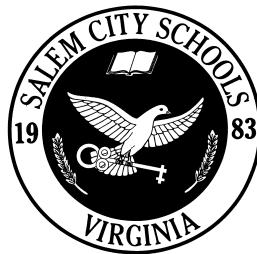


**CITY OF SALEM SCHOOL DIVISION**

**STANDARDS  
OF  
STUDENT CONDUCT;  
ADMINISTRATIVE PROCEDURES;  
and  
REQUIRED NOTICES**



**August 2024**

**The Mission of the Salem City School Division is to provide a loving and engaging environment that inspires children to reach their full potential.**

**Love, Engage, Inspire!**

## **SCHOOL BOARD MEMBERS**

**Dr. Nancy Bradley, Chairman**

**Mr. Andy Raines, Vice Chair**

**Mrs. Stacey Danstrom**

**Mrs. Teresa Sizemore**

**Mrs. Macel Janoschka**

**Dr. Curtis Hicks, Superintendent**

**Current copies of all division policies and regulations are available on the Division's website at [www.salem.k12.va.us](http://www.salem.k12.va.us). Printed copies are available in the Central Administrative Office at 510 South College Ave., Salem Va. 24153.**

**To view the Virginia School Report Card for the Salem City School Division and each school visit the following website.**

**<https://p1pe.doe.virginia.gov/reportcard/>**

The Salem City School Division does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups

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Dear SCS Families,

From time to time, you may have questions or concerns about a matter related to your child's education. In order to provide a high level of service and promote satisfaction, Salem City School employees are empowered and expected to be responsive to students, parents, and the community as a whole. The Division strives to provide a prompt response to questions and/or concerns while respecting the roles and responsibilities of employees.

Salem City School Board [Policy CC "Administrative Organization Plan"](#) establishes the Board's longstanding and proven philosophy that problems are best solved at their source. The Policy requires that, "Whenever possible and appropriate, staff members will be engaged in addressing questions or concerns that directly involve or originate in their area of responsibility." Therefore, in most cases, questions and concerns should be addressed at the school level with your child's teacher or an administrator.

If you ever have a question or concern regarding a situation you or your child is facing as a result of their enrollment in the Salem City School Division please consider the suggestions outlined below.

- **Begin at the Source** – If you have a question, suggestion, or need information, your child's school is always the best place to seek assistance first. In most cases the most appropriate contact will be your child's teacher, an assistant principal, or the principal.
- **Take full advantage of available information** – Our school and division web pages (<http://saalem.k12.va.us>) contain a wealth of information and are continually updated to provide frequently requested information.

You may also obtain information from the Central Office staff on a variety of subjects. A list of topics and the names of individuals from whom you can obtain assistance is available on the division website in the Parents & Families section under [Who to Contact for What](#).

- **Gather information** – Before contacting your child's school, gather as much information about the situation as you can. Be prepared to provide names, dates, times, and other factual information.
- **Select the best method of communication** – A telephone call or an email may resolve your concern. However, depending upon the situation, you may wish to meet with the person face-to-face. If so, please call ahead to make an appointment.
- **Be prepared to identify yourself** – Parents and legal guardians are entitled to information about their child/children. Other relatives, siblings, and interested persons are not afforded the same access to information.

As a rule anonymous complaints are extremely difficult to investigate, confirm, or respond to, and don't allow the school division the opportunity to provide follow-up information. So please be prepared to provide your name and contact information.

- **Be patient** – It will be necessary for school staff to investigate the concern in order to gather as much information as possible. The parties involved may not be readily available at the time of your call so please allow a reasonable amount of time for this process to occur. In general, it is reasonable to expect a response within 24 hours on regular weekdays.

- **Keep an open mind** - For parents, children are often our primary source of information. Like all people, children have a point of view that may not represent “the big picture.”

Additionally, in order to protect confidentiality, children are not aware of actions the school has taken in matters involving other students. In such cases, your child’s source of information is likely another student and may not be entirely accurate.

By contacting the school, your child’s teacher or principal may be able to provide a larger and more factual point of view while still respecting the confidentiality of all involved.

- **Follow existing channels of communication and responsibility** – If you need to carry your concern to another level, be sure to go to the next level up. In many cases, the next step will be an assistant principal or the school principal. Again, please call ahead to make an appointment.
- **Appeal/Administrative Review**- The Principal's decision regarding corrective actions and punishments **less than an Out-of-school Suspension** for violations of the Standards of Student Conduct **may not be appealed.**

Administrative Reviews are internal functions intended to inform future practice. If the superintendent authorizes an Administrative Review, he will assign a division leader with the task of collecting information and making recommendations to the superintendent for consideration.

When a Review involves practices and procedures, the superintendent may elect to share outcomes with the persons requesting or otherwise involved in the Administrative Review. When a review involves matters protected by student or employee confidentiality, reporting outcomes will be limited to authorized persons.

- **Division Leaders are a resource for the schools** – Calls and other queries made to the Central Office will be directed to a Central Office Administrator. Division Leaders may be reached at 540-389-0130 or at the Central Administrative Office located at 510 South College Avenue.

When you call or come to the office, tell the receptionist the nature of your concern and you will be directed to the appropriate administrator. You should expect to be asked if you have already attempted to resolve your concern at your child’s school. Again, it is always a good idea to call ahead for an appointment if you wish to speak to the administrator in person.

