginia Code §22.1-256 (1950), as amended.

Section 9-9.2. Attendance at alternative programs; court ordered. —A. The School Board may require a student to attend an alternative education program in accordance with due process procedures in Sections 9-18.2 and 9-18.5 of School Board policy, if the School Board finds that the student has (1) committed an offense in violation of School Board policy; (2) been charged with an offense related to state law or a violation of School Board policy on weapons, alcohol or drugs or intentional injury to another person or (3) been charged with an offense or has been found guilty or not innocent of a crime which was reported or could have been reported to the superintendent.

B. Whenever a court orders any student into an alternative education program offered in the public school, the School Board shall determine the appropriate alternative education placement for the student. (Adopted February 9, 1995; Revised September 14, 1995)

Legal Authority - Virginia Code §§22.1-257(D), 22.1-269.1, and 22.1-277.-01(1950), as amended

Article 10 Pupil Accounting Records

Section 9-10.1. Teacher register check; accurate records of children with disabilities required. —A. Periodic checks shall be made of teacher (electronic) registers at least three (3) times a year including the final check of each register at the end of the school term.

B. Suffolk Public Schools shall keep an accurate record of each child with a disability attending school in the division who is not a resident of the school division. This record shall be certified to the state following the end of the school year. (Adopted September 14, 1995)

Legal Authority - Virginia Code §22.1-101.1 (1950), as amended.

Article 11 Student Conduct

Section 9-11.1. Standards of student conduct generally; notice requirement; student rights and responsibilities.—A. The standards for student conduct are designed to define the basic rules and major expectations of students enrolled in Suffolk Public Schools. It is the responsibility of the School Board to adopt policy and the administration to issue regulations establishing rules of conduct for student behavior in order to protect the health, safety and welfare of its students. The local school principal has the responsibility and authority to exercise reasonable judgment in enforcing this code of conduct. Principals are responsible for ensuring that all students, staff members and parents are provided the opportunity to become familiar with this policy.

B. The superintendent issues Standards of Student Conduct and a list of possible corrective actions for violation of the standards of conduct. The Standards of Student Conduct, a notice of the requirements of Va. Code § 22.1-279.3, and a copy of the compulsory school attendance law is also sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of the Standards of Student Conduct shall also be sent. The statement shall also acknowledge the receipt of state law concerning parental assistance in maintaining discipline and order. Parents are notified that by signing the statement of receipt, they are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school maintains records of the signed statements. The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or principal's designee to review the School Board's Standards of Student Conduct and the parent's or parents' responsibility to

participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law and to discuss improvement of the child's behavior, school attendance and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

C. Each student has the right to expect an educational environment in which he or she can strive to achieve his or her intellectual potential. The student is expected to attend regularly, be diligent in his or her studies and conduct him or herself in such a way that the rights and privileges of others are not violated. The student is expected to accept and demonstrate the obligations of good citizenship, to help prevent problems from happening and help resolve problems if they occur. (Adopted August 14, 1997; Revised January 14, 1999; Revised June 9, 2016; Ordinance Number; Effective Date: July 1, 2016)

Note: The **2016** revision revised Subsection B which read "The superintendent shall issue Standards of Student Conduct and a list of possible corrective actions for violation of the standards of conduct. The Standards of Student Conduct, the notice required by §22.1-279.3 (1950), as amended of the Code of Virginia, law of the requirements of Va. Code § 22.1-279.3, sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time" to read "The superintendent issues Standards of Student Conduct and a list of possible corrective actions for violation of the standards of conduct. The Standards of Student Conduct, a notice of the requirements of Va. Code § 22.1-279.3, and a copy of the compulsory school attendance law is also sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time." Furthermore, revised a portion of Subsection B which read "Parents shall be notified that by signing the statement of receipt, parents are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school shall maintain records of the signed statements. The school principal may request the student's parent to meet with the principal or his designee to review the School Board's Standards of Student Conduct and the parent's responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law and to discuss improvement of the child's behavior, and educational progress" to read "Parents are notified that by signing the statement of receipt, they are not deemed to waive, but expressly reserve, their rights protected by the constitution or laws of the United States or Virginia. Each school maintains records of the signed statements. The school principal may request the student's parent or parents, if both have legal and physical custody, to meet with the principal or principal's designee to review the School Board's Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law and to discuss improvement of the child's behavior, school attendance and educational progress."

Legal Authority - Virginia Code §22.1-70, 22.1-78, 22.1-79, 22.1-278, 22.1-293(D), (1950), as amended.

Section 9-11.2. Parental responsibilities; notice to parents; needing to discuss improving student behavior.—A. All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct Parents are also expected to maintain regular communication with school authorities, monitor and require daily attendance and

bring to the attention of the school authorities any problems that affect the student or other children in the school. It is the parent's responsibility to notify the school of any unusual behavior patterns or medical problem that might lead to serious difficulties.

B. The school principal shall notify the parents of any student who violates School Board policy when such violations could result in the student's suspension whether or not the school administration has imposed any disciplinary action. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior; and (3) that if the student is suspended the parent may be required to accompany the student to meet with school officials. The principal or his designee shall notify the parent of any student involved in an incident required to be reported to the superintendent and State Board of Education.

C. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss ways to improve the student's behavior, unless the school principal or his designee determines that readmission without a parent conference is appropriate for the student. If the parent fails to comply with this requirement the School Board may ask the Juvenile and Domestic Relations General District Court to proceed against the parent in accordance with the requirements of the Code of Virginia. (Adopted August 14, 1997; Revised January 14, 1999)

Legal Authority - Virginia Code §22.1-279.3 (1950), as amended.

Section 9-11.3. Grounds for corrective action; police notification; bi-annual review. —A. Students are subject to corrective action for any misconduct that occurs.

- (1) In school or on school property; or
- (2) On a school vehicle; or
- (3) By participating in or attending any school sponsored activity or trip;
or
- (4) On the way to and from school; or
- (5) Off school property when the acts lead to an adjudication of delinquency or a conviction for an offense listed in §16.1-260(G) of the Code of Virginia (1950), as amended, which involves unlawful purchase, possession or use of a weapon, homicide, felonious assault and bodily wounding, criminal sexual assault, manufacture, sell, gift, distribution or possession of schedule 1 or 2 controlled substances or marijuana, arson and related crimes and burglary and related offenses.

B. Unlawful acts which may lead to police notification and may lead to

suspension from classes, exclusion from activities or expulsion include but are not limited to:

- (1) Possession or use of alcohol, illegal drugs, or drug paraphernalia, or imitation drugs including marijuana, synthetic cannabinoids as defined in Va. Code § 18.2-248.1:1, and anabolic steroids, or drug paraphernalia;
- (2) Selling drugs
- (3) Assault/Battery
- (4) Sexual Assault
- (5) Arson
- (6) Intentional Injury
- (7) Bullying; biting
- (8) Bomb threats
- (9) Use or possession of explosives
- (10) Possession of weapons or firearms
- (11) Possession of beepers or other portable communication devices, except to the extent permitted by the School Board Policy 9-11.6
- (12) Possession of laser pointers
- (13) Extortion, blackmail or coercion
- (14) Driving without a license on school property
- (15) Homicide
- (16) Burglary
- (17) Sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation)
- (18) Malicious mischief
- (19) Shooting
- (20) Stabbing, cutting or wounding
- (21) Unlawful interference with school authority, including threats
- (22) Unlawful intimidation of school authority;
- (23) Knowingly making false allegation or statement or giving false information, either verbally or in writing, to or against any school employee
- (24) Other unlawful acts including being an accessory to any of these or other unlawful acts.

Any student involved in a drug or violent incident which must be reported shall participate in prevention and intervention activities outlined in Suffolk Public Schools Drug and Violent Prevention Plan. The superintendent may also issue regulations listing additional action which may be cause for corrective action and if serious enough or exhibited repeatedly may also lead to suspension or expulsion.

C. The term “imitation drug” when used in this section means either (i) a pill, capsule, tablet, or substance in any form whatsoever which is not a

controlled substance subject to abuse, and which by overall dosage or unit appearance, including color, shape, size, marking and packaging or by representations made, and would cause a reasonable person to believe that such pill, capsule, or substance in any other form whatsoever will be mistaken for a controlled substance; or (ii) a pill, capsule, tablet or substance which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation, unless permitted to be marketed, promoted, or sold as such by the United States Food and Drug Administration.

D. The School Board shall bi-annually review the model Student Conduct Code developed by the Board of Education to incorporate into policy a range of discipline options and alternatives to preserve a safe and non-disruptive environment for effective learning and teaching. (Adopted August 14, 1997; Revised January 14, 1999; Revised November 11, 1999; Ordinance Number 99/00-35; Revised December 12, 2002; Ordinance Number 02/03-03; Effective July 1, 2003; Ordinance Number 04/05-9; Effective July 1, 2005; Revised June 13, 2013; Ordinance Number 12/13-97; Effective Date: July 1, 2013)

Note: The **2013** revision in subsection B, subpart (1) added possession of “marijuana, synthetic cannabinoids as defined in Virginia Code § 18.2-248.1:1” to the list of substances that may lead to police notification and may lead to suspension from classes, exclusion from activities or expulsion. The **2004** revision in subsection A(5), line 2, deleted “§16.1-305.1” and inserted §16.1-260(G). This revision also change the language in subsection B(23) “Knowingly make a false allegation or statement or giving false information, either verbally or in writing, to or against any school employee.” and inserted “B(24)” with the previous language “Other unlawful acts including being an accessory to any other of these or other unlawful acts.” The December 12, 2002 revision added to subsection (11) “except to the extent permitted by School Board Policy 9-11.6”. The **1999** revision to Section 9-11.3 added to the list of offenses for which students can be subject to corrective action to include imitation drugs, possession of beepers, or other portable communication devices and the possession of laser pointers in subsection B. This revision also added subsection C, which defines the term “imitation drug.”

Legal Authority - Virginia Code §§18.2-247, 22.1-278.2 & 22.1-78 (1950), as amended.

Section 9-11.4. Authority of Teachers; Criteria for Removal; Appropriate Placement Required. — A. Teachers shall have the initial authority to remove a student from class for disruptive behavior. Any student so removed must be directed to report to the School Administration office. “Disruptive behavior” means a violation of school board policy, rules and/or regulations governing student conduct that interrupts or obstructs the learning environment. The word “extended removal” means removing a student from class for two (2) days or more. The extended removal of a student from class must be in accordance with the following criteria:

B. Prior to the extended removal of a student from class, the following criteria must be met: (1) The student has exhibited a pattern of disruptive behavior as defined above; (2) Removal of the student from class is necessary to restore a

learning environment free from disruptions and obstructions caused by the student's behavior; (3) The teacher has met with the principal to discuss the student's disruptive behavior and intervention strategies to be employed; (4) Teacher and/or administrative interventions have been attempted and failed to end the student's disruptive behavior; (5) Written notice of the student's disruptive behavior and the opportunity to meet with the teacher and/or school administrators must have been provided to the student's parent and/or legal guardian as provided for in regulations adopted by Suffolk Public Schools.

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

C. The Principal shall determine the appropriate education placement for any student removed from class. The Principal has several options regarding the placement of a removed student, including, but not limited to the following: 1) assigning the student to an alternative program; 2) assigning the student to another class; 3) sending the student to the principal's office or study hall. If the principal chooses this option, the teacher shall provide and evaluate appropriate make up work for the student; 4) returning the student to class as provided for in regulations adopted by Suffolk Public Schools.

D. Application of this policy as it relates to children with disabilities shall be consistent with federal and state law and regulations, and School Board policy regarding students with disabilities. Teacher deficiencies in classroom management shall be addressed in teacher evaluations. This policy does not limit or restrict the ability of Suffolk Public School employees to apply other policies, regulations or laws for maintaining order in the classroom. (Adopted September 10, 1998)

Legal Authority – Virginia Code §22.1-78 (1950), as amended.

Section 9-11.5. Daily minute of silence explained; teacher responsibility; personal reflection, prayer, meditation, etc., permitted. — A. The Suffolk City School Board recognizes that a minute of silence before each school day prepares students and staff for their respective work or school days. Therefore, each teacher shall observe a minute of silence at the beginning of the first class of each school day.

B. The teacher responsible for each class shall make sure that each student: (1) remains seated and silent and (2) does not disrupt or distract other students during the minute of silence.

C. The minute may be used for any lawful silent activity, including personal reflection, prayer and meditation. However, the teacher responsible for each class shall not influence, in any way, students to pray or meditate or not to pray or meditate during the minute of silence. Students and employees are prohibited from praying aloud during the minute of silence. (Adopted July 1, 2000; Ordinance Number 00/01-01)

Legal Authority – Virginia Code §22.1-203 (1950), as amended.

Section 9-11.6. Portable communication devices permitted; superintendent to develop regulations; student use after the instructional day.—A. It is hereby permitted in high schools only, the lawful use of beepers or similar portable communication devices, such as cellular telephones, walkie-talkies, smart phones, tablets, Personal Digital Assistants (PDAs) or other hand-held communicating devices, when such device is being used as a communication device by any person on school property, including vehicles.

B. All possessions or use of beepers or similar portable communication devices such as cellular telephones, walkie-talkies, smart phones, tablets, Personal Digital Assistants (PDAs) or other hand-held communication devices shall be subject to written regulations issued by the school superintendent so as to prevent disruption of instruction and to maintain order on school property and at school activities.

C. Students may use portable communication devices after the instructional day as long as such communication devices are not activated or used inside School Board buildings or school buses, unless use inside School Board buildings or school buses is specifically permitted by regulations promulgated by the school superintendent. (Adopted August 8, 2002; Ordinance Number 02/03-01; Effective: August 8, 2002; Revised June 9, 2016; Ordinance Number 15/16-96; Effective Date: July 1, 2016)

Note: The **2016** revision revised Subsection A which read “It is hereby permitted in high schools only, the lawful use of beepers or similar portable communication devices, such as cellular telephones, walkie-talkies, or other hand-held communicating devices, when such device is being used as a communication device by any person on school property, including vehicles” to read “It is hereby permitted in high schools only, the lawful use of beepers or similar portable communication devices, such as cellular telephones, walkie-talkies, smart phones, tablets, Personal Digital Assistants (PDAs) or other hand-held communicating devices, when such device is being used as a communication device by any person on school property, including vehicles.” Subsection B which read “All possessions or use of beepers or similar portable communication devices such as cellular telephones, walkie-talkies, or other hand-held communication devices shall be subject to written regulations issued by the school superintendent so as to prevent disruption of instruction and to maintain order on school property and at school activities” to read “All possessions or use of beepers or similar portable communication devices such as cellular telephones, walkie-talkies, smart phones, tablets, Personal Digital Assistants (PDAs) or other hand-held communication devices shall be subject to written regulations issued by the school superintendent so as to prevent disruption of instruction and to maintain order on school property and at school activities.”

Legal Authority – Virginia Code §22.1-279.6 (1950), as amended.

Section 9-11.7. Pledge of Allegiance Required; Student Exemption in Limited Cases; Superintendent to Develop Regulations—A. The Pledge of Allegiance as set forth in 4 U.S.C. §4 shall be recited daily in each classroom of Suffolk Public Schools.

B. No student shall be compelled to recite the Pledge if the student, his

parent or legal guardian objects on religious, philosophical, or other grounds to the student's participation in reciting the Pledge. Students who are exempt from reciting the Pledge shall quietly stand or sit at their desks while others recite the Pledge and shall make no display that disrupts or distracts those who are reciting the Pledge.

C. The superintendent of schools shall issue regulations regarding the reciting of the Pledge of Allegiance. (Adopted April 3, 2003; Ordinance Number 02/03-10; Effective Date: July 1, 2003)

Legal Authority – Virginia Code §22.1-202 (1950), as amended.

Section 9-11.8 Statement of School Board Policy. — Student attire impacts the teaching and learning environment. It can either promote a more effective educational environment or it can disrupt the educational climate and process. In order to ensure that our students' education is conducted in an environment where safety risks, disruptions, and distractions are minimized, all students enrolled in Suffolk Public Schools shall adhere to dress regulation promulgated by the School Superintendent. (Adopted March 8, 2012; Ordinance Number 11/12-15; Effective Date: July 1, 2012)

Legal Authority – Virginia Code §22-1.78 (1950), as amended.

Section 9-11.9. Prosecution of Juveniles as Adults. — Suffolk Public Schools will annually provide information developed by the Office of the Attorney General to students regarding laws governing the prosecution of juveniles as adults for the commission of certain crimes. (Adopted: June 13, 2013; Ordinance Number 12/13-98; Effective Date: July 1, 2013)

Legal Authority – Virginia Code §22-1.78 (1950), as amended.

Section 9-11.10 Philosophy; Academic Integrity Defined; Cheating Defined and Examples of. — A. The School Board requires students enrolled in Suffolk Public Schools to conduct themselves ethically and honorably. It is expected that the grade a student earns is based upon work that the student has performed. Cheating is dishonest. It harms the student who cheats and it harms the other students who do not cheat. The School Board will not condone nor will the School Board tolerate any student submitting work that is not produced solely by the student's own initiative. Teachers and administrators of Suffolk Public Schools understand the pressure to get good grades and this can sometimes create the incentive to cheat. However, the School Board firmly believes that cheating denies the value of education, damages the ethical character of the individual student, and undermines the integrity of our school community. The Academic Integrity Policy affirms that we value learning for its own sake, and that the School Board demands personal integrity and intellectual honesty in all academic

work.

B. “Academic integrity” means valuing and demonstrating positive regard for: (i) intellectual honesty; (ii) personal truthfulness; (iii) learning for its own sake; and (iv) the creations and opinions of others (i.e., intellectual property). A student is acting with academic integrity to the extent that a student demonstrates these values, and in particular when a student (a) takes full credit for the student’s own work; (b) gives full credit to others who have helped the student or influenced the student’s work, or whose work the student may have incorporated into their own; (c) represents the student’s own work honestly and accurately; (d) collaborates with other students only as specifically directed and authorized; and (e) reports breaches of academic integrity to a teacher, counselor, or administrator.

C. “Cheating” means to obtain (or to aid another to obtain) credit, or improved scores through the use of any unauthorized or deceptive means. The following behaviors by a student may be considered as possible acts of cheating: (i) presenting information collected, organized, or envisioned by another as the student’s own work (with or without the author's permission); (ii) allowing a student to present work with full knowledge that it is not the student’s own work; (iii) taking shortcuts (such as unauthorized use of study aids) to bypass steps of an assignment; (iv) using forbidden material to "help" during an exam, such as cheat sheets, calculators, cell phones or any electronic device; (iv) asking about or sharing questions and/or answers to quizzes, exams, or class assignments without the express permission of the teacher; (v) submitting the same work for more than one assignment without express permission from the teacher(s); (v) altering corrections or scores with the intent of changing a grade; (vi) misrepresenting in any way to teachers regarding completed work, such as stating that work has been turned in or an assignment has been completed when it had not; (vii) misrepresenting the amount of time spent to complete an assignment; (viii) fabricating information to try to earn more time, more credit, or grading leniency on an assignment, project, or exam; (ix) missing class in order to avoid turning in an assignment or taking a test, or (x) doing more or less of a group project without permission from the teacher. (Adopted December 10, 2015; Ordinance Number 15/16-2)

Legal Authority — Virginia Code §22-1.78 (1950), as amended

Section 9-11.11 Student, Teacher, Parent, and Administrator Responsibilities. — A. Students are responsible for reading and knowing the School Board’s Academic Integrity Policy. In addition, students are required to observe all course specific rules and consequences established by their teachers and do the following: (i) report to the teacher if cheating is taking place and how it is being done; (ii) not to copy homework or let someone else copy your homework; (iii) not to use study aids as an alternative to completing an

assignment; (iv) only work with others when the teacher has specifically given permission; (v) seek only appropriate help from parents, tutors, or other students and check with the teacher prior to receiving the help to know what help and assistance is appropriate; (vi) if collaboration has not been specified as permissible, the assignment must be your individual honest effort; (vii) take responsibility for doing your fair share on a collaborative assignment; (viii) on papers, do not summarize, paraphrase or quote without proper documentation; (ix) during tests and quizzes, keep your eyes on your own paper; (x) when in doubt, clarify with the teacher what aids may be used on the test (calculator, notes, etc.); (xi) do not talk during test except to teacher; and (xi) do not discuss any aspect of the test until the teacher has returned it or given permission to discuss it.

B. Teachers are expected to do the following: (i) address the use of study aids in course work; (ii) clearly specify when collaboration with other students is permitted on an assignment.; (iii) review student work regularly for violations of the Academic Integrity Policy; (iv) document violations of the Academic Integrity Policy regarding your own class assignments; and (v) tell students when they are allowed to discuss a test after it has been given.

C. Parent responsibilities include the following: (i) read and become familiar with the School Board's Academic Integrity Policy; (ii) help the student understand that you value academic integrity and expect the student to comply with the School Board's Academic Integrity Policy; (iii) support the imposition of consequences if the Academic Integrity Policy is violated; (iv) require students to do their own work; and (v) when helping students with assignments, ensure that their work remains their own.

D. Administrator responsibilities include the following: (i) ensuring that a copy of the Academic Integrity Policy is included in the Student Handbook and that parents acknowledge their receipt of a copy of the Academic Integrity Policy; (ii) facilitate ongoing conversations and reflection about the Academic Integrity Policy; (iii) administer fair and consistent consequences for offenses of the Academic Integrity Policy; and (iv) maintain records of Academic Integrity Policy offenses. (Adopted December 10, 2015; Ordinance Number 15/16-2)

Legal Authority — Virginia Code §22-1.78 (1950), as amended

Section 9-11.12 Teachers to Exercise Professional Judgment; Procedures and Consequences. — A. Teacher's professional judgment will determine whether a violation of the Academic Integrity Policy has occurred.