- **The Superintendent is the Chief Executive** – If you cannot resolve your concern by speaking with a Central Office Administrator, you may contact me by phone at 540-389-0130 or in person at the Central Administrative Office located at 510 South College Avenue. It will be necessary to call ahead for an appointment if you wish to schedule a phone conference or personal meeting.
- **The Salem City School Board is a Governing Body** – The school board is made up of five citizens charged with the responsibility of making policy for the school system and providing oversight to its operation. Decisions of the board can only be made by a majority of the board members meeting together as a body in public and voting on an issue. Board members annually assert the board’s corporate authority as a policy-making, governing body ([Board Policy BBBB Code of Conduct for School Board Members](#)). Therefore, school board members have no individual authority.

[Board Policy JBC “Appeals”](#) establishes the right of a student, parent/legal guardian, or employee to initiate an appeal and empowers the superintendent with developing the procedures to be used by a person making an appeal including steps reaching to the school board following these general principles:

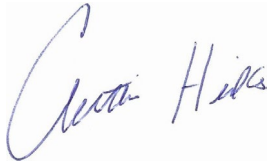
- Questions or concerns first be directed to the employee(s) closest to the issue and involve a Principal or Supervisor as appropriate.

- The superintendent be given the opportunity to examine and evaluate information related to an appeal and to make recommendations to the Board.
- In those cases where policy or regulation establish appeal procedures or vest authority to make a final decision in an employee, the procedures within the policy or regulation shall be followed.
- Except as otherwise outlined in a policy or regulation the school board may consider an appeal based solely on the record.

**Short-term suspensions (those of ten days or less) are final and may not be appealed to the school board.**

I hope you will take this opportunity to learn more about the conduct expected of students who attend Salem City Public Schools. If you have questions or concerns about your child's education please follow the suggestions outlined above. You may or may not always get the particular answer you desire, but you can be certain that you will get an answer and that you will be heard.

Sincerely,

A handwritten signature in blue ink that reads "Curtis Hicks". The signature is written in a cursive style with a large initial "C".

Dr. Curtis Hicks  
Superintendent

## JFC

### GENERALLY

The Salem City School Board establishes expectations for student conduct so that public education is conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights.

In addition to the types of conduct prohibited below, the superintendent issues Standards of Student Conduct and a list of possible actions for violations of those Standards.

This Policy and the Standards of Student Conduct apply to all Salem City school students. They are enforced when the student's conduct occurs when the student is

- On school property.
- Traveling to school or from school.
- Traveling to, at, and from bus stops.
- In School Board vehicles.
- In attendance at any school-sponsored activity.
- Off school property if the conduct disrupts the learning environment.

The School Board and superintendent biennially review the model student conduct code developed by the Virginia Board of Education to incorporate into policy and the Standards of Student Conduct a range of discipline options and alternatives to preserve a safe and non-disruptive environment for effective learning and teaching.

### PHILOSOPHY

The following are standards and definitions established by the School Board for all students. The consequences of any act are determined on the basis of the facts presented in each situation in the reasonable discretion of the Board, its designated committees and other appropriate school officials. The Salem City School Board believes that it should provide an atmosphere of mutual respect conducive to teaching and learning in which intellectual, physical, emotional, and social growth equitably complements the needs of the student population. Students, parents, administrators, teachers and all other staff members are responsible for maintaining a school environment in which educational programs can prosper and extracurricular programs can be provided for the benefit of all participants.

A reminder that school-based consequences such as detention, etc cannot be appealed.

## **Parental Involvement and Responsibility**

Each parent of a student enrolled in Salem City schools has a duty to assist in enforcing this policy, the Standards of Student Conduct and compulsory school attendance in order that education may be conducted in an atmosphere free of disruption and threat to persons or property and supportive of individual rights. This policy, 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 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 this policy, the Standards of Student Conduct, the requirements of Va. Code § 22.1-279.3 and the compulsory school attendance law is also sent. 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 this policy, the 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 school principal or principal's designee notifies the parents of any student who violates a School Board policy, the Standards of Student Conduct, or the compulsory school attendance requirements when such violation is likely to result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed such a petition. The notice states (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 ensuring compliance with compulsory school attendance; (3) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (4) that a petition with the juvenile and domestic relations district court may be filed under certain circumstances to declare the student a child in need of supervision.

The principal or principal's designee notifies the parent of any student involved in an incident required to be reported to the superintendent and Virginia Board of Education as described in Policy CLA Reporting Acts of Violence and Substance Abuse.

If a parent fails to comply with the requirements of this Policy, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent in accordance with the requirements of the Code of Virginia.

A parent, guardian or other person having control or charge of a student is notified in writing of any disciplinary action taken with regard to any incident upon which an adjudication of delinquency or conviction for an offense listed in Va. Code § 16.1-260.G was based and the reasons therefor. The parent or guardian is also notified of the parent or guardian's right to review, and to request an amendment of, the student's scholastic record, in accordance with regulations of the Board of Education governing the management of scholastic records.

## **Prevention, Intervention, and Treatment Activities and Programs**

Any student involved in a reportable drug or violent incident, as described in Policy CLA Reporting Acts of Violence and Substance Abuse, participates in prevention and intervention activities deemed appropriate by the superintendent or superintendent's designee. Further, any student who has been found to be in possession of or under the influence of drugs or alcohol on school property or at a school sponsored activity may be required to (1) undergo evaluation for drug or alcohol abuse and (2) participate in a drug and/or alcohol treatment program if recommended by the evaluator and if the parent consents.



## **Prohibited Conduct**

The following conduct is prohibited. Students engaging in such conduct are subject to disciplinary action.

### **Assault and Battery**

A student shall not assault or commit battery upon another person on school property, on school buses or during school activities on or off school property.

An assault is a threat of bodily injury.

A battery is any bodily hurt, however slight, done to another in an angry, rude or vengeful manner.

Whether a student acted in self-defense is considered when the student's conduct is evaluated for disciplinary action.

### **Attendance; Truancy**

Students shall attend school on a regular and punctual basis unless otherwise excused in accordance with School Board policy or regulation. (See Policy JED Student Absences/Excuses/Dismissals.)

If a student who is under 18 years of age has 10 or more unexcused absences from school on consecutive school days, the principal may notify the juvenile and domestic relations court, which may take action to suspend the student's driver's license.

### **Bomb Threats**

Students shall not engage in any illegal conduct involving firebombs, explosive or incendiary materials or devices or hoax explosive devices or chemical bombs as defined in the Code of Virginia. Moreover, students shall not make any threats or false threats to bomb school personnel or school property.

### **Bullying and Use of Electronic Means for Bullying**

A student, either individually or as a part of a group, shall not bully others either in person or by the use of any communication technology including computer systems, telephones, pagers, or instant messaging systems. Prohibited conduct includes, but is not limited to, physical, verbal, or written intimidation, taunting, name-calling, and insults and any combination of prohibited activities.

"Bullying" means any aggressive and unwanted behavior that is intended to harm, intimidate, or humiliate the victim; involves a real or perceived power imbalance between the aggressor or aggressors and victim; and is repeated over time or causes severe emotional trauma. "Bullying" includes cyber bullying. "Bullying" does not include ordinary teasing, horseplay, argument or peer conflict.

The principal or principal's designee notifies the parent of any student involved in an alleged incident of bullying within 24 hours of learning of the allegation of bullying.

### **Cheating**

Students are expected to perform honestly on schoolwork and tests. The following actions are prohibited:

- cheating on a test or assigned work by giving, receiving, offering and/or soliciting information

- plagiarizing by copying the language, structure, idea and/or thoughts of another
- falsifying statements on any assigned schoolwork, tests or other school documents

### **Gang Activity**

Gang-related activity, as defined in Policy JFCE Gang Activity or Association, is prohibited.

### **Harassment**

As provided in Policy JFHA/GBA Prohibition Against Harassment and Retaliation, students are prohibited from harassing other students, school staff, volunteers, student teacher or any other person present in school facilities or at school functions.

### **Hazing**

Hazing is prohibited.

Hazing means to recklessly or intentionally endanger the health or safety of a student or students or to inflict bodily harm on a student or students in connection with or for the purpose of initiation, admission into or affiliation with or as a condition for continued membership in a club, organization, association, fraternity, sorority, or student body regardless of whether the student or students so endangered or injured participated voluntarily in the relevant activity.

### **Intentional Injury of Others**

Students are prohibited from intentionally injuring others.

### **Student Dress**

Students are expected to dress appropriately for a K-12 educational environment. Any clothing that interferes with or disrupts the educational environment is unacceptable. Clothing with language or images that are vulgar, discriminatory, obscene, offensive, or threatening, including but not limited to gang symbols, profanity, pornography, swastikas, or any Confederate flag, is prohibited. Clothing that promotes illegal or violent conduct, such as the unlawful use of weapons, drugs, alcohol, tobacco, or drug paraphernalia is prohibited.

### **Threats or Intimidation**

Students are prohibited from making any verbal, written or physical threat of bodily injury to another person.

### **Trespassing**

Students, including students who have been suspended or expelled, are subject to disciplinary action for trespassing on school property.

### **Use and/or Possession of Alcohol, Anabolic Steroids, and Other Drugs**

Students are prohibited from possessing, using, or distributing any of the restricted substances listed below on school property, on school buses or during school activities, on or off school property.

Students are prohibited from possessing, using, or distributing any of the restricted substances listed below or what is represented by or to the student to be any of the restricted substances listed below or what the student believes is any of the restricted substances listed below.

Students are prohibited from being under the influence of any of the restricted substances listed below, regardless of whether the student's condition amounts to legal intoxication.

Restricted substances include but are not limited to alcohol, tobacco products as defined in Policy JFCH Tobacco Products and Nicotine Vapor Products, nicotine vapor products as defined in JFCH Tobacco Products and Nicotine Vapor Products, inhalant products, and other controlled substances defined in the Drug Control Act, Chapter 15.1 of Title 54 of the Code of Virginia, such as anabolic steroids, stimulants, depressants, hallucinogens, marijuana, imitation and look-alike drugs, drug paraphernalia and any prescription or non-prescription drug possessed in violation of School Board policy.

In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.

#### **Use of Profane or Obscene Language and Conduct**

Students are prohibited from using profane or obscene language or engaging in profane or obscene conduct.

#### **Vandalism**

Students are prohibited from vandalizing school property and the property of any School Board staff member or any other person.

### **INTERVENTIONS and RESPONSES**

The following corrective actions are among those available to the school administration for violation of the Student Code of Conduct. The facts and circumstances of each offense are considered fully in determining reasonable corrective actions. Preventive and positive approaches to discipline create safe, supportive, and positive schools. The following list of conduct violations and accompanying consequences is not meant to be all-inclusive.