B. Whenever a student is found to have violated the Academic Integrity Policy, these procedures will be followed: (1) the teacher will document the violation and may report it to a building administrator in writing; (2) should the teacher report a violation to the building administrator, the building administrator shall record the violation as part of the student's permanent disciplinary record; (3) the Administration will review the student's disciplinary record and determine

whether the violation in question is the student's first (or subsequent) offense; (4) the teacher will confer with the student and shall contact the student's parents. The purpose of the teacher-student conference is to review the Academic Integrity Policy, clarify why the work or behavior in question constitutes a violation of it, and help prevent future violations; (5) according to the stated expectations of individual teachers, an appropriate penalty for the offense will be imposed. Consequences for first-time and subsequent offenses are outlined in Section 9-11.13. (Adopted December 10, 2015; Ordinance Number 15/16-2)

Legal Authority — Virginia Code §22-1.78 (1950), as amended

Section 9-11.13. Consequences First Offense; Consequences for Subsequent Violations.— A. For a first time offense the classroom teacher shall (i) conference with the student and/or parent; (ii) give the student a grade of zero on the test, quiz, assignment, or project; (iii) allow the student who receives a grade of zero on any test, quiz, assignment, or project to re-take the test or quiz, or redo the assignment or project at which time the grade of zero will be replaced with the student's earned grade, except that retakes will not be available for state assessments and local benchmark tests; and (iv) notwithstanding School Board Policy 8-31.3, any student allowed to re-take any test or quiz or redo any assignment or project as provided for in subsection (iii) shall receive a point reduction of 30 points on any such test, quiz, assignment or project. The teacher may also write a referral to the Administration should the teacher be of the opinion that a referral is warranted.

B. Consequences for subsequent violations shall include those listed in subsection A above and in addition thereto the teacher is required to write a referral and the student shall receive an in-school or out of school suspension. (Adopted December 10, 2015; Ordinance Number 15/16-2)

Legal Authority — Virginia Code §22-1.78 (1950), as amended

Article 12 Weapons in School

Section 9-12.1. Weapons in school prohibited; mandatory expulsion; exceptions.—A. Carrying, bringing, using or possessing any firearm, dangerous device or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle, or at any school sponsored activity, without the authorization of the school or school division is prohibited and grounds for disciplinary action. The disciplinary sanction for bringing, using or possessing a firearm, dangerous device or dangerous or deadly weapon to school or at a school sponsored activity is expulsion for no more than one calendar year in accordance with School Board policy. Disciplinary proceedings for violation of this policy

will be initiated promptly.

The term weapon includes but is not limited to any pistol, shotgun, stun weapon, revolver or other firearm listed in of the Code of Virginia, designed or intended to propel a projectile of any kind including a rifle, unloaded firearm in closed container, any air rifle or BB gun, toy gun and look-alike gun, any dirk, any knife having a metal blade of three inches or longer, or razor, bowie knife, switchblade knife, ballistic knife, machete, knife or razor, slingshot, spring stick, brass or metal knuckle, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, instrument which may be known as a nunchahka, nunchuck, nunchaku, shuriken, or fighting chain, any disc of whatever configuration having at least two points or pointed blade and which is designed to be thrown known as a throwing star or oriental dart, explosive and destructive device or other dangerous article.

B. A student who has possessed a firearm, on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code § 22.1-277.07 or a firearm muffler or firearm silencer or a pneumatic gun as defined in Va. Code § 15.2-915.4 on school property or to a school sponsored activity may be expelled for no more than one calendar year (365 days).

C. However, the building principal or principal designee, the school superintendent or School Board may, based on the facts of a particular case, determine that special circumstances exist and that another disciplinary action or term of expulsion is appropriate, which may include any of the following: (a) confiscation of the weapon; (b) parent conference; (c) notice of warning; (d) in-school suspension; and/or (e) out of school suspension. The following factors shall be considered in determining the most appropriate disciplinary action or term of expulsion: (1) the age of the student; (2) the student's intent to inflict physical harm or injury; (3) whether the student was in possession of a weapon as enumerated in this policy; (4) whether the student was in possession of an object that would cause a reasonable person to believe it was in fact a weapon as defined in this policy; (5) whether the student was in possession of an object not generally considered a weapon and does not meet the definition of a weapon as set forth in this policy, but the student's intent was to use the object as a weapon to inflict harm or injury. Any student who brings a weapon as defined in this section to school shall be referred to the criminal justice of the Juvenile Justice System.

D. The provisions of this article shall not apply to (i) persons who possess such weapon or weapons as part of the school's curriculum or activities; or (ii) a person possessing a knife customarily used for food preparation or service and is using it for this purpose; or (iii) persons who possess such weapon or weapons as part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; or iv) any law enforcement officer while engaged in his duties as a law enforcement officer. (Adopted August 14, 1997; Revised

November 11, 1999; Ordinance Number 99/00-36; Revised March 14, 2002; Ordinance Number 01/02-01; Revised October 9, 2008; Ordinance Number 08/09-20; Effective: October 10, 2008; Revised June 13, 2013; Ordinance Number 12/13-99; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-97; Effective Date: July 1, 2016)

Note: The **2016** revision deleted language in Subsection A which read “Violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal” and it also revised language in Subsection B which read “A student who has possessed a firearm, destructive device, firearm muffler, firearm silencer or pneumatic gun on school property or at a school sponsored activity. In accordance with state law, a student who is determined to have brought a weapon on school property or to a school sponsored activity may be expelled for no more than one calendar year (365 days)” to read “A student who has possessed a firearm, on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code § 22.1-277.07 or a firearm muffler or firearm silencer or a pneumatic gun as defined in Va. Code § 15.2-915.4 on school property or to a school sponsored activity may be expelled for no more than one calendar year (365 days).”

Legal Authority - Virginia Code §§18.2-308.1 & 22.1-277.07 (1950), as amended.

Section 9-12.2. Weapons and children with disability — A. Students with disabilities are subject to the provisions of Weapons policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student’s disability.

B. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense. For purposes of this forty-five (45) school day removal, the weapon must meet the following definition: “a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.” (Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-100; Effective Date: July 1, 2013)

Note: The **2013** revision deleted the first sentence which read “In accordance with state and federal law, a child with disabilities who brings a weapon to school may be placed in an alternative educational setting for not more than forty-five (45) days” and re-wrote this entire policy.

Legal Authority - 34 C.F.R. §300.520 & Virginia Code §22.1-277.01 (1950), as amended.

Section 9-12.3. Possession of weapons by school employees prohibited—A. No one may possess or use any firearm or any weapon, as defined in Section 9-12.1 on school property (including school vehicles), on that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or any school bus without authorization of the Superintendent or his designee.

B. Violation of this policy by an employee will result in appropriate personnel action up to and including dismissal. Violation of this policy by others will result in actions up to and including a prohibition against the violator returning to school property. In addition, illegal conduct will be reported as required by law. (Adopted: September 9, 2004; Ordinance Number 04/05-2; Effective Date: July 1, 2005; Revised: June 13, 2013; Ordinance Number 12/13-101; Effective Date: July 1, 2013)

Note: The **2013** revision deleted the following language, “The School Board is committed to maintaining a safe and secure workplace and learning environment. All employees of Suffolk Public Schools are prohibited from carrying, bringing, using or possessing any weapon, as defined in this Article, in any school building, on school grounds, in any school vehicle or at any school-sponsored activity, without the authorization of the school superintendent. Any employee who violates this section will be subject to appropriate personnel action up to and including dismissal from employment. All incidents involving illegal carrying of a firearm shall be reported in accordance with state law” and re-wrote this policy.

Legal Authority – Virginia Code §22.1-78 (1950), as amended

Article 13 Gang Activity or Association

Section 9-13.1. Gang activity or association prohibited; certain conduct also prohibited; Superintendent to establish regulations; in-service requirement. — A. Gangs which initiate, advocate or promote activities which threaten the safety or well being of persons or property on school grounds or which disrupt the school environment are harmful to the educational process. The use of hand signals, graffiti or the presence of any apparel, jewelry, accessory or manner of grooming which by virtue of its color, arrangement, trademark, symbol or any other attribute which indicates or implies membership or affiliation with such a group presents a clear and present danger. This is contrary to the school environment and educational objectives and creates an atmosphere where unlawful acts or violations of school regulations may occur.

B. Incidents involving initiations, hazing, intimidations and/or related activities of such group affiliations which are likely to cause bodily danger, physical harm or personal degradation or disgrace resulting in physical and mental harm to students are prohibited.

C. The superintendent will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia or exhibiting behavior or gestures which symbolize gang membership or causing and/or participating in activities which intimidate or affect the attendance of another student shall be subject to disciplinary action.

D. The superintendent will provide in-service training in gang behavior and characteristics to facilitate staff identification of students at risk and promote membership and authorized school groups and/or activities as an alternative. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Article 14

Substance Abuse/Student Assistance Program

Section 9-14.1. Mood altering drugs prohibited; supportive school environment encouraged. —A. The use of mood altering chemicals (including alcohol, glue, illegal drugs) except when used as directed by a physician (prescription drugs) interferes with the education process and inhibits the potential of the individual student. By facilitating awareness programs aimed at preventing the use/misuse of these chemicals may pre-empt the need for intervention and/or treatment.

B. The primary responsibility for helping students who are seriously involved with chemicals lies with the students and their parents. However the potential for lasting personal damage exists unless educators and parents work together to help students understand the complex nature of chemical dependency. A supportive school environment is necessary for students who have been harmfully involved with chemical use/abuse.

The School Board supports substance abuse programs which can vary in scope according to the individual needs of each school. Included among these would be programs for persons who desire more information, for those who need help with intervention in an existing problem (their own or someone else's) and for those who need help completing the goals of a rehabilitation program. The School Board support efforts to help students during the school day as well as to reinforce programs offered through other agencies. To that end individual school substance programs should provide group experiences, individual counseling and such other devices as are judged to be necessary by school personnel and other involved agencies. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-8 (1950), as amended.

Section 9-14.2 Possession of a controlled substance, etc., mandatory expulsion; prevention and intervention required — A. Possession of a controlled substance, imitation controlled substance or marijuana, as defined in Virginia Code § 18.2-247 (1950) as amended, on school property or at a school-sponsored activity is prohibited.

B. A student who is determined to have brought a controlled substance, imitation controlled substance or marijuana, as amended, onto school property or to a school-sponsored activity shall be expelled in accordance with School Board policy. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate.

C. Any student who violates this policy shall participate in the prevention and intervention activities identified in Suffolk Public Schools' drug and violence prevention plan. The School Board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student's parent consents.

D. The Principal shall report a violation of this policy to parents and local law enforcement as required by School Board policy. (Adopted: June 13, 2013; Ordinance Number 12/13-102; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-98; Effective Date: July 1, 2016)

Note: The **2016** revision revised Subsection A which read "Possession of a controlled substance, imitation controlled substance or marijuana, as defined in Virginia Code § 18.2-247 (1950), as amended, or synthetic cannabinoids as defined in Virginia Code § 18.2-248.1:1, (1950), as amended, on school property or at a school-sponsored activity is prohibited" to read "Possession of a controlled substance, imitation controlled substance or marijuana, as defined in Virginia Code § 18.2-247 (1950), as amended, on school property or at a school-sponsored activity is prohibited." It also revised Subsection B which read "A student who is determined to have brought a controlled substance, imitation controlled substance or marijuana, or synthetic cannabinoids as defined in Virginia Code § 18.2-248.1:1, (1950), as amended, onto school property or to a school-sponsored activity shall be expelled in accordance with School Board policy. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate" to read "A student who is determined to have brought a controlled substance, imitation controlled substance or marijuana onto school property or to a school-sponsored activity shall be expelled in accordance with School Board policy. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate."

Legal Authority - Virginia Code §§ 18.2-247, 18.2-250, 18.2-250.1, 18.2-255.2, 22.1-277.08. (1950), as amended.

Article 15 Search and Seizure

Section 9-15.1. Search and seizure generally; definition; refusal grounds for disciplinary action. —A. To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search.

B. As used in this policy the term “unauthorized” means any items dangerous to the health or safety of students or school personnel or disruptive of any lawful function, mission or process of the school or any item described as unauthorized in school rules available beforehand to the student.

C. A student’s failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.2. Desks and lockers subject to search; advance notice when possible; law enforcement notified. — A. Student desks and lockers are the property of the school and school officials reserve the right to search desks and lockers.

B. Whenever possible the administration will advise students in advance of the search. A general search of lockers or desks maybe conducted to repossess school property or locate illegal materials. The student’s individual right to privacy and freedom from unreasonable search and seizure is balanced by the school’s responsible to protect the health, safety and welfare of all personnel within the school community.

C. Should illegal materials be found during the search, law enforcement officials should be notified. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.3. Personal searches; pat down searches.—A. A student’s person and/or personal affects (e.g. purse, bookbag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials or has violated or is about to violate the law or school rules.

B. If a pat down search of a student’s person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present when feasible. (Adopted August 14, 1997)

Legal Authority – United States Constitution, Fourth Amendment & Virginia Code §22.1-79

(1950), as amended.

Section 9-15.4. Reasonable suspicion requirements; same sex requirement.—If the school official has reasonable suspicion to believe that a student has in his or her person an item imminently dangerous to the student or to others a more inclusive search of the student’s person may be conducted. Such a search may only be conducted in private by a school official of the same sex with an adult witness of the same sex present and only upon the prior approval of the superintendent or his designee unless the health or safety of students will be endangered by the delay. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.5. Locker searches; students responsible for contents. — Student lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers will be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.5:1. Computer Searches; responsibility for contents; Superintendent to develop regulations.—A. Periodic general inspections of school computers, software, and other similar educational technology, including school Internet access records, may be searched by school officials for any reason and at any time without notice, without consent and without a search warrant.

B. Students and all school personnel are expected to assume full responsibility for material stored in their computers.

C. The superintendent shall develop regulations deemed necessary for the effective implementation of this policy. (Adopted June 8, 2000)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.6. Automobile searches.—Students are permitted to park on school premises as a matter of privilege not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside. Such patrols and inspections may be conducted without notice, without student consent and without a search warrant. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.7. Guidelines for metal detector use; wand and free standing.—Students may be subject to search by use of a metal detector either wand or free standing under the following conditions:

1. When there is reasonable suspicion that a student has a weapon as reported by staff or other persons;
2. During extra-curricular activities such as athletic events, dances, talent shows.
3. Random checks at designated places during the school day which may include but is not limited to:
 - a. buses by lottery of bus numbers
 - b. classrooms by lottery of room numbers
 - c. entrance by lottery of entrance numbers (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.8. When pat down permissible; student refusal etc., and consequences thereof; strip search prohibited.— A. When there is a reasonable suspicion or during random checks students who have objects which activate the metal detector will be escorted to an isolated area nearest the checking area as designated by the school principal. Students will be asked to remove objects in his or her possession. The student will then be screened again by the metal detector. Should the metal detector be reactivated on this second screening then the student may be subjected to a “pat down” search by the school administrator or his or her designee.

B. If the student refuses the police department will be summons and the student will be subjected to discipline in accordance with School Board policy. Any other person refusing to cooperate with school personnel under this procedure shall be required to leave school property immediately. Upon confirmation that this policy has been violated a recommendation will be made by the school administrator for expulsion to the School Board.

C. School personnel shall not have the authority under this policy to engage in a “strip search” of any student. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.9. Requirement to confiscate contraband; posting of policy required. —A. Any kind of property and/or contraband even though it may or may not have activated the metal detector shall be confiscated, tagged, recorded on appropriate forms and turned over to the Suffolk Police Department or other appropriate agency for proper handling. Any contraband seized by school

personnel pursuant to this policy may be admissible in any subsequent criminal or administrative proceeding.

B. This policy shall be disseminated to all employees, students, parents and be conspicuously posted at extra-curricular activities. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-15.10. Seizure of illegal material.—If a proper and lawful search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for alternate disposition. (Adopted August 14, 1997)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Article 16

Student Complaints and Grievances

Title IX - Complaint Procedure for Students

Section 9-16.1. Purpose stated; general guidelines.—A. The School Board hereby establishes procedures for resolving complaints arising from alleged violations of Title IX of the Education Amendments of 1972 (Public Law 92-318) as amended (Public Law 93-568 and Public 94-482) as amended.

B. The following guidelines shall be followed relative to complaints of alleged Title IX Violations;

a. The superintendent shall designate at least one (1) employee to coordinate the efforts of Suffolk Public Schools to comply with and carry out its responsibilities for implementing Title IX including investigation of any complaint of alleged non-compliance with the law or accompanying regulations.

b. Suffolk Public Schools shall notify parents, parents of students and employees of the name, office address and telephone number of the Title IX specialist through the permanent prominent display of posters prepared for this purpose as well as any other appropriate communication channels such as school handbooks and Suffolk Public Schools publications.

c. Complaints about discrimination on the basis of gender in the treatment of students may be made by students, parents, employees of the school system or

other citizens of Suffolk Public Schools acting on behalf of students.

d. Procedures for making and resolving such complaints shall follow those outlined in this policy. The complainant may appeal a decision made at any level.

e. The Title IX specialist has a responsibility for investigating a complaint although the complainant decides not to pursue an appeal of the matter when (i) the original complainant has decided not to appeal a decision made at any level but in the judgment of the Title IX specialist a probable violation of the law continues to exist or (ii) the complainant reveals a need for review of policies or programs with implications for the entire school system.

f. In seeking a resolution of a complaint the Title IX specialist shall pursue the complaint through the appropriate administration line of authority. Administrators shall make themselves available within a reasonable time to discuss the complaint. The Title IX specialist shall provide the appropriate administrator with a written statement of the complaint and the administrator shall furnish the Title IX specialist with a written response or recommendation.

g. If in the judgment of the Title IX specialist the recommendations and responses still leaves the school system in a questionable position regarding non-compliance with the law, the Title IX specialist shall advise the superintendent and suggest measures necessary to achieve compliance. Further action is then the responsibility of the superintendent.

h. Any person with a complaint concerning an alleged violation of Title IX may file their complaint directly with the Office of Civil Rights (OCR) of the United States Department of Education. However, in reviewing the complaint OCR investigators may examine to what degree the procedures approved by Suffolk Public Schools for resolving the problems

were used and on the basis of that examination determine the need for OCR to intervene in the matter.
(Adopted February 9, 1995)

Legal Authority - Title IX of the Education Amendments of 1972 (PL92-318) as amended (PL93-568 and PL94-482).

Section 9-16.2. Appeal Procedure.—

1. Meeting with principal. If a student is not satisfied that a complaint previously presented to a member of the school staff has been resolved satisfactorily, the student or his or her parents may request a meeting of the student, parent and principal. The principal may require the parent to attend and shall following the meeting promptly inform the parent in writing of his or her decision on the complaint.

2. Appeal to Superintendent. The principal's decision on the complaint may be appealed by the student or his or her parent to the superintendent within two (2) school days following receipt of the principal's decision. The parent's written appeal shall state precisely the reasons for dissatisfaction with the principal's decision and shall be limited to the matter under appeal. Upon receipt of an appeal from a parent the superintendent or his designee shall promptly review the complaint and inform the parent in writing of his decision. The superintendent may at his discretion include a meeting with the principal and the parent as part of this review of the parent's appeal. The decision of the superintendent shall be final.
(Adopted February 9, 1995)

Legal Authority - Title IX of the Education Amendments of 1972(PL92-318) as amended, PL93-568 and PL94-482.

Article 17
Corporal Punishment

Section 9-17.1. Corporal punishment prohibited; exception; corporal punishment defined.—A. No principal, teacher or other person employed by the School Board or employed in a school operated and controlled by the School Board shall subject a student to corporal punishment. This prohibition of corporal punishment shall not be deemed to prevent (i) the use of incidental, minor or

reasonable physical contact or other actions designed to maintain order and control; (ii) the use of reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage the property; (iii) the use of reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) the use of reasonable and necessary force for self defense or the defense of others; or (v) the use of reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

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

C. For the purposes of this section “corporal punishment” means the infliction of or causes the infliction of physical pain on a student as a means of discipline. This definition shall not include physical pain or discomfort caused by participation in practice or competition during an interscholastic sport or participation in physical education or in extra-curricular activity. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-279.1 (1950), as amended.

Article 18

Student Suspension/Expulsion

Section 9-18.1. Definitions; Suspension or Expulsion, generally; grounds therefore. —A. As used in this policy the following terms shall mean—

“Alternative education program” shall include, but shall not be limited to, night school, adult education, or another education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

“Destructive device” means (1) any explosive, incendiary, or poison gas, bomb, grenade rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (2) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed

weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in Va. Code § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (3) any combination of parts either designed or intended for use in converting any device into any destructive device described herein and from which a destructive device may be readily assembled. “Destructive device” shall not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of Va. Code § 18.2-308.2:2.

“Disruptive behavior” means a violation of school board regulations governing student conduct that interrupts or obstructs the learning environment.

“Exclusion” means a school board’s denial of school admission to a student who has been expelled or has been placed on a long-term suspension of more than thirty calendar days by another school board or a private school, either in Virginia or another state, or for whom admission has been withdrawn by a private school in Virginia or another state.

“Expulsion” means any disciplinary action imposed by a school board or a committee thereof, as provided in school board policy, whereby a student is not permitted to attend school within the school division and is ineligible for readmission for 365 calendar days after the date of the expulsion.

“Firearm” means any weapon prohibited on school property or at a school-sponsored activity pursuant to Va. Code § 18.2-308.1, or (1) any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material; (2) the frame or receiver of any such weapon; or (3) any unloaded firearm in a closed container. “Firearm” does not include any pneumatic gun as defined in this Policy.

“Long-term suspension” means any disciplinary action whereby a student is not permitted to attend school for more than ten school days but less than 365 calendar days.