- Counseling
- Admonition
- Reprimand/Warning
- Loss of privileges, including access to the School Division's computer system
- Parental conferences
- Modification of student classroom assignment or schedule
- Student behavior contract, FBA, BIP
- Referral to student assistance services
- Teacher Removal from class
- Student conference
- Temporary loss of school privileges
- Initiation of child study process
- Referral to in-school intervention, mediation, or community service programs

- Tasks or restrictions assigned by the principal or his designee
- Detention after school or before school
- Suspension from school-sponsored activities or events prior to, during, or after the regular school day
- In-school suspension
- Out-of-school suspension
- Referral to an alternative education program
- Notification of legal authority where appropriate
- Recommendation for expulsion including recommendation for expulsion for possessing a firearm, destructive device, firearm muffler, firearm silencer or pneumatic gun on school property or at a school-sponsored event and recommendation for expulsion for having brought a controlled substance, imitation controlled substance or marijuana onto school property or to a school sponsored activity
- Evaluation for Alcohol or Drug Abuse
- Participation in a drug, alcohol or violence intervention, prevention or treatment program
- Community Service
- Problem solving with grade level team or department team
- Removal from school bus
- Restorative Practices
- Other appropriate measures

### **Student Behavior on the Bus**

The bus is school property and riding the bus is a privilege. All school rules and expectations for behavior apply when riding the bus.

1. B - Be Safe
  - Be at your assigned bus stop five minutes before the scheduled bus arrival time
  - Look for the red lights to come on and the bus to stop
  - Wait for the driver to signal before approaching the bus or crossing the street
  
2. U - Use Good Manners
  - Use appropriate language with peers and the bus driver
  - Use a quiet voice when talking with others
  - Use cell phones and technology appropriately within your personal space
  
3. S - Stay Seated
  - Choose a seat and stay in it during the whole bus ride
  - Sit with your back to the back of the seat
  - Sit with your bottom to the bottom of the seat
  - Sit facing forward

A reminder that a parent/guardian or responsible adult should accompany young children to and from the bus stop.

## STUDENT BEHAVIOR CATEGORIES

The following behavior categories are designed to recognize the impact student behavior has on the school environment and on learning. They encourage awareness for administrators, teachers, parents, and counselors of students' social-emotional development and emphasize the importance of helping students achieve academically and develop Social Emotional Learning SEL competencies.

<b>Behaviors that impede Academic Progress (BAP)</b>	These behaviors impede academic progress of the student or of students. They are typically indicative of the student's lack of self-management or self-awareness. Sometimes, the student may need help in understanding how the behavior impacts others so training in social awareness may also be indicated.
<b>Behaviors related to School Operations (BSO)</b>	These behaviors interfere with the daily operation of school procedures. Students exhibiting these behaviors may need to develop self-management, self-awareness, or social awareness skills.
<b>Relationship Behaviors (RB)</b>	These behaviors create unsafe conditions for students, staff, and visitors to the school. The underlying reasons for this type of behavior may lie in any of the social emotional competencies so the administrator should investigate the underlying motivation for the student's behavior. Training in social awareness and decision-making are usually indicated in any behavior that creates a safety concern.
<b>Behaviors that Endanger Self or Others (BESO)</b>	These behaviors endanger the health, safety, or welfare of either the student or others in the school community. Behaviors that rise to this level of severity are often complex. While they are indicative of poor decision-making skills, students who exhibit these behaviors may also have developmental needs in the other social-emotional competencies.

The categories are a means to sorting behaviors in order to apply leveled administrative responses to student behaviors.

### Leveled Systems of Disciplinary Responses and Instructional Interventions

In an effective approach to intervention and discipline, when students do not meet behavioral expectations, they receive supports to address the root causes of the behavior and learn appropriate alternatives. When a specific student behavior does not change following an intervention- or the behavior increases in frequency, intensity, or duration- a problem solving approach is used to identify alternative

interventions and responses. All stages of an intervention should include opportunities for learning acceptable replacement behaviors within the school and community and access to interventions to address the underlying causes of behavior.

Delivering disciplinary responses to unwanted behaviors is often a needed but never sufficient strategy for reducing inappropriate behavior. Therefore, leveled systems of disciplinary responses should always be only one part of more comprehensive policy around behavior that includes instructional, preventive and proactive strategies as described earlier in this document. The delivery of disciplinary responses should only serve 4 functions:

- Preventing a negative behavior from being rewarded
- Preventing a problem behavior from escalating
- Preventing a problem behavior from significantly interrupting instruction
- Preventing physical and/or social emotional harm to others

### **Leveled Administrative Responses to Student Behavior**

Administrators and leadership teams should engage in a data driven decision-making process to determine appropriate responses for behaviors at all levels. Consequent actions or punishment should always be addressed with instruction and intervention. Instruction should focus on helping students develop social emotional competencies needed to change the behavior.

All referrals to an administrator should include communication with the family. Family involvement is critical to addressing student behavior.

### **LEVEL 1 RESPONSES**

Level 1 responses are intended to prevent further behavioral issues while keeping the student in school.