“One year” means 365 calendar days as required in federal regulations.

“Pneumatic gun” means any implement, designed as a gun that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

“School property” means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

“Short-term suspension” means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed ten school days.

B. Suspension or expulsion or both may be used as disciplinary measures when the designated school authorities determine that suspension or discipline or both meet School Board policy or (i) is an appropriate disciplinary sanction for a violation of a Student Code of Conduct; (ii) is appropriate to prevent disruption of the school’s programs or activities; (iii) is appropriate to insure the safety and welfare of the student, other students and/or staff; (iv) is appropriate to maintain a safe, drug free, healthy school environment that is conducive to learning; or (v) it is appropriate when School Board policy has been violated.

C. Pupils may be suspended or expelled from attendance at school for sufficient cause; however, in no case may sufficient cause for suspension include only instances of truancy. Any student for whom the division superintendent of the school division in which the student is enrolled has received a report pursuant to Va. Code § 16.1-305.1 of an adjudication of delinquency or a conviction for an offense listed in subsection G of Va. Code § 16.1-260 may be suspended or expelled from school attendance. The authority of teachers to remove students from their classes in certain instances of disruptive behavior shall not be interpreted to affect the operation of this Policy. (Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-103; Effective Date: July 1, 2013)

Note: The 2013 revision deleted the first sentence of subsection C, which read “The School Board shall establish the grounds for suspension that meets the needs of Suffolk Public Schools. The specific violations of conduct standards for which suspension and/or expulsion would be possible should be clearly identified as set forth in regulations adopted by Suffolk Public Schools.”

Legal Authority - Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-18.2. Suspension for ten days or less; Principal or Assistant Principal to Report the Facts; appeal procedure; notice requirement. — A. A pupil may be suspended for not more than ten school days by either the school principal or any assistant principal, or, in their absence, any teacher. The principal, assistant principal, or teacher may suspend the pupil after giving the pupil oral or written notice of the charges against him and, if he denies them, an explanation of the facts as known to school personnel and an opportunity to present his version of what occurred. In the case of any pupil whose presence poses a continuing danger to persons or property, or whose presence is an ongoing threat of disruption, the pupil may be removed from school immediately and the

notice, explanation of facts, and opportunity to present his version shall be given as soon as is practical thereafter.

Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension reports the facts of the case in writing to the superintendent or superintendent's designee and the parent of the pupil suspended. The division superintendent or his designee reviews forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the pupil's behavior.

The decision of the superintendent or superintendent's designee may be appealed to the School Board, or committee thereof, unless the School Board has provided by regulation that the decision of the superintendent or his superintendent's designee shall be final.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days shall include notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, are borne by the parent of the student. (Adopted August 14, 1997; Revised: October 9, 2008; Ordinance Number 08/09-16; Effective October 10, 2008; Revised June 13, 2013; Ordinance Number 12/13-104; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-99; Effective Date: July 1, 2016)

Note: The **2016** revision revised the second paragraph in Subsection A which read "Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension shall report the facts of the case in writing to the division superintendent or his designee and the parent of the pupil suspended. The division superintendent or his designee shall review forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirm or disapprove such action based on an examination of the record of the pupil's behavior" to read "Upon suspension of any pupil, the principal, assistant principal, or teacher responsible for such suspension reports the facts of the case in writing to the superintendent or designee and the parent of the pupil suspended. The division superintendent or his designee reviews forthwith the action taken by the principal, assistant principal, or teacher upon a petition for such review by any party in interest and confirms or disapproves such action based on an examination of the record of the pupil's behavior." The third paragraph was revised which read "The decision of the division superintendent or his designee may be appealed to the School Board, or committee thereof, unless the School Board has provided by regulation that the decision of the division superintendent or his designee shall be final" to read "The decision of the superintendent or superintendent's designee may be appealed to the School Board, or committee thereof, unless the School Board has provided by regulation that the decision of the superintendent or superintendent's designee shall be final." The fourth paragraph which read "Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student's right to return to regular

school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, shall be borne by the parent of the student” to read “Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days shall include includes notification of the length of the suspension, information regarding the availability of community-based educational programs, alternative education programs or other educational options, and of the student’s right to return to regular school attendance upon the expiration of the suspension. The costs of any community-based educational program, or alternative education program or educational option, which is not a part of the educational program offered by the school division, are borne by the parent of the student.”

Legal Authority - Virginia Code §§22.1-78 and 22.1-277 (1950), as amended.

Section 9-18.3. Emergency suspensions.—Any student whose presence poses a continuing danger to persons or property or an ongoing threat of disruption maybe summarily removed from school immediately and the notice, explanation of fact, and opportunity to be heard and provided for in this policy shall be given as soon as practicable thereafter. (Adopted August 14, 1997)

Legal Authority – Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-18.4. Suspension of disabled students receiving services; expulsion of disabled students generally.—A. Students who have been identified as disabled with a current individualized education program may be suspended for ten (10) days or less in accordance with procedures outlined in this policy unless the student’s individualized education program prescribe otherwise.

B. Students who have been identified as disabled may only be suspended in excess of ten (10) days or expelled from school as provided for by law. (Adopted August 14, 1997)

Legal Authority - 34 C.F.R. 300 520 *et. seq.*

Section 9-18.5. Suspensions in excess of ten (10) days; notice required; right to hearing; appeal procedure.—A. A pupil may be suspended from attendance at school for more than ten days after written notice is provided to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the School board or Committee thereof, in accordance with School Board policy. Such appeal shall be decided by the School Board or Committee thereof within thirty days.

B. The written notice of a suspension for more than ten days includes notification of the length of the suspension and shall provide provides information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice also states that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension. The costs of any community-

based educational, alternative education, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his suspension shall be borne by the parent of the student.

C. In any case in which a student has been suspended by the superintendent or his or her designee the student and his parent, guardian or person having control or charge of the student may appeal the decision to the Pupil Personnel Committee. Such appeal must be in writing and must be filed with the superintendent within seven (7) calendar days of the suspension decision.

D. The student may appeal the decision of the Pupil Personnel Committee within seven (7) days of the decision to the full School Board.

E. Failure to file a written appeal within the specified time or failure to appear at the scheduled hearing will constitute a waiver of the right to an appeal. The School Board will consider the appeal of the suspension within thirty (30) calendar days of the appeal.

F. Nothing herein shall be construed to prohibit the School Board from permitting or requiring students suspended pursuant to this section to attend an alternative education program provided by the school board for the term of such suspension. (Adopted August 14, 1997; Revised June 13, 2013; Ordinance Number 12/13-105; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-100)

Note: The **2016** revision revised Subsection B which read “The written notice of a suspension for more than ten days shall include notification of the length of the suspension and information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice shall also state that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension” to read “The written notice of a suspension for more than ten days includes notification of the length of the suspension and shall provide provides information concerning the availability of community-based educational, alternative education, or intervention programs. Such notice also states that the student is eligible to return to regular school attendance upon the expiration of the suspension or to attend an appropriate alternative education program approved by the school board during or upon the expiration of the suspension.”

Legal Authority - Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-18.6. Expulsions generally; who may recommend; right to hearing — A. Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the Pupil Personnel Committee in accordance with the regulations. The regulations provide that such committee may confirm or disapprove the expulsion of a student. Any such committee is composed of at least three School Board members. If the committee’s decision is not unanimous, the pupil or his parent may appeal the committee’s decision to the full School Board. Such appeal is decided by the School Board within 30 days. The regulations shall provide for subsequent confirmation or disapproval of the proposed expulsion by

the School Board regardless of whether the pupil has exercised the right to a hearing.

B. The written notice given to the pupil and his parent includes notification of the length of the expulsion and provides information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. The notice states whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion is borne by the parent of the student.

C. Nothing in this Policy shall be construed to prohibit the school board from permitting or requiring students expelled pursuant to this Policy to attend an alternative education program provided by the school board for the term of such expulsion.

D. If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice also advises the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted.

E. The School Board establishes, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule is designed to ensure that any initial petition for readmission will be reviewed by the Disciplinary Committee or the superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the superintendent or the Disciplinary Committee denies such petition, the student may petition the School Board for review of such denial. (Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-106; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-101; Effective Date: July 1, 2016)

Note: The 2016 revision revised Subsection A which read “Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the school board in accordance with the regulations of the school board” to read “Pupils may be expelled from attendance at school after written notice to the pupil and his parent of the proposed action and the reasons therefor and of the right to a hearing before the Pupil Personnel Committee in accordance with the regulations of the School Board. The regulations provide that such committee may confirm or disapprove the expulsion of a student. Any such committee is composed of at least three School Board members. If the committee’s decision is not unanimous, the pupil or his parent may appeal the committee’s decision to the full School Board. Such appeal is decided by the School Board within 30 days.

Subsection B which read “The written notice given to the pupil and his parent shall include notification of the length of the expulsion and shall provide information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. The notice shall also state whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion shall be borne by the parent of the student” to read “The written notice given to the pupil and his parent includes notification of the length of the expulsion and provides information to the parent of the student concerning the availability of community-based educational, training, and intervention programs. The notice shall also state states whether or not the student is eligible to return to regular school attendance, or to attend an appropriate alternative education program approved by the school board, or an adult education program offered by the school division, during or upon the expiration of the expulsion, and the terms or conditions of such readmission. The costs of any community-based educational, training, or intervention program that is not a part of the educational program offered by the school division that the student may attend during his expulsion is borne by the parent of the student.” Subsection D was also revised which read, “If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice shall also advise the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted” to read “If the School Board determines that the student is ineligible to return to regular school attendance or to attend during the expulsion an alternative education program or an adult education program in the school division, the written notice also advises the parent of such student that the student may petition the school board for readmission to be effective one calendar year from the date of his expulsion, and of the conditions, if any, under which readmission may be granted. Finally, Subsection E was revised which read “The School Board shall establish, by regulation, a schedule pursuant to which such students may apply and reapply for readmission to school. Such schedule shall be designed to ensure that any initial petition for readmission will be reviewed by the Disciplinary Committee or the division superintendent, and, if granted, would enable the student to resume school attendance one calendar year from the date of the expulsion. If the division superintendent or the Disciplinary Committee denies such petition, the student may petition the School Board for review of such denial.”

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-18.6:1. Factors to be considered; Conduct giving rise to expulsion — A. Recommendations for expulsions for actions other than those specified below are based on consideration of the following factors: (i) the nature and seriousness of the conduct; (ii) the degree of danger to the school community; (iii) the student’s disciplinary history, including the seriousness and number of previous infractions; (iv) the appropriateness and availability of an alternative education placement or program; (v) the student’s age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student’s attendance and academic records; and (viii) other appropriate matters.

No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection precludes a school board from considering any of the factors listed above as “special circumstances” for

purposes of expulsions discussed in the following subsections.

B. The School Board shall expel from school attendance for a period of not less than one year any student whom such school board has determined to have possessed a firearm on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1, or to have possessed a firearm or destructive device as defined in this policy, a firearm muffler or firearm silencer, or a pneumatic gun as defined in this policy on school property or at a school-sponsored activity. A school administrator, pursuant to School Board policy, or the School Board may, however, determine, based on the facts of a particular situation that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate.

The School Board shall also expel from school attendance any student whom the school board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code § 18.2-247, ~~or~~ onto school property or to a school-sponsored activity. The school board may, however, determine, based on the facts of the particular case that special circumstances exist and another disciplinary action is appropriate.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons shall apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this policy shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such. (Adopted: June 13, 2013; Ordinance Number 12/13-107; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-102; Effective Date: July 1, 2016)

Note: The **2016** revision revised Subsection A which read “Recommendations for expulsions for actions other than those specified below shall be based on consideration of the following factors: (i) the nature and seriousness of the conduct; (ii) the degree of danger to the school community; (iii) the student’s disciplinary history, including the seriousness and number of previous infractions; (iv) the appropriateness and availability of an alternative education placement or program; (v) the student’s age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student’s attendance and academic records; and (viii) other appropriate matters. No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection shall be deemed to preclude a school board from considering any of the factors listed above as “special circumstances” for purposes of expulsions discussed in the following subsections” to read “Recommendations for expulsions for actions other than those specified below are based on consideration of the following factors: (i) the nature and seriousness of the conduct; (ii) the degree of danger to the school community; (iii) the student’s disciplinary history, including the seriousness and number of previous infractions; (iv) the appropriateness and availability of an alternative education placement or program; (v) the student’s age and grade level; (vi) the results of any mental health, substance abuse, or special education assessments; (vii) the student’s attendance and academic records; and (viii) other appropriate matters. No decision to expel a student shall be reversed on the grounds that such factors were not considered. Nothing in this subsection precludes a school board from considering any of the factors listed above as “special circumstances” for purposes of expulsions discussed in the following subsections.” The second

paragraph of Subsection B which read, “The School Board shall also expel from school attendance any student whom the school board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code § 18.2-247 onto school property or to a school-sponsored activity” was revised to read “The School Board shall also expel from school attendance any student whom the school board has determined to have brought a controlled substance, imitation controlled substance, or marijuana as defined in Va. Code § 18.2-247, onto school property or to a school-sponsored activity.

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-18.7. Review by Superintendent.—The superintendent shall review the recommended expulsion. If the superintendent or his or her designee approves the recommendation of expulsion, the student shall be suspended until the matter is decided by the Pupil Personnel Committee. The superintendent or his or her designee may impose a lesser sanction.

If the principal’s recommendation of expulsion is approved by the superintendent or his or her designee, the student and his parent or guardian may request a hearing before the Pupil Personnel Committee. Such request must be in writing and must be filed with the superintendent within seven (7) calendar days of the decision to uphold the principal’s recommendation. Failure to file a written request within the specified time will constitute a waiver of the right to a hearing before the Pupil Personnel Committee. Upon a timely request for a hearing before the Pupil Personnel Committee, the superintendent shall notify the student and his parent or guardian of the time and place of the hearing. (Adopted August 14, 1997)

Legal Authority – Virginia Code §§22.1-78 and 22.1-277, (1950), as amended.

Section 9-18.8. Hearing before Pupil Personnel Committee; procedure to be followed; appeal before the School Board. — A. The procedure for the Pupil Personnel Committee hearing shall be as follows: (i) the Pupil Personnel Committee determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and the hearing is private unless otherwise specified by the Pupil Personnel Committee; (ii) the Pupil Personnel Committee may ask for opening statements from the principal or his representative and the student or his parent or their representative, and at the discretion of the Pupil Personnel Committee may allow closing statements; (iii) The parties then present their evidence but because the principal has the ultimate burden of proof he shall present his evidence first, witnesses may be questioned by members of the Pupil Personnel Committee and by the parties or their representatives. The Pupil Personnel Committee may at its discretion vary this procedure but it shall afford full opportunity for both parties to present any material or relevant evidence and shall afford the parties the right of cross examination provided however that the Pupil Personnel Committee may take the testimony of student witnesses outside of the presence of the student, his parent and their representative, if the Pupil

Personnel Committee determines and in its discretion that such action is necessary to protect the student witness. The party shall produce such additional evidence as the Pupil Personnel Committee may deem necessary. The Pupil Personnel Committee shall be the judge of the relevancy and materiality of the evidence. Exhibits offered by the parties may be received in evidence by the Pupil Personnel Committee and when so received shall be marked and made part of the record. The Pupil Personnel Committee may by majority vote uphold, reject or alter the recommendation. The Pupil Personnel Committee shall transmit its decision including the reasons therefore to the student, his parent, the principal and superintendent.

B. The student or his parent may appeal the Committee's decision to the full School Board otherwise the decision of the Pupil Personnel Committee is final.

C. The appeal to the School Board must be in writing and must be filed with the superintendent within five (5) calendar days of the Committee's decision. Failure to file a written appeal within the specified time or failure to appear at the scheduled hearing will constitute a waiver of the right to an appeal. The School Board will decide the appeal upon the record of the case within thirty (30) calendar days of the request for an appeal and communicate its decision in writing to the student and his parent, guardian or other person having control or charge of the student. The decision of the School Board is considered final. The procedure for hearing before the School Board shall be as follows: (i) The School Board shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing shall be private unless otherwise specified by the School Board; (ii) The School Board may ask for opening statements from the principal or his representative and the student or his parent(s) (or their representative) and, at the discretion of the School Board, may allow closing statements; (iii) The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first. Witnesses may be questioned by the School Board members and by the parties (or their representative). The School Board may, at its discretion, vary this procedure, but it shall afford full opportunity to both parties for presentation of any material or relevant evidence and shall afford the parties the right of cross-examination provided, however, that the School Board may take the testimony of student witnesses outside the presence of the student, his parent(s) and their representative if the School Board determines, in its discretion, that such action is necessary to protect the student witness. (iv) The parties shall produce such additional evidence as the School Board may deem necessary. The School Board shall be the judge of the relevancy and materiality of the evidence; (v) Exhibits offered by the parties may be received in evidence by the School Board and, when so received, shall be marked and made part of the record; (v) The School Board may, by majority vote, uphold, reject or alter the recommendations; (vi) The School Board shall transmit its decision, including the reasons therefor, to the student, his parent(s), the

principal and superintendent. (Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-108; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-103; Effective Date: July 1, 2016)

Note: The 2016 revision revised Subsection A which read “The procedure for the Pupil Personnel Committee hearing shall be as follows: (i) the Pupil Personnel Committee shall determine the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and the hearing shall be private unless otherwise specified by the Pupil Personnel Committee to read “The procedure for the Pupil Personnel Committee hearing shall be as follows: (i) the Pupil Personnel Committee determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing, and the hearing is private unless otherwise specified by the Pupil Personnel Committee Also revised language which read “The parties shall then present their evidence” to read “The parties then present their evidence.” In Subsection C which read “(iii) The parties shall then present their evidence. Because the principal has the ultimate burden of proof, he shall present his evidence first” was revised to read “(iii) The parties then present their evidence. Because the principal has the ultimate burden of proof, he presents his evidence first.”

Legal Authority - Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-18.9. Readmission of suspended or expelled student; when readmission denied.—A. A. Any student who has been suspended from any Suffolk Public School is not eligible to attend any school within the division until eligible to return to his or her regular school. A student who has been expelled or suspended for more than 30 days from attendance at school by a school board or a private school, or for whom admission has been withdrawn by a private school, may be excluded from attendance in Suffolk Public Schools for no more than one calendar year in the case of an expulsion or withdrawal of admission, and in the case of suspension of more than 30 days, for not longer than the duration of the suspension. The School Board shall provide written notice to the student and his or her parent indicating the following: (1) the reasons for possible exclusion; (2) the right to a hearing conducted by the superintendent; and (3) the right to appeal the decision to the School Board or a committee thereof. In excluding any such expelled student from school attendance, the local school board may accept or waive any or all of any conditions for readmission imposed upon such student by the expelling school board pursuant to Va. Code § 22.1-277.06. The excluding school board shall not impose additional conditions for readmission to school.

The student may not attend school until a review of the case is conducted by the division superintendent. Exclusion can only be imposed upon a finding that the student presents danger to other students or staff members of Suffolk Public Schools.

B. No suspended student is admitted to the regular school program until such student and his parent have met with school officials to discuss ways to improve the student’s behavior, unless the school principal or designee determines that readmission without parent conference is appropriate for the student.

C. At the end of the exclusion period the expelled student may petition the superintendent or superintendent’s designee for readmission. If re-admission

is denied by the superintendent or superintendent's designee the matter may be appealed to the full School Board as provided for in this policy. If the petition for admission is rejected by the School Board, the School Board shall identify the length of the continuing exclusion period and the subsequent date upon which such student may re-petition the School Board for admission.

D. The School Board may permit students excluded pursuant to this subsection to attend an alternative education program provided by the School Board for the term of such exclusion. (Adopted August 14, 1997; Revised March 12, 2009; Ordinance Number 08/09-29; Effective July 1, 2009; Revised June 13, 2013; Ordinance Number 12/13-109; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-104; Effective Date: July 1, 2016)

Note: The **2016** revision added the following language in subsection A, "Any student who has been suspended from any Suffolk Public School is not eligible to attend any school within the division until eligible to return to his or her regular school. Subsection B which read "No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss ways to improve the student's behavior" was revised to read "No suspended student is admitted to the regular school program until such student and his parent have met with school officials to discuss ways to improve the student's behavior.."

Legal Authority – Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-18.9:1. Partial Waiver of Period of Suspension or Expulsion in Limited Circumstances; Administration to Develop Regulations —A. Any student, who has been suspended or expelled from Suffolk Public Schools or assigned to attend an alternative education program for an offense involving drugs and/or alcohol, and has served at least two-thirds of the period of suspension, expulsion or assignment to such a program, can have the remaining time waived and allowed re-admission into the regular school program if (i) parent and/or guardian of the child voluntarily enrolls the child in an approved drug and/or alcohol treatment program; (ii) Suffolk Public Schools is provided with documentation showing that the child has successfully completed the program; and (iii) the student has met the objectives of the alternative education plan.

B. The school superintendent shall develop and implement regulations in conformity with this policy. (Adopted November 11, 1999; Ordinance Number 99/00-41)

Legal Authority - Virginia Code §§22.1-78 & 22.1-277.01:1 (1950), as amended.

Section 9-18.10. Petition to Juvenile Court. — If the parent fails to comply with this policy the School Board may ask the Juvenile and Domestic Relations General District Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior. (Adopted August 14, 1997)

Legal Authority – Virginia Code § 22.1-277.2 (1950), as amended.

Section 9-18.11 Alternative Education Program — A. The School Board may require any student who has been (1) charged with an offense relating to the laws of Virginia, or with a violation of school board policies on weapons, alcohol or drugs, or intentional injury to another person, or with an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G; (2) found guilty or not innocent of an offense relating to Virginia’s laws on weapons, alcohol, or drugs, or of a crime that resulted in or could have resulted in injury to others, or of an offense that is required to be disclosed to the superintendent pursuant to Va. Code § 16.1-260.G; (3) found to have committed a serious offense or repeated offenses in violation of school board policies; (4) suspended pursuant to Va. Code § 22.1-277.05; or (5) expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection B of Va. Code § 22.1-277, to attend an alternative education program. The School Board may require such student to attend such programs regardless of where the crime occurred. The School Board may require any student who has been found to have been in possession of, or under the influence of, drugs or alcohol on a school bus, on school property, or at a school-sponsored activity in violation of school board policies, to undergo evaluation for drug or alcohol abuse, or both, and, if recommended by the evaluator and with the consent of the student’s parent, to participate in a treatment program.

B. A principal or principal’s designee may impose a short-term suspension, pursuant to Va. Code § 22.1-277.04 upon a student, who has been charged with an offense involving intentional injury to another student in the same school as enumerated in Va. Code § 16.1-260.G, pending a decision as to whether to require that student attend an alternative education program. As used herein, “charged” means that a petition or warrant has been filed or is pending against a pupil. (Adopted June 13, 2013; Ordinance Number 12/13-110; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-105; Effective Date: July 1, 2016)

Note: The 2016 revision revised Subsection A which read “required to be disclosed to the superintendent of the school division to read “required to be disclosed to the superintendent.” and also added Subsection B.

Legal Authority – Virginia Code §22.1-78 (1950), as amended

Article 19 Suspension of Disabled Students

Section 9-19.1. Emergency removal of students with disabilities.— A. Students with disabilities, who violate the student code of conduct, or engage in conduct for which they may be disciplined, will be disciplined in accordance with this policy. Additionally, the regular disciplinary procedures must be followed.

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability as a result of discipline.

B. Students with disabilities may be removed from class or school for health, safety or welfare reasons. Such emergency removal shall not exceed three (3) consecutive school days. When a student is removed from school on an emergency basis because of a condition that threatens his own welfare or the welfare of others notice of the removal must be divided to student's parent, a representative of the parent or other proper authority including, but not limited to, law enforcement officers and medical personnel.

Removal under this section is intended to be used in emergency situations only and consecutive three (3) day removals are prohibited unless the individualized education program committee determines that the student poses an immediate threat to the safety of himself or others or disrupt the safety of the learning environment. If the Manifestation Team determines that a student is dangerous and the parents appeal the decision pursuant to the Individual with Disability Education Act and refuses to permit a change in placement the school must then seek injunctive relief from a state or federal court in order to remove the student from school for more than ten (10) consecutive days. Suffolk Public Schools shall make reasonable efforts to notify the parent prior to removing a student from school premises on an emergency basis. If the parent cannot be notified prior to removal, the parent must be notified as soon as possible after the removal and the reasons for it. (Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 12/13-111; Effective Date: July 1, 2013)

Note: The **2013** revision added the following language in subsection A, "Students with disabilities, who violate the student code of conduct, or engage in conduct for which they may be disciplined, will be disciplined in accordance with this policy. Additionally, the regular disciplinary procedures must be followed. School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a child with a disability as a result of discipline." In subsection B, "Disabled students" was deleted and "Students with disabilities" inserted. Also, in subsection B, second full paragraph, "Causal Committee" was deleted and "Manifestation Team" inserted in its place.

Legal Authority – Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-19.2. Short term suspension of students with disabilities defined; showing of manifestation; notice of rights. —A. Students with disabilities may be subject to short term suspensions for any conduct which would warrant short term suspension for a non-disabled student. A short-term suspension is a suspension of 10 consecutive days or less at a time. School authorities may remove a student with a disability from his or her current educational setting for up to 10 school days cumulative in a school year to the extent that such removal would be applied to students without disabilities and for additional short-term suspensions provided no pattern exists.

If a student has received short term suspension totaling ten (10) days during any one school year all subsequent suspensions will be handled under the policy governing long term suspension. A determination must be made to whether the behavior in question was or was not related to the disabled condition or a result of inappropriate placement before short term suspension can be carried out. This determination must be made by the Manifestation Team. No Manifestation Team meeting will be required for those disabled students for whom short term suspension has been included in the Discipline Plan attached to their IEP. In such cases the IEP Discipline Plan will be implemented if the student has engaged in conduct for which the Discipline Plan allows short term suspension.

B. If the Manifestation Team determines there is a causal relationship or that the child was inappropriately placed at the time of the misconduct, then alternative placement should be considered through the appropriate eligibility and placement procedures. If it believes that the student poses a dangerous threat to self, other students or school staff members, the School Board may contact legal counsel to determine if seeking injunctive relief from the courts to prevent the student from attending school until the appropriate eligibility and placement procedures have been completed is in order.

C. The student shall be given oral or written notice of the charges against him or her, an explanation of the evidence supporting the charges and an informal opportunity to respond to it and rebut the charges. The Administration will make and document efforts to notify the parent prior to the suspension. The Causal Committee will determine the nature and extent of services, if any, to be provided at home for students who receive short term suspension. (Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 12/13-112; Effective Date: July 1, 2013)

Note: The 2013 revision deleted in subsection A, the language “A disabled student may be suspended for ten (10) school days or less” and replaced with “Students with disabilities may be subject to short term suspensions.” In addition, the following language was also added, “A short-term suspension is a suspension of 10 consecutive days or less at a time. School authorities may remove a student with a disability from his or her current educational setting for up to 10 school days cumulative in a school year to the extent that such removal would be applied to students without disabilities and for additional short-term suspensions provided no pattern exists.” Also, in subsection A, second full paragraph, and in subsection B, “Causal Committee” was deleted and “Manifestation Team” inserted in its place.

Legal Authority – Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-19.3. Long term suspension of students with disabilities; change in placement; determination by manifestation team required; When functional Behavior Assessments and Behavior Intervention Plans required.—A. A long term suspension of ten (10) school days or more may be imposed against a disabled student for any conduct which would warrant long term suspension for a non-disabled student. Whenever there has been a suspension

of ten (10) school days or more, this may constitute a change in placement.

B. A change in placement occurs when: (1) the removal is for more than 10 consecutive school days at a time; or (2) there is a series of removals each of which is for 10 days or less and they cumulate to more than 10 days in a school year and constitute a pattern because of: (a) the length of each removal, (b) the proximity of the removals, (c) the total time the student is removed, (d) the child's behavior is substantially similar to the child's behavior in previous incidents.

C. Prior to long term suspension, the Manifestation Team will need to determine whether the behavior is related to the disabling condition or is the result of inappropriate placement. The Manifestation Team consists of a local educational agency representative, the parent and relevant members of the IEP team (as determined by the parent and the school division). The Manifestation Team may determine that the behavior of the student was not a manifestation of such child's disability only if the Team: (1) considers all relevant information in the student's file, including the student's IEP, any teacher observations, and any relevant information supplied by the parents; and (2) determines that: (a) the conduct in question was not caused by, or had a direct and substantial relationship to, the student's disability; and (b) the conduct in question was not the direct result of the school division's failure to implement the IEP.

If a manifestation is found, the student cannot be disciplined beyond any permissible short term removal that may be available. A parent may request an expedited due process hearing if the parent disagrees with the determination that the behavior was not a manifestation of the student's disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. The student will remain in the interim alternative education setting pending the decision of the hearing officer or the expiration of a forty-five school day removal.

The Manifestation Team shall consider whether the behavior indicates the need for more assessment and evaluation data. If the Manifestation Team determines that the misbehavior is related to the disabling condition or is a result of an inappropriate placement then the disabled student may not be suspended. If no relationship or inappropriate placement is found the suspension may be imposed with the appropriate due process procedures. The Manifestation Team shall determine the nature and extent of educational services that should be provided during the time of suspension.

D. If the school administration, the parent, and the relevant Individualized Education Program (IEP) team members determine that a manifestation exists, the IEP team must: (i) conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or, (ii) if the student already has a FBA and BIP in place, review and modify the BIP, as necessary to address the behavior. If a manifestation is found, the school division and the parent may agree to a change in placement when reviewing or modifying the BIP. Without this agreement, the

student must return to the placement from which the student was removed. (Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 12/13-113; Effective Date: July, 1, 2013)

Note: The **2013** revision added subsection C paragraphs 1 and 2, and revised paragraph 3 by deleting any reference to Causal Committee and replaced with Manifestation Team. Also added subsection D.

Legal Authority – Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-19.4. Right to remain in current placement; due process protections; continuation of educational services while disciplined.—A. Except for emergency removal procedures, if a due process hearing request is filed students with disabilities shall remain in the current educational placement pending a decision by the hearing officer concerning the suspension, unless both the parent and the administration agree otherwise.

B. Students with disabilities for whom long term suspension has been recommended is entitled to all the due process rights available to a non-disabled student for whom long term suspension has been recommended and all due process procedures available to a disabled student under the Individuals With Disability Education Act of 1990, as amended and applicable state policies and procedures.

C. For the first 10 days of removal in a school year, the School Board is not required to provide educational services to the student with a disability if services are not provided to students without disabilities who have been similarly removed. After the first 10 days of removal in a school year, the School Board shall provide educational services to the student during the period of removal. The services must enable the student to: (i) continue to progress in the general curriculum, although in another setting, and (ii) progress toward meeting the goals set out in the student’s IEP. The determination of educational services is made by the IEP team for discipline which constitutes a change in placement. For discipline which is not a change in placement, the determination is made by school personnel in consultation with the student’s special education teacher. (Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 12/13-114; Effective Date: July 1, 2013)

Note: The **2013** revision deleted “a disabled student” and replaced with “students with disabilities” in subsection A. Subsection A, which read “Except for emergency removal procedures, a disabled student shall remain in the current placement unless the parent and the administration agree otherwise.” This sentence was revised to read, “Except for emergency removal procedures, if a due process hearing request is filed students with disabilities shall remain in the current educational placement pending a decision by the hearing officer concerning the suspension, unless both the parent and the administration agree otherwise.” In subsection B, the word “disabled students” was replaced with “students with disabilities.” Subsection C was also added.

Legal Authority – Virginia Code §§22.1-78 & 22.1-277 (1950), as amended.

Section 9-19.5. Interim Alternative Educational Settings for Weapons and Drugs and Infliction of Serious Bodily Injury; interim alternative setting requirements.— A. Students with disabilities 1) who carry or possess a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local educational agency; 2) who knowingly possess or use illegal drugs or sell or solicit the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency; or 3) who inflict serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency may be disciplined pursuant to School Board policies governing weapons and drugs and may be placed in an interim alternative educational setting for up to forty-five school days. This option is available without regard to whether a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

For purposes of this forty-five (45) school day removal, “illegal drugs” and “controlled substance” are defined as follows:

- a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).
- b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

B. Any interim alternative educational setting shall be selected, by the IEP team, so as to enable the student to continue to progress in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student’s IEP. The student must also receive, as appropriate, a FBA, behavioral intervention services and modifications designed to address the behavior so it does not recur. (Adopted June 13, 2013; Ordinance Number 12/13-115; Effective Date: July 1, 2013)

Legal Authority – Virginia Code §§22.1-78 & 22.1-277.01:1 (1950), as amended.

Section 9-19.6. Change of Placement by Hearing Officer— In addition to the other options for removal, a hearing officer may order a change in the placement for a student with a disability to an appropriate interim alternative educational setting for not more than forty-five (45) school days if the hearing officer determines that maintaining the current placement of such student is substantially likely to result in injury to the student or others. Additional forty-five (45) school day removals may be authorized by the hearing officer as

necessary. (Adopted June 13, 2013; Ordinance Number 12/13-116; Effective Date: July 1, 2013)

Legal Authority – Virginia Code §§22.1-78 & 22.1-277.01:1 (1950), as amended.

Section 9-19.7. Students Not Identified as Disabled. — Students for whom the parents assert there is a disability but who have not yet been identified as disabled may be subjected to the same measures applied to students without disabilities if the school division did not have knowledge of the disability before the behavior that precipitated the disciplinary action occurred. A school division will be found to have knowledge of the student’s disability if before the behavior that precipitated the disciplinary action occurred:

- (1) the parent expressed concern in writing to supervisory or administrative personnel of the school division, or to a teacher of the student, that the student is in need of special education and related services; or
- (2) the parent requested an evaluation of the student for special education eligibility through formal evaluation procedures; or
- (3) the student’s teacher or other school personnel had expressed specific concerns about a pattern of behavior demonstrated by the student directly to the director of special education or to other supervisory personnel of the school division.

Suffolk Public Schools would not be found to have knowledge of a student’s disability if:

- (1) the parents refused to allow an evaluation of the student or refused special education services; or
- (2) the student was evaluated and found not eligible for special education services.

If a request for an evaluation is made during the period such student is subject to disciplinary measures, the evaluation shall be conducted in an expedited manner. If the student is found eligible as a child with a disability, taking into consideration information from the evaluation conducted by the school division and information provided by the parents, then the student must be provided special education and related services, although in another setting, in compliance with the procedures for suspended and expelled students with disabilities. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities. (Adopted June 13, 2013; Ordinance Number 12/13-117; Effective Date: July 1, 2013)

Legal Authority - Virginia Code §§22.1-78 & 22.1-277.01:1 (1950), as amended

Section 9-19.8. Disciplining certain students who violate alcohol and drug policies.—Students who are identified as disabled under Section 504 of the Rehabilitation Act and who engage in the illegal use of drugs or alcohol may be discipline for violating Suffolk Public Schools’ alcohol and drug policies to the same extent as non-disabled students. The student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular education students._ (Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 12/13-118; Effective Date: July 1, 2013)

Note: The **2013** revision added the following language, “The student is not entitled to a due process hearing under special education procedures in this circumstance but does retain the protections afforded to regular education students.”

Legal Authority – Virginia Code §§22.1-78 & 22.1-277.01:1 (1950), as amended.

Article 20

Student Health Services and Requirements

Section 9-20.1. Employment of school nurses.— Suffolk Public Schools will employ school nurses, physicians, physical therapists, occupational therapists and speech therapists who meet such standards as may be determined by the Board of Education. (Adopted February 9, 1995; Revised September 14, 1995; Revised June 13, 2013; Ordinance Number 12/13-119; Effective Date: July 1, 2013)

Note: The **2013** revision deleted the following language, “Suffolk Public Schools shall follow state law requirements in matters relating to health, physical examination and inoculations. The interpretation of any provision of state law shall be sought from the Suffolk City Department of Health” and re-wrote this policy.

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-20.2. Contagious diseases; exclusive requirements.—Students shall be excluded from school when suffering from contagious diseases. (Adopted February 9, 1995; Revised September 14, 1995)

Legal Authority - Virginia Code §22.1-272 (1950), as amended.

Section 9-20.3. Treatment of medical emergencies.— No treatment of injuries except first aid will be given in the schools. Exceptions are made to this policy only in cases of medical necessity. (Adopted February 9, 1995; Revised September 14, 1995)

Legal Authority - Virginia Code §22.1-274 (1950), as amended.

Section 9-20.4. Rights of students.—Religious beliefs and constitutional rights of students shall be respected within constraints of legal requirements for health instruction, examination and treatment. (Adopted February 9, 1995; Revised September 14, 1995)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-20.5. Administration of medicines.—Administration of medicines will be permitted on school property only where medically necessary and under the direct supervision of appropriate staff members. (Adopted February 9, 1995; Revised September 14, 1995)

Legal Authority - Virginia Code §22.1-274 (1950), as amended.

Section 9-20.6. Physical examination requirement.—A. Before any child is admitted for the first time to any public pre-school, kindergarten or elementary school (Grades K through 5) such child must have a comprehensive physical examination of a scope as prescribed by the State Department of Health by a qualified license physician who shall make a report of such examination and at the end of such report shall summarize abnormal physical findings, if any, and shall specifically state what if any conditions are found that would identify the child as disabled.

B. A copy of such report must be presented to the school on the child's behalf.

C. The report must indicate that the child has received the physical examination no earlier than twelve (12) months prior to the date of first entering kindergarten or elementary school.

D. Transfer students entering a Suffolk Public School must provide one of the following: (1) records establishing that a physical examination was completed prior to enrolling in another school; or (2) a report of a physical examination dated within the last twelve (12) months.

E. Physical examination reports shall be placed in the child's health record at the school.

F. A physical examination shall not be required of any child whose parent or guardian objects on religious grounds and who shows no visible evidence of sickness. The parent or guardian shall state in writing that to the best of his or her knowledge the child is in good health and free from communicable or contagious disease. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-270 (1950), as amended.

Section 9-20.7. Student immunizations required; notice required; when child being home instructed; conditional enrollment; exemption. — A. No student shall be admitted by a school unless at the time of admission the student or his parent submits documentary proof of immunization as required by Va. Code §§ 22.1-271.2 and 32.1-46 to the admitting official of the school or unless the student is exempted from immunization as described below or is a homeless child or youth as defined in Va. Code § 22.1-3 (1950), as amended.

B. If a student does not have documentary proof of immunization, the school will notify the student or his parent (i) that it has no documentary proof of immunization for the student; (ii) that it may not admit the student without proof unless the student is exempted, including any homeless child or youth as defined in Va. Code § 22.1-3 (1950), as amended; (iii) that the student may be immunized and receive certification by a licensed physician, physician assistant, nurse practitioner, registered nurse or an employee of a local health department; and (iv) how to contact the local health department to learn where and when it performs these services.

C. Any parent, guardian, or other person having control or charge of a child being home instructed or exempted or excused from school attendance shall comply with immunization requirements provided in Va. Code § 22.1-32.1-46 (1950), as amended, in the same manner and to the same extent as if the child has been enrolled in and is attending school.

D. Any student whose immunizations are incomplete may be admitted conditionally if he provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within 90 calendar days. If the student requires more than two doses of hepatitis B vaccine, the conditional enrollment period will be 180 calendar days. The immunization record of each student admitted conditionally will be reviewed periodically until the required immunizations have been received. Any student admitted conditionally who fails to comply with his schedule for completion of the required immunizations will be excluded from school until his immunizations are resumed.

E. No certificate of immunization is required for the admission to school of any student if (i) the student or his parent submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; or (ii) the school has written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization. (Adopted February 9, 1995; Revised September 14, 1995; Revised June 13, 2013; Ordinance Number 12/13-120; Effective Date: July 1, 2013)

Note: The **2013** revision deleted at the following language from subsection A, “Before entering a public school every pupil shall furnish a certificate certifying that the pupil has been immunized against communicable diseases as required by §32.1-46 of the Code of Virginia or has begun receiving the first series of all such vaccinations or is exempt as provided elsewhere in this policy” and inserted in its place the following language, “No student shall be admitted by a school unless at the time of admission the student or his parent submits documentary proof of immunization as required by Va. Code §§ 22.1-271.2 and 32.1-46 to the admitting official of the school or unless the student is exempted from immunization as described below or is a homeless child or youth as defined in Va. Code §22.1-3 (1950), as amended.” In subsection B the following language was deleted, “A student may be enrolled for a period of ninety (90) school days contingent upon the student having received at least one dose of each of the required vaccine and the student possessing a plan from a physician or local health department for completing his or her immunization requirement within the ensuing ninety (90) school days. Except that a student who has not yet received a second dose for measles (rubella) vaccine must receive such second dose pursuant to the State Board of Health minimum immunization required for school attendance” and the following language was inserted in its place, “If a student does not have documentary proof of immunization, the school will notify the student or his parent (i) that it has no documentary proof of immunization for the student; (ii) that it may not admit the student without proof unless the student is exempted, including any homeless child or youth as defined in Va. Code § 22.1-3 (1950), as amended; (iii) that the student may be immunized and receive certification by a licensed physician, physician assistant, nurse practitioner, registered nurse or an employee of a local health department; and (iv) how to contact the local health department to learn where and when it performs these services.” Subsections C & D were also added. The following language was also deleted from former subsection C and re-alphabetized as subsection E, “When (a) the parent or guardian has an objection on the grounds that the administration of immunizing agents conflicts with his or her religious tenets or practices and provides the principal with a written statement of such objection, unless an emergency or a diseased epidemic has been declared as the State Board of Health; or (b) when the parent or guardian presents a statement from a physician that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child, the child may be exempt from the student immunization requirements as set forth in this article., and the following language was inserted in subsection E, “No certificate of immunization is required for the admission to school of any student if (i) the student or his parent submits an affidavit to the admitting official stating that the administration of immunizing agents conflicts with the student's religious tenets or practices; or (ii) the school has written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the student's health, indicating the specific nature and probable duration of the medical condition or circumstance that contraindicates immunization.”

Legal Authority - Virginia Code §22.1-272.2 (1950), as amended.

Section 9-20.7:1 Homeless pupils. — If a student is a homeless child or youth as defined in Va. Code § 22.1-3 (1950), as amended, and (a) does not have documentary proof of necessary immunizations or has incomplete immunizations and (b) is not exempted from immunization, the school division will immediately admit such student and will immediately refer the student to the local school division homeless liaison who will assist in obtaining the documentary proof of, or completing, immunization. (Adopted June 13, 2013; Ordinance Number 12/13-121; Effective Date: July 1, 2013)

Legal Authority - Virginia Code §22.1-272 (1950), as amended.

Section 9-20.8. Immunization Record; filing of report with local health department. —A. Every school records each student's immunizations on the school immunization record. The school immunization record is a standardized form provided by the State Department of Health, which will be a part of the mandatory permanent student record. Such record is open to inspection by officials of the State Department of Health and the local health departments. The school immunization record will be transferred by the school whenever the school transfers any student's permanent academic or scholastic records.