---

- Re-teaching or modeling of desired behavior
  - Seat Change
  - Recognize/Reward appropriate behavior
  - Loss of school privileges
  - Written reflection or letter of apology
  - Confiscation of item or device by the administration
  - Peer mediation or conflict resolution
  - Administrator/Teacher/Parent/Guardian conference
  - Behavior progress chart
  - Detention (before school, at lunch, after school)
  - Community service (appropriate to correct the behavior)
  - Administrator/Student conference and/or Administrator/Student/Teacher conference
  - Restitution
  - In school suspension (up to 2 days) with behavioral instruction and academic support
  - Schedule change
  - Teacher removal from class
- 

### **LEVEL 2 RESPONSES**

Administrative responses and interventions at this level are designed to prevent further behavior issues and keep the student in school. Depending upon the severity of the behavior, short-term removal of the student from the classroom may be appropriate.

- Student conference
- Administrator/Teacher/Parent/Guardian conference
- Check-in/Check-out

- Mediation or conflict resolution
  - Detention (before school, at lunch, after school)
  - Referral to IEP (individualized education plan) team
  - Schedule change
  - Community service (appropriate to correct the behavior)
  - Referrral for community based services
  - Saturday School
  - Restitution
  - Confiscation
  - Temporary loss of privileges
  - Removal from school bus
  - Administrator/Teacher/Counselor/Student conference (includes re-teaching of expected behavior)
  - In-school suspension with behavioral interventions and/or restorative practices (one-three days)
- 

### **LEVEL 3 RESPONSES**

Dependent upon the severity, chronic nature of the behavior and/or safety concerns, Level 3 behaviors may result in the student's short-term removal from school.

- Administrator/Teacher/Parent/Guardian Conference
  - Detention
  - Referral for community-based services
  - Community Service
  - Revocation of privileges
  - Restitution
  - Referral to alternative education programs
  - Referral to law enforcement where required
  - Referrral to DRC
  - In-school suspension with restorative practices (three-five days ISS or 3 days OSS)
  - Referral to support services (e.g, School counselor, Behavior interventionist, Mentor Program, Problem Solving Team, Therapeutic Day Treatment-TDT, Substance Use and Intervention Program)
  - Functional Behavioral Assessment-FBA and Behavior Intervention Plan-BIP Development (Special Education Students)
  - Functional Behavioral Assessment-FBA and Behavior Support Plan-BSP Development (General Education Students)
  - Short-term out of school suspension (one-three days for elementary students/one-five days for secondday students) with restorative circle or conference upon return
  - Behavior contract (developed with and signed by the student, parent/guardian, and school officials)
- 

### **LEVEL 4 RESPONSES**

Some Level 4 responses require a report to the superintendent or superintendent's designee as outlined in the Code of Virginia §22.1-279.3:1. Local school board policy may require additional reporting. A referral to the superintendent or superintendent's designee does not automatically result in a long-term suspension, change of placement or expulsion. After a review of the incident in context, the superintendent or designee may return students to the comprehensive setting with additional supports and/or responses to be implemented.

- Threat Assessment as indicated by behavior

- Referral to law enforcement as required
  - Long-term revocation of privileges
  - Parent-Administrator-Teacher-Student behavior contract
  - Restitution via written contract
  - Referral for community-based services
  - Schedule change
  - Short-term out of school suspension (for preschool to grade three students one to three days, 4 to 10 days for fourth to sixth grade students, or 5 to 10 days for seventh to twelfth grade students)
  - Recommendation for a long term suspension as determined by local policy or by Code
- 

## LEVEL 5 RESPONSES

Level 5 responses are reserved for those behaviors that require a referral to the superintendent or designee. For preschool to grade three students, any suspension beyond three days must be referred to the superintendent. A referral to the superintendent or designee may not automatically result in an expulsion, alternative placement, school reassignment, or long term suspension.

Required School based Administration Responses to level 5 behaviors

- Threat Assessment as indicated by the behavior
- Referral to law enforcement as required
- Referral to Superintendent or designee

Examples of superintendent or designee responses to Level 5 behavior

- Long term suspension (11 to 45 days as defined by HB1600 in 2018)
- Alternative placement
- Expulsion
- School reassignment: students may be assigned to another school in the division

§ 22.1-276.01 Definitions. ‘Short term suspension’ means any disciplinary action whereby a student is not permitted to attend school for a period not to exceed 10 school days. For the purpose of data collection, removal from the student’s home school for disciplinary reasons constitutes suspension.

§22.1-277 Prohibits, except for drug offenses, firearm offenses, and certain criminal acts, students in preschool through grade three from being suspended for more than three days or expelled from attendance at school unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department of Education.

§22.1-276.01 as amended by House Bill 1600 Approved March 23, 2018 ‘Long term suspension’ means any disciplinary action whereby a student is not permitted to attend school for 11 to 45 school days. For the purpose of data collection, removal from the student’s home school for disciplinary reasons constitute suspension.

Except as provided in subsection C or § [22.1-277.07](#) or [22.1-277.08](#), no student in preschool through grade three shall be suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the local school board or the division superintendent or his designee finds that aggravating circumstances exist, as defined by the Department.