B. Within 30 calendar days after the beginning of each school year or entrance of a student, each admitting official will file a report with the local health department. The report will be filed on forms prepared by the State Department of Health and will state the number of students admitted to school with documentary proof of immunization, the number of students who have been admitted with a medical or religious exemption and the number of students who have been conditionally admitted, including those students who are homeless children or youths as defined in Va. Code § 22.1-3 (1950), as amended. (Adopted February 9, 1995; Revised September 14, 1995; Revised June 13, 2013; Ordinance Number 12/13-122; Effective Date: July 1, 2013)

Note: The **2013** revision deleted the following language from subsection A, "Evidence acceptable for proof of required immunizations must include the month, day and year each dosage was administered on forms developed by or approved by the State Department of Health. All students for whom dates cannot be provided (month, day, year) must be referred to the local health department or their private physician to update their records before entering school" and added a new subsection A and B.

Legal Authority - Virginia Code §22.1-272 (1950), as amended.

Section 9-20.9. Communicable diseases generally; confidential information; exclusion of students and employees. —A. The School Board recognizes the importance of protecting its students and employees from the transmission of communicable diseases which present a threat to their health and safety while also protecting their legitimate interest and rights of students and employees with communicable diseases. The School Board directs the superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person who has a communicable disease. The decision to remove the student or employee and the decision to re-admit the student or to permit the employee to return to work shall be made by the superintendent based upon consultation with the local health department, the student or employee's physician, physician assistant, nurse practitioner and/or other medical authorities.

B. The identity of a student or employee who has a communicable disease is kept confidential and revealed only to appropriate authorities as determined by the superintendent of Schools. An alternative educational program should be made available to any student whose removal pursuant to this policy is

expected to result in a prolonged absence from school or where otherwise required by law.

C. School Board policy and administrative procedures concerning the exclusion of employees and students with communicable diseases are consistent with the requirements of law including the policies of Virginia Department of Education and should reflect current medical knowledge and research. (Adopted February 9, 1995; Revised June 13, 2013; Ordinance Number 12/13-123; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-106; Effective Date: July 1, 2016)

Note: The 2016 revision revised Subsection A which read “In carrying out this responsibility, the School Board directs the superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person who has a communicable disease” to read “The School Board directs the superintendent to act in compliance with applicable law to exclude from school attendance or work in the school setting any person who has a communicable disease. Also Subsection B which read “The identity of a student or employee who has a communicable disease will be kept confidential and will be revealed only to appropriate authorities as determined by the superintendent of Schools” to read “The identity of a student or employee who has a communicable disease is kept confidential and revealed only to appropriate authorities as determined by the superintendent of Schools.”

Legal Authority - Virginia Code §22.1-271.3 (1950), as amended.

Section 9-20.10. Blood born, contagious or infectious diseases; identity of student or employee kept confidential; alternative education; training required; superintendent to develop guidelines. — A. The attendance at work of employees who suffer blood born diseases which are infectious or contagious such as aids and hepatitis B and which may be transmitted by exchange of body secretions shall be determined by the superintendent on a case by case basis. The superintendent shall obtain the advice of the Public Health Director to assist him or her in making the determination. The employee may be excluded from work pending the superintendent’s decision. The superintendent shall adopt regulations setting forth the procedures to be followed to effectuate this policy.

B. The identity of a student or employee who has tested positive for human immunodeficiency virus shall be kept confidential; except as provided for in School Board Policy Section 9-20.10:1.

C. An alternative educational program shall be made available to any student whose removal pursuant to this policy is expected to result in a prolonged absence from school or is otherwise required by law.

D. Training in the use of universal precautions for handling blood shall be conducted periodically in accordance with state and federal law. Standard procedures for handling blood shall be implemented within the school setting and on buses in accordance with state and federal law.

E. The superintendent shall adopt regulations setting forth the procedures to be followed to effectuate this policy. (Adopted February 9, 1995;

Revised January 15, 2004, Ordinance Number 03/04-13, Effective: July 1, 2004)

Note: The 2004 revision added subparagraphs B, C, and D.

Legal Authority - Virginia Code §22.1-271.3 (1950), as amended.

Section 9-20.10:1 Possible exposure to viral infections; confidentiality of information; implied consent for testing; court order for testing in certain situations.—A. Upon notification by a school employee who believes he has been involved in a possible exposure-prone incident which may have exposed the employee to the blood or body fluids of a student, the superintendent shall contact the local health director, who, upon immediate investigation of the incident, shall determine if a potentially harmful exposure has occurred and make recommendations based upon all information available to him regarding how the employee can reduce any risks from such exposure. The superintendent shall share these recommendations with the school employee.

B. The superintendent and the school employee shall not divulge any information provided by the local health director regarding the student involved, except as described herein. The information provided by the local health director shall be subject to confidentiality requirements set forth in the Code of Virginia Section 32.1-35 *et. seq.* (1950), as amended.

C. Whenever any school board employee is directly exposed to body fluids of any person in a manner which may, according to current guidelines of the Center for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed. If the person whose blood specimen is sought for testing is a minor, the parent, guardian or person standing in loco parentis of such minor shall be notified prior to initiating such testing. In other than emergency situations, it shall be the responsibility of the school board employee to inform the person of this provision prior to the contact that creates a risk of such exposure. Failure to inform however will not in any way affect the implied consent set forth in this section.

If the person whose blood specimen is sought for testing is a minor, and that minor refuses to provide such specimen, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or Suffolk Public Schools may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided or, in the case of a nonresident, the county or city where the school board has its

principal office, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this policy.

Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control, transmit human immunodeficiency virus or hepatitis B or C viruses, the School Board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

D. Except if the person to be tested is a minor, and the person whose blood specimen is sought for testing refuses to provide such specimen, any person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, Suffolk Public Schools may petition the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the school board has its principal office, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court shall be advised by the State Health Commissioner of his designee prior to entering any testing order. If a testing order is issued, both the petitioner and the person from whom blood specimen is sought shall receive counseling and opportunity face-to-face disclosure of any test results by a licensed practitioner or trained counselor. (Adopted December 11, 2003; Ordinance Number 03/04-8; Effective: July 1, 2004; Revised September 8, 2011; Ordinance Number 11/12-10; Effective Date: September 9, 2011; Revised June 9, 2016; Ordinance Number 15/16-107; Effective Date: July 1, 2016)

Note: The 2016 revision revised Subsection A which read “Whenever any school board employee is directly exposed to body fluids of any person in a manner which may, according to current guidelines of the Center for Disease Control, to read “Whenever any school board employee is directly exposed to body fluids of any person in a manner which may, according to current guidelines of the Center for Disease Control and Prevention,..” and also added the following language to Subsection C “If the person whose blood specimen is sought for testing is a minor, the parent, guardian or person standing in loco parentis of such minor shall be notified prior to initiating such testing.”

Legal Authority – Virginia Code §§22.1-271.3 & 32.1-45.1 (1950), as amended.

Section 9-20.11. Administering medicines to students; responsibility of principal. —A. The School Board discourages the administration of medication during school hours and request that whenever possible the administration of medication should be scheduled other than during school hours. It is recognized that this is not always possible and Suffolk Public Schools will cooperate in the administration of medication that must be given during school hours.

B. Each principal is charged with providing for the administration of medication within his or her area of control. The principal, school nurse or other designated staff member will administer medication. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-274 (1950), as amended.

Section 9-20.11:1 Prescription medications; Nonprescription Medications; Self-Administration of Medication; Sharing, borrowing etc., of medication prohibited; Self-Administration of Asthma medication and Auto-Injectable Epinephrine; school nurse trained in administration of epinephrine; superintendent to develop regulations. — A. Employees of the School Board may give medication prescribed for individual students only pursuant to the written order of a physician, physician assistant, or nurse practitioner and with written permission from the student's parent or guardian, school nurse or school division designee by the parent or guardian of the student.

B. Employees of the School Board may give nonprescription medication to students only with the written permission of the parent or guardian. Such permission shall include the name of the medication, the required dosage of the medication, and the time the medicine is to be given. Such medicine must be in the original container and delivered to the principal, school nurse or school division designee by the parent or guardian of the student.

C. Self-administration of any medication with the exception of asthma medication and auto-injectable epinephrine, as discussed herein, is prohibited for students in grades kindergarten through eight. Students in grades nine through twelve may be allowed to possess and self-administer non-prescription medicine when the following conditions are met: (i) written parental permission for self-administration of specific non-prescription medication is on file with the school; (ii) the non-prescription medication is in the original container and appropriately labeled with the manufacturer's directions; (iii) the student's name is affixed to the container; and (iv) the student possesses only the amount of non-prescription medicine needed for one school day/activity.

D. Sharing, borrowing, distributing, manufacturing or selling any medication is prohibited. Permission to self-administer non-prescription medication may be revoked if the student violates this policy and the student may be subject to disciplinary action in accordance with the Standards of Student Conduct.

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

medications or auto-injectable epinephrine, or both, is on file with the school; (ii) written notice from the student's health care provider is on file with the school, indicating the identity of the student, stating the diagnosis of asthma or anaphylaxis, or both, and approving self-administration of inhaled asthma medications or auto-injectable epinephrine, or both, that have been prescribed for the student; specifying the name and dosage of the medication, the frequency in which it is to be administered and the circumstances which may warrant its use; and attesting to the student's demonstrated ability to safely and effectively self-administer the medication; (iii) an individualized health care plan is prepared, including emergency procedures for any life-threatening conditions; (iv) there is a consultation with the student's parent before any limitations or restrictions are imposed on a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked; (v) Self-administration of inhaled asthma medications and auto-injectable epinephrine is consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manual, which are jointly issued by the Virginia Department of Education and the Virginia Department of Health. and (vi) information regarding the health condition of the student may be disclosed to school board employees in accordance with state and federal law governing the disclosure of information contained in student scholastic records.

Permission granted to a student to possess and self-administer asthma medications or auto-injectable epinephrine, or both, will be effective for a period of 365 calendar days, and must be renewed annually. However, a student's right to possess and self-administer inhaled asthma medication or auto-injectable epinephrine, or both, may be limited or revoked after appropriate school personnel consult with the student's parents.

F. Pursuant to an order or standing protocol issued by the carrier within the course of the school nurse professional practice insurance, a school nurse or any School Board employee who is authorized and trained in the administration of epinephrine may possess epinephrine and may administer it to any student believed to be having an anaphylactic reaction. Such school nurse or School Board employee may also possess heparin and sterile normal saline to use for the maintenance of intravenous access lines.

G. The superintendent shall develop a regulation for administration of medicines to students. The regulation shall include provisions for the handling, storage, monitoring, documentation and disposal of medication. (Adopted June 13, 2013; Ordinance Number 12/13-124; Effective Date: July 1, 2013)

Legal Authority - Virginia Code §22.1-274.2 (1950), as amended.

Section 9-20.12. Student permission to psychiatric or psychological examinations, testing or treatment; prior consent required; psychiatric or psychological testing defined.—A. No student enrolled in Suffolk Public Schools shall be required to admit without prior consent to psychiatric or psychological examinations, testing or treatments in which the primary purpose is to reveal information concerning (i) political affiliations; (ii) mental and psychological problems potentially embarrassing to the student or his family; (iii) sex behavior and attitudes; (iv) illegal, anti-social, self-incriminating and demeaning behavior; (v) critical appraisals of other individuals with whom respondents have close family relationships; (vi) legally recognized privileged and analogous relationships such as those of lawyers, physicians and ministers; or (vii) income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such programs).

B. Prior consent to any psychiatric or psychological examination, testing or treatment means the prior written consent of the student's parent or guardian or if a student is emancipated of the student. Any such examination, testing or treatment within the definition of human research shall be conducted in accordance with §22.1-16.1 of the Code of Virginia (1950) as amended.

C. As used herein, psychiatric or psychological examination, testing or treatment are intended to have their ordinary and customary meaning which refers to a recognized medical or therapeutic discipline practice by licensed professionals. These terms do not include ordinary classroom activities or teaching techniques. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Section 9-20.13. Child abuse and neglect reporting requirements; posted notice requirement; complaints of abuse and neglect against school personnel. — A. Every employee of the School Board who, in his professional or official capacity, has reason to suspect that a child is an abused or neglected child, in compliance with the Code of Virginia § 63.2-1509 et seq., shall immediately report the matter to (i) the local department of social services where the child resides or where the abuse or neglect is believed to have occurred; (ii) to the Virginia Department of Social Services' toll-free child abuse and neglect hotline; or (iii) to the person in charge of the school or department, or his designee, who shall make the report forthwith to the local or state agency. The person making the report to the local or state agency must notify the person making the initial report when the report of suspected abuse or neglect is made to the local or state agency, and of the name of the individual receiving the report, and must forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

B. The School Board shall post in each school a notice that (i) any

teacher or other person employed there who has reason to suspect that a child is an abused or neglected child, including any child who may be abandoned, is required to report such suspected cases of child abuse or neglect to local or state social services agencies or the person in charge of the relevant school or his designee; and (ii) all persons required to report cases of suspected child abuse or neglect are immune from civil or criminal liability or administrative penalty or sanction on account of such reports unless such person has acted in bad faith or with malicious purpose. The notice shall also include the Virginia Department of Social Services' toll-free child abuse and neglect hotline.

C. The School Board and the local department of social services shall adopt a written interagency agreement as a protocol for investigating child abuse and neglect reports, including reports of sexual abuse of a student, against school personnel. The interagency agreement shall be based on recommended procedures for conducting investigations developed by the Departments of Education and Social Services. (Adopted October 12, 2000; Ordinance Number 00/01-06; Revised June 13, 2013; Ordinance Number 12/13-125; Effective Date: July 1, 2013)

Note: The 2013 revision deleted the following language from subsection A, “All school employees must do their part to report child abuse and neglect. When any employee has reason to suspect child abuse or neglect, state law requires that the individual report the suspected abuse or neglect to the Suffolk Department of Social Services” and re-wrote this subsection. In subsection B, the following language was deleted, “The superintendent shall develop regulations that will aid Suffolk Public School employees when reporting cases of suspected child abuse and neglect” and this subsection was also re-written. Subsection C was added.

Legal Authority - Virginia Code §§ 22.1-253.13:7.A, 22.1-29.1, 63.2-1509 & 63.2-1511 (1950), as amended.

Section 9-20.14 Goal of policy stated; definitions; concussion management team; required training; parent and student review of training materials; removal for activities; return to play; helmet replacement and reconditioning; policy can be provided to non-school organizations. — A. The School Board desires the safe return to activity for all student-athletes participating in extracurricular physical activities following an injury, but particularly after a concussion. The goal of this policy is to ensure (i) that coaches, school staff, volunteers, student-athletes, and their parents or guardian are aware of the short-term and long term effects of concussions; (ii) that concussed student-athletes are identified, removed from play immediately, and referred appropriately; and (iii) that concussed student-athletes are returned to play only after receiving appropriate medical care, given adequate time to heal, and are symptom free.

B. The following definitions shall apply to this section:

Concussion: *a brain injury that is characterized by an onset of impairment of cognitive and/or physical functioning, and is caused by a blow to the head, face or neck, or a blow to the body that causes a sudden jarring of the head (i.e., a helmet to the head, being knocked to the ground). A concussion can occur with or without a loss of consciousness, and proper management is essential to the immediate safety and long-term future of the injured individual.*

Licensed Health Care Provider: *a physician, physician assistant, osteopath or athletic trainer licensed by the Virginia Board of Medicine; a neuropsychologist licensed by the Board of Psychology; or a nurse practitioner licensed by the Virginia State Board of Nursing.*

Return-to-Learn: *instructional modifications that support a controlled, progressive increase in cognitive activities while the student recovers from a brain injury allowing the student-athlete to participate in classroom activities and learn without worsening symptoms and potentially delaying healing.*

Return to Play: *to participate in a non-medically supervised practice, game, or athletic competition.*

C. A Concussion Management Team (“CMT”) shall be appointed by the Superintendent of Schools and shall consist of a school administrator, an athletic administrator, a licensed health care provider, a coach, a parent or guardian of a student-athlete, a student athlete, and any such other person the Superintendent determines will assist the CMT in its actions. The CMT shall develop concussion training materials for school personnel, volunteers, student-athletes, and parents of student-athletes. The CMT shall also develop concussion reporting, management, and review protocols for the school division. The CMT shall maintain a record of all incidents where a student-athlete has been removed from a game, competition, or practice because he or she has been suspected of sustaining a concussion. The CMT shall meet at least once per semester and shall evaluate the division’s training materials, concussion reporting, management, and review protocols annually.

D. Every Coach, Assistant Coach, School Staff, Adult Volunteer, or other person serving in a coaching or advisory role over student-athletes during games, competitions, or practices shall receive training in the signs and symptoms of sports-related concussions, strategies to reduce the risk of concussions, how to seek proper medical treatment for concussions, and the process by which a concussed student-athlete may safely return to practice or competition. Each school and the CMT shall maintain a written record of the names and dates of

completion for all persons completing the school's concussion training. Each school shall ensure that no person is allowed to coach or advise a student-athlete in any practice, game, or competition who has not completed the school's concussion training within the previous twelve months.

E. Prior to participating in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review concussion training materials developed by the CMT and sign a statement acknowledging receipt of such information. The concussion training materials shall describe the short-and long-term health effects of concussions. The signed statements acknowledging the receipt of concussion training materials shall be valid for one calendar year and will satisfy the concussion training requirements for all of a student-athlete's extracurricular physical activities for a calendar year.

F. A student-athlete suspected by a student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice, game, or competition shall be removed from the activity immediately, evaluated, and if necessary referred for further treatment. A student-athlete who has been removed from play, evaluated, and suspected to have sustained a concussion shall not return to play that same day.

In determining whether a student-athlete removed from play is suspected of having sustained a concussion, an appropriately licensed health care provider or other properly trained individual, shall evaluate the student-athlete at the time of removal utilizing a standardized concussion sideline assessment instrument (e.g., Sideline Concussion Assessment Tool (SCAT-II; SCAT III, ChildSCAT3), the Standardized Assessment of Concussion (SAC), or the Balance Error Scoring System (BESS)).

The determination of whether a student-athlete removed from play is suspected of having sustained a concussion shall be the sole determination of the licensed health care provider or other properly trained individual conducting the concussion sideline assessment. Such determination is final and may not be overruled by another licensed health care provider or other properly trained individual, coach, assistant coach, school staff, or other person serving in a coaching or advisory role, the student-athlete, or the parent or guardian of the student-athlete.

The coach of a student-athlete may elect not to return the student-athlete to play, even if it is determined after the concussion sideline assessment that the student-athlete is no longer suspected of having sustained a concussion.

G. No student-athlete shall be allowed to return to extracurricular physical activities, which includes the student-athlete's practices, games, or competitions, until the student presents a written medical release from the student-athlete's licensed health care provider. The written medical release shall certify that (i) the provider is aware of the current medical guidance on concussion evaluation and management; (ii) the student-athlete no longer exhibits signs symptoms or behaviors consistent with a concussion at rest or with exertion; and

(iii) that the student-athlete has successfully completed a progressive return to sports participation program. The length of progressive return to sports participation program shall be determined by the student-athlete's licensed health care provider but shall last a minimum of five calendar days. The coach of a student-athlete may elect not to allow a student-athlete to return to extracurricular physical activities, even after the production of written medical release from the student-athlete's licensed health care provider, if the coach observes signs and symptoms of sports-related concussions. If the student-athlete's coach makes such a decision, the coach shall communicate the observations and concerns to the student-athlete's parent or guardian within one day of the decision not to allow such student-athlete to return to extracurricular physical activities.

H. School personnel shall be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning and problem solving. School personnel shall accommodate the gradual return to full participation in academic activities by a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

I. All helmets used in school physical activities must conform to the National Operations Committee on Standards for Athletic Equipment (NOCSAE) and certified as conforming by the manufacturer at the time of purchase. Reconditioned helmets that have been purchased must be recertified as conforming to the NOCSAE by the reconditioner.

J. The school division may provide this policy and the Board of Education's Guidelines for Policies on Concussions in Student-Athletes to organizations sponsoring athletic activity for student-athletes on school property. The school division does not enforce compliance with the policy or Guidelines by such organizations. (Adopted June 13, 2013; Ordinance Number 12/13-126; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-108; Effective Date: July 1, 2016; Revised October 13, 2016; Ordinance Number 16/17-22; Effective Date: July 1, 2017)

Note: The **2017** revision added Subsection H. The **2016** revision added the following language under Subsection B "Return-to-Learn: instructional modifications that support a controlled, progressive increase in cognitive activities while the student recovers from a brain injury allowing the student-athlete to participate in classroom activities and learn without worsening symptoms and potentially delaying healing." Also in Subsection F the following Sideline Assessment Tools were added in paragraph 2, SCAT III, ChildSCAT3). Finally, this revision added Subsection I.

Legal Authority - Virginia Code Section 22.1-78 (1950), as amended.

Article 21 Solicitations

Section 9-21.1. Students fundraising; approval request; principal to maintain list. — A. Fundraising efforts shall be authorized under conditions that do not conflict with instructional programs. Fundraising refers to the raising of non-appropriated money for the educational benefit of students and their schools.

B. Fundraising shall be permitted by students attending middle and high schools provided such activities are approved in writing and carefully monitored and regulated by the school principal or designee.

C. Each principal shall develop and maintain a list of all fundraising activities pursuant to procedures adopted by the school superintendent. No fundraising shall be approved for any school activity until the activity has been approved. (Adopted February 9, 1995)

Legal Authority - Virginia Code §22.1-78 (1950), as amended.

Article 22 Student Fees, Fines and Charges

Section 9-22.1. Student fees permitted; textbooks and other consumable materials; only fees and charges permitted by law or State Board regulations may be levied; action by School Board in certain instances.—A. It shall be the policy of the school board to charge student fees and to recover funds for the lost of or damage to school board property in accordance with the Code of Virginia.

B. The School Board shall provide, free to charge, such textbooks as are required for courses of instruction for each child attending public schools. Consumable materials such as workbooks, writing books, and drawing books may be purchased by the School Board and either provided to students at no cost or sold to students at a retail price not to exceed seven percent added to the publisher's price. If sold, the School Board shall ensure that workbooks, writing books, and drawing books are furnished to students who are unable to afford them at a reduced price or free of charge.

C. Only those fees and charges permitted by law or the regulations of the Board of Education may be required of students. No school or employee may require a fee or charge of any student without the prior approval of the superintendent or his or her designee who may approve such fees and charges only if the School Board has adopted a resolution authorizing the superintendent or his or her designee to approve such fees and charges. In approving any such fee or charge, the superintendent/designee shall ensure that the fee or charge is either reduced or waived for those students who are unable to afford them. The

superintendent/designee shall inform the School Board of any fee or charge assessed, and of any changes to such fees/charges.

D. The School Board, upon recommendation of the superintendent, may take action against a pupil or the pupil's parent for any actual loss, breakage, or destruction of property owned by or under the control of the School Board, when such loss, breakage, or destruction is caused or committed by such pupil in pursuit of his studies, or failure to return property. Such action may include seeking reimbursement from a pupil or pupil's parent for any such loss, breakage, or destruction of or failure to return school property. (Adopted February 9, 1995; Revised: October 9, 2008; Ordinance Number 08/09-19; Effective: October 10, 2008)

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

Article 23

Student Records

Section 9-23.1. Permanent and Cumulative Records Generally, Superintendent Responsible for; Interpretation of Policy. —A. The Suffolk City School Board shall maintain accurate and complete individual, permanent and cumulative records for every student enrolled in Suffolk Public Schools. These records shall include cumulative and confidential information and shall be the student's official school record. Such records, identified as education records in Title 20, Section 1232(g) of the United States Code and in Chapter 14 of Title 22.1 of the Code of Virginia (1950), as amended, shall be maintained in compliance with all federal and state law.

B. The superintendent and/or his or her designee(s) shall be responsible for the collection of data, record maintenance and security, access to, and use of records, confidentiality of personally identifiable information, dissemination of information from records, and destruction of records, including the destruction of personally identifiable information regarding a student with a disability at the request of the parents. The superintendent shall also provide for notification of all Suffolk Public School 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 Suffolk Public Schools' written policy and procedure on the management of the education records and their location.

C. The superintendent or his or her designee(s) shall be present for interpretation and explanation of student records when all parties have access to those records with the exception of designated professional personnel within the school division. The superintendent shall provide for the periodic evaluation of records by professional personnel and the removal of data no longer educationally

useful. Parent(s) of students and eligible students shall be informed prior to destruction of records and provided a copy if desired. Suffolk Public Schools will provide a copy of this policy on request to a parent or eligible student. (Adopted February 9, 1995; Revised May 13, 1999)

Legal Authority - Virginia Code §22.1-287 (1950), as amended.

Section 9-23.2. Definitions— A. For the purpose of this policy, Suffolk Public Schools has used the following definitions or terms:

(1) 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.

(2) 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.)

(3) 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.

(4) 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.

(5) Education records - any information recorded in any way including handwriting, print, computer media, video or audiotape, film, microfilm, and microfiche maintained by the School Board or an agent of the school division which contains information directly related to a student, except (i) 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; (ii) records created and maintained for law enforcement purposes by the 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; (iii) in the case of persons who are employed by the 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; (iv) 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; (v) grades on peer-graded papers before they are collected and recorded by a teacher; and (vi) 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.

(6) "Eligible student" means a student who has reached age 18.

(7) "Parent" means 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.

(8) "Student" means any person who attends or has attended a school in Suffolk Public Schools. (Adopted February 9, 1999; Revised May 13, 1999; Revised November 9, 2006; Ordinance Number 06/07-6; Effective Date: July 1, 2007; Revised June 13, 2013; Ordinance Number 12/13-127; Effective Date: July 1, 2013)

Note: The **2013** revision added the following definitions, "Authorized Representative," "Directory Information," "Early childhood education program," "Education program," and "Education records." The definition of "Parent" was amended to read, "Parent means 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." The **2006** revision amended Subsection A(4), line 13, by adding the language "computer media" and line 14, "video or audio", "microfilm, microfiche"

Legal Authority – Virginia Code §22.1-289 (1950), as amended.

Section 9-23.3—Notice Requirement. If disciplinary action is taken by Suffolk Public Schools in regard to the incident upon which the adjudication or conviction was based, notice shall be provided to the parent or guardian in accordance with state law. With the consent of the parent or guardian, or in compliance with a court order, Suffolk Public Schools must also notify the court of the disciplinary action. If disciplinary action is not taken against the student, every notice of adjudication or conviction received by a the school superintendent, and information contained in the notice, shall be maintained by the superintendent and by any others to whom the information has been disseminated separately from all other records concerning the student. (Adopted February 9, 1999; Revised May 13, 1999)

Legal Authority - Virginia Code §22.1-280.1 (1950), as amended.

Section 9-23.4. Dissemination of Information about Court Proceedings; Notification in writing of any disciplinary action; record maintained by Superintendent; petitions and reports. — A. The superintendent shall disseminate the notice or information about an adjudication or conviction received pursuant to §16.1-305.1 of the Code of Virginia (1950), as amended, to the 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 support services to the student; and (2) have a legitimate educational interest in such information.

B. 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.

C. 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.

D. 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: (i) 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. (ii) 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. (iii) 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. (Adopted February 9, 1999; Revised May 13, 1999; Ordinance Number 98/99-10; Revised June 13, 2013; Ordinance Number 12/13-128; Effective Date: July 1, 2013)

Note: The **2013** revision relative to dissemination of information concerning adjudication or conviction was changed to read “to the 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” and deleted language which read, “to the principal of the school in which the student is enrolled.” In subsection B, “a guardian or other person having control or charge of a student” was added to the list of persons to receive notice of any disciplinary action taken with regard to any incident upon which the adjudication of delinquency or conviction for an offense was based. In subsection C, the following language was deleted “Any Suffolk Public School employee who disseminates information referenced herein, to persons other than those who are legally authorized to receive such information, will be subject to appropriate disciplinary action which shall include, but shall not be limited to, suspension, probation, or dismissal from employment” and the following language inserted in its place “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.” Subsection D was added and the following language was deleted from this subsection, “In addition, the superintendent and principal may disseminate information about court proceedings related to a student following notice by court pursuant to §16.1-305.2 of the Code of Virginia (1950), as amended, in the following circumstances: (1) prior to receipt of the notice of disposition, the superintendent may disclose the fact of the filing of the petition and the nature of the offense to the principal of the school in which the student is enrolled, if the division superintendent believes that disclosure to school personnel is necessary to ensure the physical safety of the student, other students or school personnel within the division; and (2) after the student has been taken into custody, whether or not the student has been released, the principal may further disseminate the information only to those students and school personnel having direct contact with the student and need of the information to ensure physical safety, appropriate educational placement or other educational services. When the superintendent receives notice regarding a student who is not enrolled, he shall promptly notify the juvenile court and not disclose this information to anyone within the school division.” The 1999 revision amended subsection A beginning with line 3, by adding the language “to the principal of the school in which the student is enrolled.” This revision also added the following language in line three, subsection A, “The principal shall disseminate such information to licensed instructional personnel and other school personnel who (1) provide direct educational support services to the student and (2) have a legitimate educational interest in such information “and deleted “other relevant school personnel, including personnel responsible for student records only (a) if the student poses a danger to himself or others or (b) to facilitate the student’s appropriate educational placement or other educational services.” Also, subsection B was added.

Legal Authority - Virginia Code §22.1-288.2 (1950), as amended.

Section 9-23.5. Annual Notification Requirement. — Suffolk Public Schools shall annually notify parents and eligible students of their rights under the Federal Educational Rights and Privacy Act (FERPA) including:

- (a) the right to inspect and review the student’s educational records and the procedure for exercising this right;
- (b) the right to request amendment of the student’s educational 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;
- (c) 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;
- (d) the type of information designated as directory information and the right to opt out of release of directory information;
- (e) 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;
- (f) 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;
- (g) a specification of the criteria for determining who constitutes a

school official and what constitutes a legitimate educational interest;
and

- (h) 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. (Adopted February 9, 1999; Revised May 13, 1999; Revised June 13, 2013; Ordinance Number 12/13-129; Effective Date: July 1, 2013)

Note: The **2013** revision in subsection A was amended to read "Suffolk Public Schools shall annually notify parents and eligible students of their rights under the Federal Educational Rights and Privacy Act (FERPA)", which formerly read "Parents will be notified of their rights under the Federal Educational Rights and Privacy Act (FERPA) annually by publication in their child's student handbook." Subparts (a) thru (h) in subsection A were also added. Subsection B, which read "Suffolk Public Schools shall notify, at least annually, the parents of students in attendance (including those parents identified as having a primary or home language other than English) and eligible students in attendance (a student who has reached age 18) by such means as are reasonably likely to inform them of their rights as follows: (1) the types and location of educational records and information maintained therein; (2) the title and address of the school official responsible for the maintenance of education records, the parties to whom data may be disclosed, and the purpose for disclosure; (3) policies and procedures for reviewing and expunging education records; (4) policies and procedures for disclosure of data from education records; (5) the rights of parents and eligible students to review and challenge the content of education records and to file with the FERPA Office a complaint concerning an alleged failure by Suffolk Public Schools to comply with 20 U.S.C. §1232g; (6) the fee as established in this policy to the parent or eligible student for reproducing copies of education records; (7) the data designated in this policy as directory information; and (8) the right of parents and eligible students to obtain, upon request, a copy of Suffolk Public Schools written policies and procedures on the management of the education records and the location of these records" was deleted.

Legal Authority - Family Educational Rights and Privacy Act of 1974, 20 U.S.C.A. §1232g; 34 C.F.R. §99.1 *et seq.*

Section 9-23.6. Procedure to Inspect Education Records; Written Request Required; Principal to Arrange for Access—A. Parents of students or eligible students may inspect and review the student's education records relating to their children, 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 shall have the right to a response from Suffolk Public Schools to reasonable requests for explanations and interpretations of the education record.

B. 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.

C. 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. (Adopted February 9, 1999; Revised May 13, 1999, Ordinance Number 98/99-10; Revised June 13, 2013; Ordinance Number 12/13-130; Effective Date: July 1, 2013)

Note: The **2013** revision regarding inspection and review of the student's education records in subsection A was amended to read "Parents of students or eligible students may inspect and review the student's education records relating to their children, within a reasonable period of time, which shall not exceed 45 days." The words "without unnecessary delay" were deleted." In subsection C the following language was deleted "A response to a request to review student records must be given in fourteen (14) days or less from the receipt of the request." The following language was inserted in subsection C, "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." The **1999** revision amended subsection C to require "A response to a request to review student records" must be given in fourteen days or less from receipt and deleted the word "access" to student records must be given in fourteen days.

Legal Authority - Virginia Code §22.1-289 (1950), as amended.

Section 9-23.7. Limits on Access; Non-disciplinary Record Separately Maintained.—A. 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.

B. When disciplinary action is taken by Suffolk Public Schools in regard to an incident upon which an adjudication of delinquency or a conviction of acts specified in §6.1-305.1 of the Code of Virginia (1950), as amended, the parent or guardian must be notified of the action, the reasons therefore and his/her right to review and to request amendment of the student's education records. Every notice of adjudication or conviction received by the superintendent and information in the notice which is not a disciplinary record, shall be maintained by the superintendent and other school personnel separately from all other records concerning such student unless Suffolk Public Schools takes disciplinary action based on an incident which was the basis for the adjudication or conviction. (Adopted February 9, 1999; Revised May 13, 1999)

Legal Authority - Virginia Code §22.1-289 (1950), as amended.

Section 9-23.8. Refusal to Provide Copies; Fees for Copies of Records—
A. Although Suffolk Public Schools cannot deny parents access to their children's education records, Suffolk 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 the right to inspect and review records.

B. The fee for copies will be twenty cents (.20) a copy for each page. The actual cost of copying time and postage will be charged. Suffolk Public Schools shall not charge for search and retrieval of the records. Suffolk Public

Schools shall not charge a fee for copying an Individualized Education Program (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. (Adopted February 9, 1999; Revised May 13, 1999; Revised June 13, 2013; Ordinance Number 12/13-131; Effective Date: July 1, 2013)

Note: The **2013** revision added the following language at the beginning of subsection A, “Although Suffolk Public Schools cannot deny parents access to their children’s education records,…” The **1999** revision set the costs for copies at twenty cents for each page.

Legal Authority - Virginia Code §22.1-289 (1950), as amended.

Section 9-23.9. Types, Locations, and Custodians of Education Records; Scholastic Record Information Listed; Authority of Principal—A. Suffolk Public Schools shall provide parents on request a list of the types and locations of education records collected, maintained, or used by Suffolk Public Schools.

B. The following is list of the types of records that Suffolk Public Schools maintain, their locations, and their custodians. The Scholastic Record includes a variety of information. This information can generally be divided into ten categories which, when put together, constitute a student’s cumulative record. These categories are:

Types	Location	Custodian	Information
Academic	Enrolled school	Principal	Includes report cards, transcripts, attendance professional technical competency.
Health	Enrolled school	Principal School Nurse	Includes school entrance physical (Virginia blue form), annual health data, cumulative health data, May Physical Fitness Test Results, and medication chart.
Non-academic	Enrolled school	Principal Classroom Teacher	Includes Screening Committee form (if student not tested), planning information, termination information

			withdrawal/graduation
Test Profiles	Enrolled school	Principal Classroom Teacher	Includes college entrance board scores, Student profile sheets, student test record, Virginia Literacy Passport Test (Pass/Fail Status as applicable)
Registration	Enrolled school	Principal	Includes Birth Certificate affidavit, student registration form
Discipline	Enrolled school	Principal Assistant Principal	Includes referrals, incident reports, suspension, administrative hearing and expulsion letters
Due Process	Enrolled school	Principal Special Education Coordinators	Administrative reviews, court records, decisions, support documentation, written initial request
Law Enforcement	Enrolled school	Principal Assistant Principal	Includes notices of petition and adjudication
Legal	Enrolled school	Principal	Includes custody actions and copies subpoenas
Special Services	Enrolled school	Principal Special Education Coordinator Classroom Teacher	Includes contract services, gifted and talented, homebound, 504 plans, special education, and English as a Second Language

Scholastic Records are housed in the vault of the school to which a student attends. Copies of IEP's, gifted and talented information, and 504 plans are also

housed at the School Board Office. If a student withdraws or transfers to a school outside Suffolk Public Schools, the school maintains the student's original record for a period of five (5) years. After five (5) years, the records are boxed in alphabetical order and transferred to central records at the maintenance department. The records of students who graduate are also housed in the school from which a student graduates for a period of five (5) years. These records are also transferred to central records at the maintenance department after a period of five (5) years.

C. The principal and his/her designee are the custodian(s) of school records for his/her school. One of the maintenance secretaries has been designated as the custodian of records for the central records room. The Coordinator of Special Education and his/her designee is the custodian of special education files housed at Central Office. The Assistant Superintendent for Administration and Pupil Personnel is the custodian of 504 files housed at the Central Office. (Adopted February 9, 1999; Revised May 13, 1999)

Note: The 1999 revision added the second paragraph to subsection B and also subsection C.

Legal Authority - Virginia Code §22.1-289 (1950), as amended.

Section 9-23.10. Release of Student Records; Consent required for disclosure of education records; limited exceptions. — A. The parent/legal guardian of any student enrolled in Suffolk Public Schools may authorize the release of their student's data/records to any individual or Agency upon completion and execution of a Consent for Release of Student Data/Records form.

B. When parental consent is required in order to release a student's records, and the parent refuses to give such consent, Suffolk Public Schools shall use informal means to secure the consent. If the parent continues to refuse to give consent, Suffolk Public Schools shall provide written notification to the person/agency requesting the information, that parental consent is required and has been refused. If Suffolk Public Schools wishes to disclose the information and has been unable to secure the necessary consent through informal means, Suffolk Public Schools may use more formal measures, as appropriate, to effect release of information.

C. Suffolk Public Schools shall disclose information from a student's education records only with the written consent of the parent or eligible student. However subject to the following exceptions Suffolk Public Schools may disclose education record information without consent:

- (1) To school officials who have a legitimate educational interest in the records. A school official is:
 - (a) A person employed by School Board as an administrator, supervisor, instructor or support staff member

- (b) A person appointed or elected to the School Board
- (c) A person employed or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist
- (d) 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 records
- (e) A person who is a teacher or school official, including teachers and school officials in other schools, who have legitimate educational interests in the student
- (f) A school official who has a legitimate educational interest if the official is:

- (i) Performing a task that is specified in his or her position description or by a contract agreement
- (ii) Performing a task related to the student's education
- (iii) Performing a task related to the discipline of a student
- (iv) 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 enrol or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrolment 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 desire, and have an opportunity for hearing to challenge the content of the record.

(3) To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.

(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

- (a) specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
- (b) 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;
- (c) 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
- (d) 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 claims 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: (a) the articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and (b) the parties to whom the division disclosed the information.
- (11) Directory information so designated by Suffolk Public Schools.
- (12) 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. (Adopted February 9, 1999; Revised June 13, 2013; Ordinance Number 12/13-132; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-109; Effective Date: July 1, 2016)

Note: The **2016** revision added the following language to Subsection A “The parent/legal guardian of any student enrolled in Suffolk Public Schools may authorize the release of their student’s data/records to any individual or Agency upon completion and execution of a Consent for Release of Student Data/Records form.

Legal Authority - Family Educational Rights & Privacy Act of 1974, 20 U.S.C.A. §1232g; 34 C.F.R. §99.1 *et. seq.*

Section 9-23.11. Record of Requests for Disclosure; Directory Information defined; Release of additional information permitted.—A. Suffolk Public Schools shall maintain 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.

B. 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).

C. 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.

D. School Board shall notify parents and eligible students at the beginning of each school year what information, if any, Suffolk Public Schools has designated as directory information, the right to refuse to let Suffolk Public Schools designate any or all of such information as directory information and the period of time to refuse, in writing, the directory information designation in accordance with FERPA. The following items of student information are considered “directory information”:

- (1) Student’s name
- (2) Participation in officially recognized activities and sports
- (3) Height and weight of a member of an athletic team
- (4) Dates of attendance
- (5) Degrees, awards and honors received, except for information regarding the Modified Standard Diploma or other certificate that is awarded only to students with disabilities

E. Directory information may be made available on an individual basis or printed in school directories, team rosters, class lists, yearbooks, etc. should the school wish to do so, without parental consent. Additionally, a student’s address, photograph, date and place of birth, major field of study, electronic mail address, grade level, enrollment status, the most recent educational agency or institution attended and telephone number shall also be classified as “directory information” but may be released to others only for school-related activities with the permission of the superintendent. Principals shall advise parents of all incoming students that if they do not wish any or all of the directory information items to be released,

they must notify the school, in writing, within fifteen days.

F. 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. (Adopted February 9, 1999; Revised May 13, 1999; Ordinance Number 98/99-10; Revised May 12, 2005; Ordinance Number 04/05-28; Effective: May 12, 2005; Revised June 13, 2013; Ordinance Number 12/13-133; Effective Date: July 1, 2013)

Note: The **2013** revision to subsection A, deleted the following language "Suffolk Public Schools shall maintain a record of all requests for and/or disclosure of information from a student's education records" and inserted in its place the following "Suffolk Public Schools shall maintain 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." Also deleted in subsection A the following language, "The record will indicate the name of the party making the request, any additional party to whom it may be disclosed, and the legitimate interest that the party had in requesting or obtaining the information. The record may be reviewed by the parents or eligible student" and inserted the following language in its place "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." A new subsection B was added. In subsection D, "Suffolk Public Schools" was replaced with "School Board" and subsection F was added. The **2005** revisions to Section 9-23.11, inserted the word "define", deleted "Printed in School Directories" and inserted "Release of additional information permitted" and deleted the word "etc." In subsection B(5), inserted the word "Degrees", deleted uppercase "A" and inserted lowercase "a" in the word "awards" and inserted the language "except information regarding the Modified Standard Diploma or other certificate that is awarded only to students with disabilities. Deleted subsection B(6). In subsection (C), deleted the words "student picture" and inserted "photograph, date and place of birth, major field of study, electronic mail address, grade level, enrolment status, the most recent educational agency or institution attended." The **1999** revision set forth in subsection B what is considered directory information in subpart (1) through (6) and also added subsection C.

Legal Authority - Virginia Code §22.1-287.1 (1950), as amended.

Section 9-23.12. Correction of Education Records; Right to File Complaint; Record Expungement. —A. Parents or eligible students shall be notified of their right to challenge the content and to ask to have records corrected (including expungement) that they believe are inaccurate, misleading, or in violation of their privacy rights. 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 Suffolk 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) Suffolk 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, Suffolk Public Schools shall arrange for a hearing, and notify 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 disinterested party; however, the hearing officer may be an official of Suffolk Public Schools. 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) Suffolk Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision.
- (7) If Suffolk 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 Suffolk 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.

(Adopted February 9, 1999; Revised June 13, 2013; Ordinance Number 12/13-134; Effective Date: July 1, 2013)

Note: The 2013 revision at the end of subsection A, deleted the following language “Following are the procedures for the correction of records” and inserted the following in its place “The procedures for the amendment of records that a parent or eligible student believes to be inaccurate are as follows.” In subpart (A)(1) the word “should” was inserted in place of “must.” Subpart (A)(4) which read “The parent may be represented by one or more individuals/attorney” was amended to read “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.” In subpart (A)(7) the following language was deleted “If Suffolk 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 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 the following language was inserted in its place, “If Suffolk 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.” Subpart (A)(8) was added and subsection B, which read “Suffolk Public Schools shall notify the parent and eligible student of their right to file with the FERPA Office a complaint concerning an alleged failure by Suffolk Public Schools to comply with federal law” and subsection C which read “If Suffolk Public Schools decides that the information is inaccurate, misleading, or in violation of the student’s right to privacy, it shall amend (including expungement) the record and notify the parents or eligible student, in writing, that the record has been amended” were both deleted.