**Secondary Schools Leveled Responses to Student Behaviors**

<b>Behavior Code</b>	<b>Category A: Behaviors that impede the Academic Progress (BAP) of the student or of other students (Secondary Schools)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Notify Law Enforcement</b>	<b>Victim count required</b>
BAP1	Interfering with learning in the classroom (talking, excessive noise, off-task, out of seat, possessing items that distract)	x	x	x				
BAP2	Interfering with learning outside of the classroom (examples include excessive noise, interrupting a class, etc.)	x	x	x				
BAP3	Scholastic dishonest (such as cheating, plagiarism)	x	x	x				
BAP4	Unexcused tardiness to class	x	x					
BAP5	Unexcused tardiness to school	x	x					

<b>Behavior Code</b>	<b>Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures (Secondary Schools)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Notify Law Enforcement</b>	<b>Victim count required</b>
BSO1	Altering an official document or record	x	x	x				
BSO2	Giving false information, misrepresentation to staff	x	x	x				
BSO3	Refusal to comply with requests of staff in a way that interferes with the operation of school	x	x	x				
BSO5	Failure to attend assigned disciplinary setting (detention, in-school suspension, Saturday school)	x	x	x				
BSO6	Bringing unauthorized persons to school or allowing unauthorized	x	x	x	x			

<b>Behavior Code</b>	<b>Category B: Behaviors related to School Operations (BSO) interfere with the daily operation of school procedures (Secondary Schools)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Notify Law Enforcement</b>	<b>Victim count required</b>
	persons to enter the school building							
BSO7	Dress Code Violation	x	x					
BSO8	Gambling (games of chance for money or profit)	x	x					
BSO9	Possessing items that are inappropriate for school (examples include toys, literature, electronics)	x	x	x				
BSO10	Possession of stolen items	x	x	x	x	x		Yes
BSO11	Unauthorized use of school electronic or other equipment	x	x					
BSO12	Violation of the Acceptable Use of Technology/internet policy	x	x					
BSO13	Violation of school board policy regarding the possession or use of portable communication devices	x	x	x				
BSO14	Vandalism, graffiti or other damage to school or personal property	x	x	x	x			
BSO15	Student is not going to class assigned	x	x	x				
BSO16	Student is in an unauthorized area of the campus (This behavior cannot be related to school or class attendance/nonattendance)	x	x	x				

Behavior Code	<b>Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)</b>  <b>Secondary Schools</b>	Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement	Victim count required
RB1	Bullying with no physical injury (See <a href="#">Model Policy to Addressing Bullying</a> in Virginia's Public Schools)	x	x	x				Yes
RB2	Cyberbullying (See <a href="#">Model Policy to Addressing Bullying</a> in Virginia's Public Schools)		x	x				Yes
RB3	Posting, distributing, displaying, or sharing inappropriate material or literature, including using electronic means	x	x	x				
RB4	Saying or writing either directly or through electronic communication sexually suggestive comments, innuendos, propositions, or other remarks of a sexual nature	x	x	x				
RB5	Stealing money or property without physical force	x	x	x	x			Yes
RB6	Speaking to another in an uncivil, discourteous manner	x	x					
RB7	Teasing, taunting, engaging in a verbal confrontation, verbally inciting a fight	x	x	x	x			
RB8	Using profane or vulgar language or gestures (swearing, cursing, hate speech, gang signs or gestures)	x	x	x	x			
RB9	Using slurs based upon the actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, gender, gender identity, gender expression, sexual orientation, or disability	x	x	x	x			Yes
RB10	Failure to respond to questions or requests by staff	x	x	x	x			

Behavior Code	Category C: Relationship Behaviors (RB) create a negative relationship between two or more members of the school community (No physical harm is done.)  Secondary Schools	Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement	Victim count required
RB11	Unwanted or inappropriate physical contact	x	x	x				

Behavior Code	Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school  (Secondary Schools)	Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement	Victim count required
BSC1	Alcohol: Possessing, using, or being under the influence of alcohol	x	x	x			x	
BSC2	Alcohol: Distributing alcohol to other students		x	x	x		x	
BSC3	Drugs: Possessing drug paraphernalia	x	x	x				
BSC4	Drugs: Violating school board non-prescription (Over the counter) medication policy or look alike drug policy	x	x	x				
BSC5	Tobacco: Possessing/Using/Distributing tobacco products, possessing tobacco paraphernalia ,electronic cigarettes, vaping equipment		x	x				
BSC6	Bullying Behavior without physical injury that continues after intervention (See Link: <a href="#">Model Policy to Addressing Bullying in Virginia's Public Schools</a> ) Bullying that leads to physical injury should be classified as Assault and Battery.		x	x	x			Yes
BSC7	Cyberbullying that continues after intervention (See Link: <a href="#">Model Policy to Addressing Bullying in Virginia's Public Schools</a> ) Cyberbullying that relates a threat to the safety of students and staff should be treated with a higher level of intervention and consequences.			x	x	x		Yes
<b>BSC8</b>	Harassment: Repeatedly annoying or attacking a student or group of students or personnel creating an intimidating or hostile educational or	x	x	x	x	x		Yes

Behavior Code	Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school  (Secondary Schools)	Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement	Victim count required
	work environment							
BSC9	Bus: Distracting the bus driver	x	x	x				
BSC10	Bus: Endangering the safety of others on the bus	x	x	x				
BSC11	Fire alarm: Falsely activating a fire or other disaster alarm		x	x	x			
BSC12	Fire Related: Possessing items that could be used to set or cause a fire or produce large amounts of smoke	x	x	x				
BSC13	Engaging in reckless behavior the creates a risk of injury to self or others	x	x	x				
BSC14	Fighting that results in no injury as determined by the administration	x	x	x	x			
BSC15	Inciting or causing a substantial disturbance to the operation of school or the safety of staff and/or students		x	x	x	x		
BSC16	Throwing an object that has the potential to cause a disturbance, injury, or property damage	x	x	x				
BSC17	Shoving, pushing, striking, biting another student with no visible injury	x	x	x				
BSC18	Exposing body parts, lewd or indecent public behavior	x	x	x	x			Yes
BSC19	Physical contact of a sexual nature – patting body parts, pinching, tugging clothing,	x	x	x	x			Yes
BSC21	Stalking as described in the Code of Virginia section <a href="#">18.2-60.3</a>	x	x	x	x	x	Yes	Yes
BSC22	Stealing money or property without physical force (no weapon involved)	x	x	x				Yes
BSC24	Leaving school grounds without permission	x	x					
BSC25	Trespassing		x	x	x			