Legal Authority - Family Educational Rights and Privacy Act of 1974, 20 U.S.C.A. §1232g; 34 C.F.R. §99.1 *et. seq.*

Section 9-23.13. Confidentiality of HIV and Drug and Alcohol Treatment Records—Suffolk Public Schools shall comply with the confidentiality requirements of §32.1-36.1 of the Code of Virginia (1950), as amended, providing for the confidentiality of records related to any test for Human Immunodeficiency Virus (HIV). In addition, Suffolk Public Schools shall maintain confidentiality of drug and alcohol treatment records as required by federal and state law. (Adopted February 9, 1999; Revised June 13, 2013; Ordinance Number

12/13-135; Effective Date: July 1, 2013)

Note: The 2013 deleted the reference to § 22.1-36.1 and inserted in its place § 32.1-36.1.

Legal Authority - Virginia Code § 32.1-36.1 (1950), as amended.

Section 9-23.14. Access to student record information by military recruiters generally; parental objection to release of information; same access to students required. —A. Suffolk Public Schools will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings.

B. A secondary school student or the parent of the student may request that the student's name, address, and telephone listing not be released to military recruiters without prior written parental consent. Suffolk Public Schools shall notify parents at the beginning of the school year of the option to deny military recruiters access to the student's educational record.

C. Suffolk Public Schools will provide military recruiters the same access to secondary school students that is provided to post secondary educational institutions or to prospective employers of those students. (Adopted: May 12, 2005; Ordinance Number 04/05-27; Effective Date: May 12, 2005; Revised: June 13, 2013; Ordinance Number 12/13-136; Effective Date: July 1, 2013)

Note: The 2013 revision deleted the following language from the beginning of subsection A, "Military recruiters shall have access to the names, addresses, and telephone listings of all secondary students enrolled in Suffolk Public Schools, unless the student or parent of the student has requested that such access be denied as provided for in paragraph B below" and inserted the following language in its place "Suffolk Public Schools will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings." In subsection C, "shall" was deleted and "will" was inserted in its place.

Legal Authority – Virginia Code § 22.1-288 (1950), as amended; 20 U.S.C. §7908.

Section 9-23.15 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

- (a) designates the individual or entity as an authorized representative;
- (b) 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;

- (c) requires the authorized representative to destroy personally identifiable information when the information is no longer needed for the purpose specified;
- (d) specifies the time period in which the information must be destroyed; and
- (e) 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. (Adopted June 13, 2013; Ordinance Number 12/13-137; Effective Date: July 1, 2013)

Legal Authority – Virginia Code Section §§ 2.2-3704, 2.2-3804, 16.1-260, 6.1-305.1, 16.1-305.2, 22.1-287, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23-2.1:3, 32.1-36.1.

Section 9-23.16 Unauthorized Disclosure of Electronic Records; Disclosure to Federal Agencies; Disclosure of information relating to Home Instruction Students; High School Credit-Bearing Courses Taken in Middle School. — A. 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.

B. Notwithstanding any other provision of law or policy, no member or employee of the 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.

C. 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. 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.

D. 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. (Adopted June 9, 2016; Ordinance Number 15/16-110; Effective Date: July 1, 2016)

Legal Authority – Virginia Code §§ 2.2-3704, 2.2-3804, 16.1-260, 16.1-305.1, 16.1-305.2, 22.1-254.1, 22.1-287, 22.1-287.02, 22.1-287.1, 22.1-288, 22.1-288.1, 22.1-288.2, 22.1-289, 23-2.1:3, 32.1-36.1 (1950), as amended

Section 9-23.17 Records of Students receiving Home Instruction.— 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 Home Instruction pursuant to School Board Policy Section 8-42.2 *et. seq.* 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. (Adopted October 13, 2016; Ordinance Number 16/17-21; Effective Date: July 1, 2017)

Legal Authority – Virginia Code § 22.1-254.1 (1950), as amended.

Article 24

Foreign Exchange Program

Section 9-24.1. Foreign exchange programs encouraged.—The School Board recognizes that as the nations of the world become more interdependent, it becomes increasingly important that high school students develop a sense of global citizenship. Educational travel and exchange play an important role in this learning process, and the School Board will provide an essential service when it supports student exchange programs. With this in mind, the School Board hereby adopts policies governing the foreign exchange program for Suffolk Public Schools. (Adopted March 13, 2003; Ordinance Number 02/03-6; Effective: July 1, 2003)

Legal Authority – Virginia Code § 22.1-79(5) (1950), as amended.

Section 9-24.2. Classification of foreign exchange students; F-1 students defined; J-1 students defined.—A. There are two classifications applicable to foreign exchange students and they include F-1 and J-1.

B. A student is classified as F-1 when that student has residence in a foreign country to which they plan to return and has come to the United States temporarily and solely for the purpose of cultural and educational study. For any student classified as F-1, enrollment in Suffolk Public Schools must be authorized by the United States Immigration and Naturalization Service and Suffolk Public Schools must issue an I-20 and must charge subsidized tuition.

C. A student is classified as J-1 when that student has residence in a foreign country to which they plan to return and has come temporarily to the United States as a visitor or participant in a program that has been approved by the United States Information Agency. (Adopted March 13, 2003; Ordinance Number 02/03-6; Effective: July 1, 2003)

Legal Authority – Virginia Code § 22.1-79(5) (1950), as amended.

Section 9-24.3. Criteria for enrollment of F-1 foreign exchange students; evaluation of transcript; grade placement; issuance of diploma; tuition required.—A. Authorization for the enrollment of students classified as F-1 into the foreign exchange program of Suffolk Public Schools must be approved by the Assistant Superintendent for Administrative Services. In reviewing requests for student enrollment pursuant to this section, the school superintendent or superintendent's designee shall consider the following: (i) translated and certified copies of the student's transcripts with an explanation of the curriculum; (ii) appropriate medical records; (iii) immunization records; (iv) proof of host family residency; (v) permission to participate in interscholastic athletics if desired, and (vi) appropriate insurance information.

B. The student's transcript will be evaluated based on equating credits earned in the school system of another country to the credits required by Suffolk Public Schools.

C. Grade placement will be determined by equating credits earned in the school system of another country to the credits required by Suffolk Public Schools.

D. Students in the F-1 classification who meet the graduation requirements of the Commonwealth of Virginia and of Suffolk Public Schools will be eligible to receive a diploma, except for F-1 foreign students who have been awarded a diploma or a certificate of completion in the student's home country.

E. Students in the F-1 classification shall be charged full unsubsidized tuition which must be remitted to the school superintendent or superintendent's designee in the form of money order or certified check issued in the United States prior to enrollment in Suffolk Public Schools. (Adopted March 13, 2003; Ordinance Number 02/03-6; Effective: July 1, 2003)

Legal Authority – Virginia Code § 22.1-79(5) (1950), as amended.

Section 9-24.4. Criteria for enrollment of J-1 foreign exchange students; local representative required; visa required.—A. Agents for approved programs (CSIET endorsed) must submit visitor/student applications to the school superintendent or superintendent's designee and the application must be received prior to August 15 of the school year in which the exchange student is to be enrolled in Suffolk Public Schools. All applications must include the following: (i) translated and certified copies of the student's transcripts with an explanation of the curriculum; (ii) appropriate medical records; (iii) immunization records; (iv) proof of host family residency; (v) permission to participate in interscholastic athletics, if desired; and (vi) appropriate insurance forms.

B. All approved exchange programs pursuant to this section, must have a representative to coordinate, supervise, and monitor placement and progress of the foreign exchange student who resides in one of the cities comprising the Hampton Roads metropolitan area.

C. All applicants for foreign exchange student status pursuant to this section, must hold a J-1 exchange visitor's visa. (Adopted March 13, 2003; Ordinance Number 02/03-6; Effective: July 1, 2003)

Legal Authority – Virginia Code § 22.1-79(5) (1950), as amended.

Section 9-24.5. Proficient in English language required; availability of space; right to limit enrollment; residence of host family; when enrollment not allowed; grade classification; course selection; issuance of diplomas prohibited; permanent record created.—A. All J-1 foreign exchange students must demonstrate proficiency in written and spoken English sufficient to function in regular classes without special assistance.

B. Enrollment as a J-1 foreign exchange student will be dependent upon the availability of space at the school wherein enrollment is being sought. The school superintendent or superintendent's designee will make the determination regarding placement of the exchange student in collaboration with the host school principal.

C. Schools will accept no more than ten (10) exchange students per year.

D. The Suffolk City School Board reserves the right to limit the number of applications received from any one agency and also to limit the number of exchange students from any one country being placed in any one high school. Applications for enrollment will be processed and students placed in the order the applications were received.

E. The host family of a J-1 foreign exchange student must reside in the city of Suffolk and the exchange student will attend school in his/her zone.

F. J-1 foreign exchange students who have been awarded a diploma or certificate of completion in the student's home country will not be enrolled in Suffolk Public Schools.

G. Grade classification will be determined by the age of the student and the number of years of school completed in the student's home country.

H. Course selection will be determined by appropriate school personnel.

I. No diplomas will be issued to J-1 foreign exchange students. Foreign exchange students who are placed in grade 12 will be permitted to participate fully in commencement exercises and to be recognized with a school certificate for satisfactory attendance and participation in Suffolk Public Schools.

J. A permanent record will be created for the year of attendance in Suffolk Public Schools by the foreign exchange student; however, no class rankings or GPA will be computed for foreign exchange students. (Adopted March 13, 2003; Ordinance Number 02/03-6; Effective: July 1, 2003)

Legal Authority – Virginia Code § 22.1-79(5) (1950), as amended.

Section 9-24.6. Foreign exchange students subject to policies etc., enrollment in American literature etc. required; not eligible for driver license.—A. Foreign exchange students are subject to the same policies, rules of conduct and attendance requirements applicable to all other students enrolled in Suffolk Public Schools.

B. Foreign exchange students must be enrolled in an American literature course and at least a United States history or a United States government course. (Adopted March 13, 2003; Ordinance Number 02/03-6; Effective: July 1, 2003)

Legal Authority – Virginia Code § 22.1-79(5) (1950), as amended.

Section 9-24.7. Annual notification to foreign exchange agencies and organizations required. — The school superintendent or superintendent’s designee shall annually notify foreign exchange agencies and organizations of the policies of the School Board regarding the enrollment of foreign exchange students in Suffolk Public Schools. (Adopted March 13, 2003; Ordinance Number 02/03-6; Effective: July 1, 2003)

Legal Authority – Virginia Code § 22.1-79(5) (1950), as amended.

Article 25 Wellness Policy

Section 9-25.1 Policy Statement; goals to promote wellness— A. The Suffolk City School Board recognizes that there exists a correlation between student health and learning. Thus, the School Board desires to provide a comprehensive program promoting healthy eating habits and physical activity for students enrolled in Suffolk Public Schools.

B. The Suffolk City School Board has established the following goals to promote student wellness.

1. Nutrition Education
 - a. Students shall receive nutrition education that teaches skills that students will need to adopt in order to maintain healthy eating behaviors.
 - b. Nutrition education shall be offered in the school cafeteria as well as in the classroom, with coordination between food service staff and other school personnel, including teachers.
 - c. The Food & Nutrition Services staff shall sponsor cafeteria promotions that teach and/or reinforce nutrition concepts.
 - d. School kitchens shall be made available for student tours and other educational related activities whenever feasible.
 - e. Each school shall institute a Team Nutrition Committee to improve students’ lifelong nutrition and physical activity habits. This committee should consist of the Cafeteria Manager, students, teachers and/or a school administrator to facilitate the implementation

and operation of this committee.

- f. Health Education Standards of Learning for Virginia Public Schools are the framework the school division and teachers will use as a guide for creating curricula and learning experiences in nutrition education for students in kindergarten through grade 10.
 - g. Students shall receive consistent nutrition messages from all aspects of the school lunch program.
 - h. Each school shall encourage the display of nutrition education media such as posters, student artwork, nutrition projects and other media.
 - i. Nutrition education shall be made available to students and parents on the Suffolk Public Schools' website, breakfast and lunch menus and through nutritional information sent home.
 - j. Suffolk Public Schools' health education curriculum standards and guidelines shall address both nutrition and physical education.
 - k. Nutrition shall be integrated into the health education or core curricula (*e.g., science*).
 - l. School personnel responsible or providing nutrition education shall have appropriate training.
2. Physical Activity
- a. Students shall be 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.
 - b. Health Education Standards of Learning for Virginia Public Schools are the framework the school division and teachers will use as a guide for creating curricula and learning experiences in physical education for students in kindergarten through grade 10.

- c. Classroom health education complements physical education by reinforcing the knowledge and self-management skills needed to maintain a physically-active lifestyle and to reduce time spent on sedentary activities such as watching television.
- d. Physical education shall be taught by or under the supervision of a certified physical education teacher.
- e. Elementary students (Kindergarten – Grade 5) receive physical activity for at least 90 minutes per week throughout the school year.
- f. Middle and high school students (Grades 6-10) receive at least 150 minutes of health/physical education per week throughout the school year.
- g. Elementary schools provide a minimum of 15 minutes of supervised daily recess that promotes physical activity beyond what is provided through physical education classes.
- h. Teachers shall use instructional practices that provide for maximum participation for students in all physical activities.
- i. Schools shall provide equipment (e.g., balls, and other manipulatives) for students to participate.
- j. Teachers shall use instructional practices that are appropriate for students with special health care needs and disabilities.
- k. Students may be given opportunities for physical activity through a limited range of before and /or after school programs including, but not limited to intramurals, interscholastic athletics, and physical activity clubs.
- l. School and community-sponsored extracurricular physical activity programs include interscholastic sports (e.g. basketball, baseball, soccer, football, field hockey, etc.), intramural activities for middle schools

(volleyball, soccer and basketball) and community sports programs (sponsored by the Suffolk Department of Parks and Recreation and community recreation leagues).

- m. School physical activity facilities may be available during non-school hours to qualifying entities such as the City of Suffolk's Department of Recreation and community recreation leagues.
 - n. Schools shall 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.
 - o. Parents and guardians shall be encouraged to support their children's participation in physical activity, to be physically active role models, and to include physical activity in family events through the schools division's website, newsletters and other take home materials.
 - p. Parents and guardians shall be provided a list of resources that provides information which promotes children's participation in physical activity, encourages parents and guardians to be physically active role models, and to include physical activity in family events.
3. Other school based activities
- a. Suffolk Public Schools shall encourage the programs that promote physical activities, nutrition education and wellness to benefit staff health to the extent practicable.
 - b. Faculty and staff will be encouraged to have basic health screenings and flu immunizations done yearly as advised by the medical community.
 - c. Onsite health screenings (blood pressure, cholesterol and glucose monitoring) may be offered once per year.
 - d. Health education shall be encouraged by providing

staff members with a Feeling Fit Wellness Program publication written by The Wellness Councils of America four times per year. This publication includes topics on health, self-care, work, family, finance and exercise.

- e. On site health assessments and health counseling shall be provided by the health services staff as practicable.

4. Nutrition Guidelines

- a. Suffolk Public Schools shall adopt nutrition guidelines for all foods available on every school campus during the school day that will promote student health and reduce obesity.
- b. Nutrition guidelines should seek to maximize nutritional value by (i) decreasing fat and added sugars; (ii) increasing nutrition density; and (iii) moderating the portion size of each individual food or beverage sold within the school environment.
- c. Suffolk Public Schools shall ensure that school breakfast and lunch programs meet the meal pattern and nutrition standards based on the latest Dietary Guidelines for Americans. The current meal pattern increases the availability of fruits, vegetables, and whole grains in the school menu. The meal pattern's dietary specifications set specific calorie limits to ensure age-appropriate meals for grades K-5, 6-8 and 9-12. Other meal enhancements include gradual reductions in the sodium content of the meals.
- d. Suffolk Public Schools' lunch and breakfast programs are fully accessible to all students enrolled in Suffolk Public Schools. Free and reduced-price meals are provided to students who meet income requirements in a manner that ensures these students are not identified by others.
- e. Suffolk Public Schools shall adopt the following nutritional standards for all foods and beverages provided or sold to students on campus during the school day as (i) a la carte,

(ii) vending, (iii) school stores and (iv) fundraising activities. These standards will be based on nutrition goals and not profit motives:

(i) All foods and beverages sold to students on campus during the school day must be a “whole grain-rich product; or have as the first ingredient a fruit, a vegetable, a dairy product, or a protein food; or be a combination food that contains at least ¼ cup of fruit and/or vegetable; or contain 10% of the Daily Value (DV) of one of the nutrients of public health concern in the 2010 Dietary Guidelines for Americans (calcium, potassium, vitamin D, or dietary fiber). ***On July 1, 2016, foods may not qualify using the 10% DV criteria.***

(ii) In addition to the standards above, all **foods** sold to students during the school day must also meet the following nutritional requirements:

- All snack items shall contain no more than 200 calories per item.
- Ala carte entrees shall contain no more than 350 calories per item. (*Entrée items served as part of the school breakfast or lunch program are exempt on the day of or day after service in the program meal.*)
- All snack items shall contain no more than 230 mg of sodium per item.
- Ala carte entrees shall contain no more than 480 mg of sodium per item. (*Entrée items served as part of the school breakfast or lunch program are exempt on the day of or after service in the program meal.*)
- All foods shall contain zero grams of trans fat.
- All foods shall contain no more than 35 percent of calories from total fat (except nuts, seeds, and reduced fat cheeses.)

- All foods shall contain fewer than 10 percent calories from saturated fat (except nuts, seeds, and reduced fat cheeses.)
 - All foods shall contain no more than 35 percent of weight from total sugar per serving excluding dried fruits or vegetables.
- f. Suffolk Public Schools shall adopt the following nutritional standards for all foods and beverages provided to students on campus during the school day as a school party or a classroom celebration (excluding food preparation as a part of the instructional curriculum, foods prepared as a part of the instructional curriculum shall not be sold):
- (i) All food and beverages must meet the standards set forth in section (e) above.
 - (ii) In addition, only prepackaged foods with nutritional labeling may be brought to school for student consumption. Home prepared foods are not permitted or sold to students during the school day.
 - (iv) The District will provide to parents information on safe and healthy foods that are acceptable for special events (i.e. classroom parties)
- g. Suffolk Public Schools shall encourage school-based marketing of nutritional foods and beverages through school publications and school buildings. (Adopted: April 6, 2006; Ordinance Number 05/06-3; Effective Date: July 1, 2006; Revised September 8, 2011; Ordinance Number 11/12-12; Effective Date: September 9, 2011; Revised August 20, 2015; Ordinance Number 15/16-1; Effective Date: August 20, 2015)

Note: The 2015 amendment to the Wellness Policy Section 9-25.1 deleted the former subsection 4.c, which read, "Suffolk Public Schools shall ensure that nutritional standards for school breakfast and school lunch programs meet or exceed state and federal standards" and inserted in its stead "Suffolk Public Schools shall ensure that school breakfast and lunch programs meet the meal pattern and nutrition standards based on the latest Dietary Guidelines for Americans. The current meal pattern increases the availability of fruits, vegetables, and whole grains in the school menu. The meal pattern's dietary specifications set specific calorie limits to ensure age-appropriate meals for grades K-5, 6-8 and 9-12. Other meal enhancements include gradual reductions in the sodium content of the meals." Deleted subsection 4.d and

inserted a new subsection 4.d. Deleted subsection 4.e. and inserted a new subsection 4.e. Deleted subsection 4.f. and inserted a new subsection 4.f. The **2011** amendment to Section 9-25.1, subsection B, subpart (e) deleted the words “Nutrition Advisory Committee” and inserted the words “Team Nutrition Committee” and in subsection B. 2.subpart e, line 2, deleted the words “health/physical education” and inserted the word “physical”. In subsection B.4, subpart (e)(iii), line 2, deleted the words “shall contain” and inserted the words “are limited to”; line 4, insert a “,” behind the word “juices” and deleted the word “or”; line 5, inserted a “,” behind the word “water”, deleted the words “with zero calories”

Legal Authority – Virginia Code § 22.1-78 (1950), as amended.

Section 9-25.2 Implementation—A. The Superintendent of Schools or his designee shall be responsible for overseeing the implementation of this policy and will develop procedures for evaluating the wellness policy, including indicators that will be used to measure its success. (Adopted: April 6, 2006; Ordinance Number 05/06-3; Effective Date: July 1, 2006)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended.

Section 9-25.3 Monitoring and Policy Review—A. To help with the initial development of the school division’s wellness policy, the principal of each school and the Supervisor of Food & Nutrition Services will be responsible for conducting a baseline assessment of the school’s existing nutrition and physical activity practices. The Governor’s Nutrition and Physical Activity Scorecard will be used as an assessment tool.

B. Assessment will be repeated every year to help review policy compliance, assess progress and determine areas in need of improvement. As part of that review, the School Health Advisory Board will review the nutrition and physical activity policies; provisions of an environment that supports healthy eating and physical activity; and nutrition and physical education policies and program elements. The School Health Advisory Board and school administrators may make recommendations as necessary to revise the wellness policy and to develop work plans to facilitate their implementation. (Adopted: April 6, 2006; Ordinance Number 05/06-3; Effective Date: July 1, 2006)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Article 26

Management of Aggressive and Violent Behaviors

Section 9-26.1. Statement of Policy. — The School Board believes that every child is valued as a contributor in the education process and school staff must ensure that children are treated with dignity, respect, and special care. When there is a need to manage aggressive or violent behavior of students in emergency situations, there must be a balance between maintaining an effective and safe learning environment for students and school staff and safeguarding the rights and

protections of students and staff. This balance should be reflected in policies that include processes and procedures ensuring that physical restraint and seclusion should only be used in emergency situations when other less intrusive alternatives have failed. The use of corporal punishment and abusive interventions, and mechanical restraint are not authorized, permitted, or condoned in the public schools of Virginia or in Suffolk Public Schools. (Adopted March 14, 2013; Ordinance Number 12/13-32; Revised: June 13, 2013; Ordinance Number 12/13-149; Effective Date: July 1, 2013)

Note: The 2013 revision inserted the word “maintaining” in the second sentence and the words “mechanical restraint” in the last sentence.