<b>Behavior Code</b>	<b>Category D: Behaviors of a Safety Concern (BSC) create unsafe conditions for students, staff, and/or visitors to the school (Secondary Schools)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Notify Law Enforcement</b>	<b>Victim count required</b>
<b>BSC26</b>	Possessing dangerous instruments/substances that could be used to inflict harm upon another	x	x	x				
<b>BSC27</b>	Weapons: Possessing any weapon (other than a firearm) as defined by <a href="#">§18.2-308.1</a> .				x	x	Yes	

'Weapons' includes: (a) any stun weapon (as defined in Virginia Code §18.2-308.1) or taser, (2) any knife having a folding metal blade three inches or longer, (3) any pistol, shot gun, revolver, rifle, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material, (4) any dirk, bowie knife, switchblade, ballistic knife, machete, razor, slingshot, spring stick, metal knuckles, or blackjack, (5) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nunchaku, nun chuck, nunchaku, shuriken, or fighting chain, (6) any disc of whatever configuration, having at least two points or pointed blades, and which is designed to be thrown or propelled and may be known as a throwing star or oriental dart; or (7) any weapon of like kind as those enumerated above that can be reasonably be considered a weapon so as to inflict bodily harm, injury, or threat of harm or injury (this may include toy or imitation weapons).

<b>Behavior Code</b>	<b>Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community. (Secondary Schools)</b>	<b>Level 1</b>	<b>Level 2</b>	<b>Level 3</b>	<b>Level 4</b>	<b>Level 5</b>	<b>Notify Law Enforcement</b>	<b>Victim count required</b>
<b>BESO1</b>	Assault: Intending to cause physical injury to another person		x	x	x			Yes
<b>BESO2</b>	Assault and Battery: Causing physical injury to another person			x	x		Yes	Yes
<b>BESO3</b>	Fighting: The use of physical violence between students or on another person where there is no injury as determined by the school administration	x	x	x				
<b>BESO4</b>	Striking Staff: The use of force against a staff member when no injury is caused			x	x	x	Yes	Yes
<b>BESO5</b>	Drugs: Possessing controlled substances, illegal drugs inhalants, or synthetic hallucinogens or unauthorized prescription			x	x	x	Yes	

Behavior Code	<b>Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.</b>  <b>Secondary Schools</b>	Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement	Victim count required
	medications							
BESO6	Drugs: Being under the influence of controlled substances, illegal drugs, inhalants, or synthetic hallucinogens or unauthorized prescription medications				x	x		
BESO7	Drugs: Using controlled substances or using illegal drugs or synthetic hallucinogens or unauthorized prescription medications				x	x	Yes	
BESO9	Fire: Attempting to set, aiding in setting, or setting a fire			x	x	x	Yes	
BESO10	Gang-Related Behavior: Engaging in threatening or dangerous behavior that is gang-related as defined in <a href="#">§18.2-46.1</a>			x	x	x		
BESO11	Hazing as defined in <a href="#">§18.2-56</a> and noted in <a href="#">§22.1-279.6</a> .					x		Yes
BESO12	Threatening, intimidating, or instigating violence, injury or harm to a staff member or members ( <b>not including written threats</b> )		x	x	x	x		Yes
BESO13	Threatening, intimidating, or instigating violence, injury or harm to another student(s) or other(s), ( <b>not including written threats</b> )		x	x	x	x		Yes
BESO14	Threatening, intimidation, or instigating violence, injury or harm to another student(s) or other(s) <b>in writing. If the written threat is to a staff member, a report to law enforcement is required unless the student making the threat has a disability.</b>				x	x	Yes (See Below)  Yes  (report if victim is a staff member)	Yes
BESO15	Using an object not generally considered to be a weapon to threaten or attempt to injure				x	x	Yes	Yes

Behavior Code	<b>Category E: Behaviors that Endanger Self or Others (BESO) These behaviors endanger the health, safety, or welfare of either the student or others in the school community.</b>  <b>Secondary Schools</b>	Level 1	Level 2	Level 3	Level 4	Level 5	Notify Law Enforcement	Victim count required
	school personnel							
BESO16	Using an object not generally considered to be a weapon to threaten or attempt to injure students or others				x	x	Yes	Yes
BESO17	Bomb threat –Making a bomb threat as described in <a href="#">§18.2-83</a>				x	x	Yes	Yes
BESO18	A crime in the community where the student was charged with an offense relating to the Commonwealth’s laws, but required to be disclosed to the superintendent of the school division pursuant to <a href="#">§16.1-260 (G)</a>						(Police report to division)	



## Virginia High School League (VHSL) Eligibility Rules

The following information provides a basic overview of the eligibility requirements for VHSL participation. Families interested in participating in VHSL sanctioned sports and extracurricular programs should visit [WWW.VHSL.org](http://WWW.VHSL.org) and access the VHSL Handbook and Policy Manual to review the VHSL rules and regulations in their entirety.