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-26.2 Statement of Purpose. — The purpose of this policy is to provide information to all persons working with children within Suffolk Public Schools on how violent and aggressive behaviors of students in emergency situations are to be managed. The policy addresses the division’s philosophy, expectations, and procedures for the systematic management of the full range of violent and aggressive behaviors of students. Also, the policy will focus on the processes to occur when extreme behaviors are presented, and the procedures staff must follow to ensure that incidents are properly documented, recorded, and reported to appropriate school officials and parents. (Adopted March 14, 2013; Ordinance Number 12/13-33; Revised: June 13, 2013; Ordinance Number 12/13-150; Effective Date: July 1, 2013)

Note: The 2013 revision inserted the words “violent and aggressive” behaviors in the second full sentence.

Legal Authority - Virginia Code § 22.1-78 (1950), as amended

Section 9-26.3. Definitions — For the purpose of this policy the following terms shall have the following meaning—

(a) **“Aversive intervention”** means any action used to punish a student or to eliminate, reduce, or discourage the problem behavior by use of any of the following, many of which are prohibited by the *Code of Virginia*:

1. Noxious odors and tastes;
2. Water and other mists or sprays;
3. Blasts of air;
4. Corporal punishment as defined in Section 22.1-279 of the *Code of Virginia*;
5. Verbal and mental abuse;
6. Placement of a student alone in a room, where the door is locked or

- held shut and the student is prevented from leaving the room;
7. Forced exercise where
 - a. the student's behavior is related to his/her disability;
 - b. the exercise would have a harmful effect on the student's health, or
 - c. the student's disability prevents participation in activities;and
 8. Deprivation of necessities, including
 - a. food or liquid at a time when it is customarily served;
 - b. medication, or
 - c. use of restroom.

(b) **“Behavioral Intervention Plan (BIP)”** means a plan that utilizes positive behavioral interventions and supports to address behaviors that interfere with the learning of a student, the learning of others, or require disciplinary action. A Behavioral Intervention Plan is the product of a Functional Behavioral Assessment (see definition of Functional Behavioral Assessment).

(c) **“Business day”** means Monday through Friday, 12 months of the year, exclusive of federal and state holidays (unless holidays are specifically included in the designation of business days).

(d) **“Calendar day”** means consecutive days, inclusive of Saturdays, Sundays, and officially designated holidays at the school division level. Whenever any period of time expires on Saturday, Sunday, or school holiday, the period of time for taking such action is extended to the next day, that is not Saturday, Sunday, or school holiday.

(e) **“Corporal punishment”** means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline.

(f) **“Emergency”** means a situation that requires a person(s) to take immediate action to avoid harm, injury, or death to a student or to others.

(g) **“Exclusion”** means the removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support.

(h) **“Functional Behavioral Assessment (FBA)”** means the systematic process of gathering information to guide the development of a positive, effective, and efficient behavioral intervention plan for a problem behavior. The process includes:

1. a description of the problem behavior;
2. the identification of environmental and other factors and settings that contribute to or predict the occurrence, nonoccurrence, and maintenance of the behavior over time; and
3. the determination of the underlying cause or functions of a student's behavior that impede the learning of the student with a disability or the learning of the student's peers.

A Functional Behavioral Assessment may include a review of existing data or new testing or evaluation as determined by the IEP team.

(i) **“General curriculum”** means the curriculum adopted by a school division, schools within the school division, or where applicable the Virginia Department of Education, for all students from preschool through secondary school. The term relates to the content of the curriculum and not to the setting in which it is taught. It includes career and technical education. Courses in the general curriculum maintain their curriculum integrity even when provided to students with disabilities.

(j) **“Long-term removal”** means suspension of a student with a disability to an alternative setting for more than 10 consecutive school days in a school year; or, when the student is subjected to a series of removals that constitute a pattern because they cumulate to more than 10 school days in a school year.

(k) **“Physical restraint”** means the use of any physical method of restricting an individual’s freedom of movement, physical activity, breathing or to prevent a student from moving his/her body to engage in a behavior that places him/her or others at risk of physical harm. Physical restraint does not include:

1. briefly holding a student in order to calm or comfort the student; or
2. holding a student's hand or arm to escort the student safely from one area to another.

(l) **“Removal”** means excluding the student from the place where current educational services are provided.

(m) **“School day”** means any day, including a partial day, in which students are in attendance at school for instructional purposes. The term has the same meaning for all students in school, including students with and without disabilities.

(n) **“Seclusion”** means the confinement of a student alone in a room from which

the student is physically prevented from leaving.

(o) **“Short-term removal”** means suspending a student with a disability to an alternative setting for 10 school days or less in a school year. It also applies to removals when the cumulative amount is 10 school days, but not consecutive, and does not constitute a pattern or change of placement.

(p) **“Time-out”** means assisting a student to regain control by removing the student from his immediate environment to a different, open location until the student is calm or the problem behavior has subsided.

(q) **“Violent and aggressive behavior”** is behavior which poses imminent danger or serious physical harm to self, others and property. (Adopted March 14, 2013; Ordinance Number 12/13-34; Revised: June 13, 2013; Ordinance Number 12/13-151; Effective Date: July 1, 2013)

Note: The 2013 revision added subpart (q).

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-26.4 Procedures for Managing Behavior Generally; When Physical Restraint Permitted; When Seclusion Permitted. — A. Procedures for managing student behavior in Suffolk Public Schools will be written, training will be provided, and policy implementation will be monitored regarding: (1) the prevention of student violence, self-injurious behavior, and suicide; (2) the prohibition of certain behavioral interventions in Suffolk Public Schools; and (3) the use and applicability of physical restraint.

B. The use of physical restraint in managing severe student behavior is prohibited for all personnel employed by the school division or program or any other person working in the school division or program unless: (1) there is an emergency situation and physical restraint is necessary to protect the student or another person, after other less intrusive interventions have been attempted and failed to manage that particular behavior and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate; (2) a Behavioral Intervention Plan (BIP) exists that states physical restraint may be used; (3) the student’s parents have provided informed and voluntary consent in writing for the use of physical restraint; (4) the physical restraint is used only for a period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to himself or to others; or (5) the use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the physical restraint.

C. The use of seclusion in managing severe behaviors of students is prohibited for all personnel employed by the school division or program or any other person working in the school division or program unless: (1) there is an

emergency situation and seclusion is necessary to protect a student or another person, after other less intrusive interventions have been attempted and failed to manage that particular behavior, and there is a substantial explanation for why other interventions were deemed inadequate or inappropriate; (2) members of the school staff are trained in behavior management programming; (3) a Behavioral Intervention Plan (BIP) exists that states seclusion may be used; (4) the student's parents have provided informed and voluntary consent in writing for the use of seclusion; (5) the seclusion is used only for a period of time that is necessary to contain the behavior of the student so that the student no longer poses an immediate threat of causing physical injury to himself or others; or (6) the use of force in the application of seclusion does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the seclusion. (Adopted: March 14, 2013; Ordinance Number 12/13-35; Effective Date: July 1, 2013)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-26.5. Prevention and Intervention; Applied Behavior Analysis Encouraged. — A. Suffolk Public Schools shall take a highly proactive approach to create safe, supportive instructional environments in which all students are treated with dignity and respect. To directly support the School Board goals, all schools in the school division shall promote a paradigm of prevention and intervention through the instruction of skills and behaviors. All schools shall create a multi-tiered system of support for both general education and special education students.

B. For students identified as eligible for special education services, additional supports may be provided through their Individualized Education Program (IEP). Specifically, for students with cognitive or developmental disabilities, such as Autism, who exhibit challenging behaviors, the principles of Applied Behavior Analysis (ABA) are encouraged as the fundamental approach to addressing and preventing these problem behaviors. This instructional approach emphasizes the importance of looking at the antecedents, behaviors, and consequences (ABC's) of challenging behaviors, teaching alternative or replacement skills, and developing instructional plans using task analysis. (Adopted March 14, 2013; Ordinance Number 12/13-36; Effective Date: July 1, 2013)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-26.6. Training and Professional Development; Training Components.—A. The school division will ensure that all involved staff members have information on these interventions and will decide who needs to receive specific training. Each principal or program administrator will determine a time and method to ensure that appropriate staff members, parents, and students are

familiar with the school division's policies and procedures regarding the use of behavior management techniques, physical restraint, and seclusion in dangerous situations. Periodic in-service training will be scheduled to update information and to give staff members an opportunity to practice and enhance skills. Training attendance will be documented and maintained at each school or office by principal or program manager.

B. The training should include, but not be limited to:

1. Methods and procedures for de-escalating and assisting students to self-manage using non-physical means, as well as certification in research-based physical management techniques using the least restrictive options to ensure the safety of all involved;
2. Interventions and alternatives that may preclude the need for physical restraint and seclusion (e.g., de-escalation of problematic behavior and the conflict cycle);
3. Procedures to be followed when physical restraint or seclusion is necessary;
4. Related safety and medical considerations, including information regarding the increased risk of injury to the student and/or school personnel when physical restraint is implemented or a student is secluded;
5. Instruction regarding incident documentation and reporting requirements, and the procedures for investigating injuries and complaints;
6. Annual and periodic in-service training scheduled for staff members to update, practice, and enhance skills; and
7. Identification of staff members who have received training and are certified to administer procedures in the use of physical restraint and seclusion. (Adopted March 14, 2013; Ordinance Number 12/13-37; Effective Date: July 1, 2013)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-26.7. Procedures for Appropriate Use of Physical Restraint; Procedure for Informing Parents. — A. These procedures for the appropriate use of physical restraint apply to a Suffolk Public Schools students to include all settings, programs, and activities.

1. The use of physical restraint in the management of severe behavior of students is prohibited unless there is a dangerous situation and physical restraint is necessary to protect the student or another person or persons;
2. When practicable, other less intrusive interventions should have been attempted if time and circumstances permitted, and failed to manage that particular behavior. Explanation for why other interventions were deemed inadequate or inappropriate will be provided;
3. Physical restraint is not a teaching procedure or behavioral intervention and should NOT be administered as punishment or to address behaviors that are not dangerous or for non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse or destruction of property or disruption;
4. Physical restraint procedures will be performed whenever possible by certified trained staff members with at least two staff members present at all times to monitor the intervention and the student's safety;
5. The use of physical restraint is used only for the period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to self or others;
6. The use of force in the application of physical restraint does not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the physical restraint;
7. Any student while physically restrained will be monitored by staff members for any safety or medical concerns, including risk of injury.
8. Documentation of the incident requiring the use physical restraint is mandatory. Staff member(s) implementing the procedure must use the proper incident reporting form, *Emergency Use of Physical Restraint*. A copy of the reporting form must be maintained at the school in the student's folder as part of the student's scholastic records; a

copy sent to the parent(s) of the student involved; and a copy sent to the director of the Office of Special Education for any student receiving special education services and to the Assistant Superintendent for Administrative Services for any student not receiving special education services.

9. A school administrator or designee will inform the parents or guardians of the student of the incident requiring the physical restraint as set forth below in subpart B.
10. Repeated use of restraining during a school year (i) on the same child; (ii) multiple times within the same classroom; or (iii) multiple times by the same staff member, shall trigger an automatic review by the school division of the School Board's Policy governing management of violent and aggressive behaviors of students and, if appropriate, revision of strategies currently in place to address violent and aggressive behavior.
11. School staff members will comply with all procedures involving investigation of complaints and/or corrective measures if warranted.

B. The building principal, or designee, will make good faith efforts to contact a parent or guardian of the student who has been physically restrained as soon as is reasonable, but certainly within the next school day. The following procedures apply to parental notification:

1. Subsequent to a student being physically restrained, reasonable efforts will be made and documented to verbally communicate with the parent.
2. Should efforts to contact the parent via phone be unsuccessful, there will be attempts to contact the parent through other methods, such as voice-mail, e-mail, in person, or by letter. These efforts will be documented;
3. The parent will be advised of the circumstance and course of events leading up to, and resulting in, the restraint and how the situation was resolved.
4. School staff members will engage in the following actions with the parent(s) or guardian(s) as appropriate: debrief the

incident and co-plan future proactive prevention strategies.
(Adopted March 14, 2013; Ordinance Number 12/13-38;
Revised March 14, 2013; Ordinance Number 12/13-152;
Effective Date: July 1, 2013)

Note: The 2013 revision added the following language to subpart (A)(8), “for any student receiving special education services and to the Assistant Superintendent for Administrative Services for any student not receiving special education services.” Also added subpart (A)(10).

Legal Authority - Virginia Code § 22.1-78 (1950), as amended

Section 9-26.8. Procedures for Appropriate Use of Seclusion; Procedure for Informing Parents. — A. The following procedures for the appropriate use of seclusion must be followed by all staff members working with students in Suffolk Public Schools. These procedures apply to students in general and special education settings, programs, and activities in Suffolk Public Schools.

1. The use of seclusion in the management of severe behaviors of students is prohibited unless there is a dangerous situation and seclusion is necessary to protect the student or another person;
2. Other less intrusive interventions shall be attempted if time and circumstances permit, A detailed explanation of why other interventions were deemed inadequate or inappropriate will be provided;
3. Seclusion is not a teaching procedure or behavioral intervention (e.g., time out) and should NOT be administered as punishment or to address behaviors that are not dangerous or for non-emergency reasons, such as noncompliance, disrespect, disobedience, misuse of property, disruption, threats, etc.;
4. Seclusion procedures will be administered whenever possible by a trained staff member and student will be monitored for safety while in the seclusion area;
5. Seclusion will only be used for the period of time that is necessary to contain the behavior of the student, so that the student no longer poses an immediate threat of causing physical injury to self, others or property;

6. The use of force in the application of seclusion will not exceed the force that is reasonable and necessary under the circumstances that precipitated the use of the seclusion;
7. Any student while secluded will be monitored by staff members for any safety or medical concerns, including risk of injury.
8. The seclusion area or environment, if used, must meet the following requirements:
 - (i) Be of reasonable size permitting students to sit or lie down
 - (ii) Have adequate ventilation and lighting
 - (iii) Be free of any potential or predictable safety hazards
 - (iv) Permit direct continuous visual and auditory monitoring of the student
9. Staff members must maintain visual and auditory contact with the student for the entire period of the seclusion;
10. Documentation of the incident requiring seclusion is mandatory. Staff member(s) implementing the procedure must use the proper incident reporting form, *Emergency Use of Seclusion*. A copy of the reporting form must be maintained at the school in the student's folder as part of the student's scholastic records; a copy sent to the parent(s) of the student involved; and a copy sent to the director of the Office of Special Education for an student receiving special education services and to the Assistant Superintendent for Administrative Services for any student not receiving special education services. A school administrator or, designee, will inform the student's parents or guardians of the incident requiring the seclusion as set forth below in subpart B;
11. Repeated use of seclusion during a school year (i) on the same child; (ii) multiple times within the same classroom; or (iii) multiple times by the same staff member, shall trigger an automatic review by the school division of the School Board's Policy governing management of violent and aggressive behaviors of students and, if appropriate, revision of strategies currently in place to address violent and aggressive behavior;

12. School staff members will comply with all procedures involving investigation of complaints and/or corrective measures, if warranted.

B. The building principal, or designee, will make a good faith effort to contact a parents or guardians of the student who has been secluded as soon as is reasonable, but certainly within the next school day after the seclusion occurred. The following procedures apply to parental notification of the incident:

1. Subsequent to a student being secluded, reasonable efforts will be made and documented to verbally communicate with the parent.
2. Should efforts to contact the parent via phone be unsuccessful, there will be attempts to contact the parent through other methods, such as voice-mail, e-mail, in person, by letter, etc. These efforts will be documented.
3. The parent will be advised of the circumstance and course of events leading up to and resulting in seclusion, and how the situation was resolved.
4. School staff members will engage in the following actions with the parent(s) or guardian(s) as appropriate: debrief of the incident and co-plan future proactive/prevention strategies. (Adopted: March 14, 2013; Ordinance Number 12/13-39; Revised June 13, 2013; Ordinance Number 12/13-153; Effective Date: July 1, 2013)

Note: The 2013 revision added the following language to subpart (A)(10), “for any student receiving special education services and to the Assistant Superintendent for Administrative Services for any student not receiving special education services.” Also added subpart (A)(11).

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Section 9-26.9 Complaint Procedures; Taking Corrective Measures. —

A. In the event that a concern has been raised related to the seclusion and/or restraint of a student, the building principal, or their designee, will make arrangements to meet with the complainant to review their concern as soon as possible. It is the building principal’s responsibility to ensure that the complainant is responded to in a timely manner and to investigate the issues raised. All documentation related to the event will be collected and information will be gathered from all persons involved in or who have knowledge of the intervention in question. The principal shall also consider the context and specific circumstances of the physical restraint or seclusion and relevant policies. Upon conclusion of the investigation, the findings shall be documented and the parent or

guardian will be promptly informed of the findings. It may be appropriate to arrange a debriefing and/or problem-solving meeting with the parent or guardian. The building principal will ensure that any incidents with special reporting requirements, such as allegations of child abuse or neglect, are promptly reported to the proper authorities.

B. Should it be determined that seclusion or physical restraint was improperly implemented, corrective measures shall be undertaken by Suffolk Public Schools. (Adopted March 14, 2013; Ordinance Number 12/13-40; Effective Date: July 1, 2013)

Legal Authority – Virginia Code § 22.1-78 (1950), as amended

Article 27

Service Animals In Suffolk Public Schools

Section 9-27.1 Service Animals Permitted; Service animal defined; School Officials. — A. An individual with a disability is permitted to be accompanied by his/her service animal on school property when required by law, subject to the conditions of this policy.

B. A “service animal” means a dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition, except for miniature horses as provided for in Section 9-27.4. The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability.

C. School officials can ask the owner or handler of an animal whether the animal is required because of a disability and what work or task the animal has been trained to do unless the answers to these inquiries are readily apparent. School officials may not ask about the nature or extent of a person’s disability and may not require documentary proof of certification or licensing as a service animal. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27. 2 Requirements for Service Animals on School Property. — Any person who wants to be accompanied by his/her service animal on school property must do the following: (1) make a prior written request of the school’s principal if the service animal will come into a school. A person who wants to be accompanied by his/her service animal must make a prior written request of the superintendent for all other locations. These requests must be renewed each

school year; (2) have the service animal immunized against diseases common to that type of animal; (3) ensure that the service animal is in good health. The owner or handler of the animal must submit to the school principal each school year, documentation from a licensed veterinarian a current veterinary health certificate and proof of the service animal's current vaccinations and immunizations; and (4) maintain control of the service animal at all times. The service animal must have a harness, backpack, vest identifying the service animal as a trained service animal, leash (blaze orange in color for hearing dogs), or other tether unless either the handler is unable because of a disability to use a harness, backpack, vest, leash, or other tether, or the use of a harness, backpack, vest, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27.3 Service Dogs In Training; Guide Dogs; Hearing Dogs; Harness, backpack or vest required; Cannot Disrupt Educational Process; Other Requirements — A. A dog that is in training to become a service animal may be permitted on school property when accompanied by an experienced trainer of service animals. The dog must be at least six months of age. Trainers must wear a jacket identifying the organization to which they belong. Persons conducting continuing training of a service animal may be accompanied by a service animal while on school property for the purpose of school business. Persons who are part of a three-unit service dog team may be accompanied by a service dog while on school property provided that person is conducting continuing training of a service dog. A three-unit service dog team consists of a trained service dog, a disabled person, and a person who is an adult and who has been trained to handle the service dog. The dogs may accompany these persons while on school property for school purposes.

B. A dog that is in training to become a guide dog or a currently trained guide dog that is undergoing continuing training must be in a harness.

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

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

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

F. All requirements of this policy which apply to service animals, such as

health certificates, annual written requests, and supervision, care and damages, also apply to dogs in training. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27.4 Miniature horses; factors to be considered; all other requirements applicable. — A. Suffolk Public Schools will make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability.

B. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a specific facility, the school division must consider the following factors:

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

C. All additional requirements outlined in this policy, which apply to service animals, shall apply to miniature horses. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27.5 Extra Charges Prohibited. — The owner or handler of a service animal cannot be required to pay an admission fee or a charge for the animal to attend events for which a fee is charged. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27.6 Supervision and Care of Service Animals. — The owner or handler of a service animal is responsible for the supervision and care of the animal, including any feeding, exercising, and clean up. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27.7 Damages to school property and injures. — The owner or handler of a service animal is solely responsible for any damage to school property or injury to personnel, students, or others caused by the animal. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27.8 Removal of service animals from school property. — A. A school administrator can require an individual with a disability to remove a service animal from school property under the following circumstances:

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

B. If the service animal is removed, the individual with a disability shall be provided with the opportunity to participate in the service, program, or activity without the service animal. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.

Section 9-27.9 Denial of Access and Grievance. — If a school official denies a request for access of a service animal or a dog in training, the disabled individual or parent or guardian can file a written grievance with the school

division’s Section 504 Coordinator. (Adopted March 10, 2016; Ordinance Number 15/16-5; Effective Date: March 10, 2016)

Legal Authority – Virginia Code §22.1-78 (1950), as amended; 28 C.F.R. § 35.136.