**VHSL participation is a privilege, not a right. Therefore, it is your responsibility to know the VHSL eligibility rules and to ensure that you/your student meets the necessary requirements.**

**28A-1-1 AGE RULE** -The student shall not have reached the age of 19 on or before the first day of August of the school year in which he/she wishes to compete.

**28A-2-1 BONA FIDE STUDENT RULE**-The student shall be a regular bona fide student in good standing of the school which he/she represents.

**28A-3-1 ENROLLMENT RULE**-The student shall have been regularly enrolled in the school which he/she represents not later than the fifteenth school day of the semester.

**28A-4-1 GRADE RULE**-The student shall be enrolled in the last four years of high school.

**28A-5-1 SCHOLARSHIP RULE**-The student shall: (a) For the first semester be currently enrolled in not fewer than five subjects, or their equivalent, offered for credit and which may be used for graduation; and have passed five subjects, or their equivalent, offered for credit and which may be used for graduation the immediately preceding year or the immediately preceding semester for schools that certify credit on a semester basis; and (b) For the second semester be currently enrolled in not fewer than five subjects, or their equivalent, offered for credit and which may be used for graduation; and have passed five subjects, or their equivalent, offered for credit and which may be used for graduation the immediately preceding semester.

**28A-6-1 SEMESTER RULE**-The student shall not have been enrolled in the last four years of high school for a period of more than eight consecutive semesters, beginning with the semester in which he/she was enrolled for the first time in the ninth grade. The eight consecutive semesters shall be counted continuously from that point, regardless of whether or not he/she remains continuously enrolled in school.

**28A-7-1 TRANSFER RULE**-The student shall not have enrolled in one high school and subsequently transferred to and enrolled in another high school without a corresponding change in the residence of his/her parents, parent, or guardian. The original residence must be abandoned as a residence, that is sold, rented or otherwise disposed of as a residence, and must not be used as a residence by the immediate family.

## **IIBEA ACCEPTABLE COMPUTER SYSTEM USE**

The School Board provides a computer system, including the internet, to promote educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD and other media devices, tape or flash drives, storage devices, servers, mainframe and personal computers, tablets, laptops, telephones, cameras, projectors, interactive whiteboards/panels, audio-visual equipment, multimedia devices, workstations, Chromebooks, remote network access, cloud services, the internet and other electronic services and internal or external networks. This includes any device that may be connected to or used to connect to the school division's network or electronically stored division material.

All use of the Division's computer system must be (1) in support of education and/or research, or (2) for legitimate school business. Use of the computer system is a privilege, not a right. Any communication or material generated using the computer system, including electronic mail, social media post, instant or text messages, tweets, and other files, including communications and materials deleted from a user's account, may be monitored, read, and/or archived by division staff.

This policy applies to all users of the division's computer system. By using or accessing the computer system, the user agrees to abide by this policy.

The superintendent is responsible for establishing Technology Use Guidelines, containing the appropriate uses, ethics and protocol for use of the computer system. It is the user's responsibility to know and follow this policy and the Technology Use Guidelines

The Guidelines include:

1. a prohibition against use by Division employees and students of the division's computer equipment and communications services for sending, receiving, viewing or downloading illegal material via the internet;
2. provisions, including the selection and operation of a technology protection measure for the division's computers having Internet access to filter or block Internet access through such computers, that seek to prevent access to:
  - a. child pornography as set out in Va. Code § 18.2-374.1:1 or as defined in 18 U.S.C. §2256;
  - b. obscenity as defined by Va. Code § 18.2-372 or 18 U.S.C. § 1460; and
  - c. material that the school division deems to be harmful to juveniles as defined in Va. Code § 18.2-390, material that is harmful to minors as defined in 47 U.S.C. § 254(h)(7)(G), and material that is otherwise inappropriate for minors; provisions establishing that the technology protection measure is enforced during any use of the Division's computers ;
4. provisions establishing that all usage of the computer system may be monitored;
5. provisions designed to educate students and employees about appropriate online behavior, including interacting with students and other individuals on social networking websites, blogs, in chat rooms, and cyberbullying awareness and response;
6. provisions designed to prevent unauthorized online access by minors, including "hacking" and other unlawful online activities.
7. provisions requiring every user to protect the security of information necessary to access the computer system, such as username and passwords, and prohibiting the sharing of passwords.

8. Provisions prohibiting the unauthorized disclosure, use, and dissemination of photographs and/or personal information of or regarding minors; and
9. a component of internet safety for students that is integrated in the division's instructional program.

Use of the School Division's computer system shall be consistent with the educational or instructional mission or administrative function of the Division as well as the varied instructional needs, learning styles, abilities and developmental levels of students.

The Division's computer system is not a public forum.

Users of the division's computer system have no expectation of privacy for use of the division's resources or electronic devices including non-division owned devices while connected to division networks or computer resources.

Software and/or services may not be installed or downloaded on the division's computer system without the prior approval of the superintendent or superintendent's designee.

No employee or agent of the School Board or person or entity contracting with the School Board may download or use any application, including TikTok or WeChat, or access any website developed by ByteDance Ltd. Or Tencent Holdings Ltd. (i) on any device or equipment issued, owned, or leased by the School Board, including mobile phones, desktop computers, laptop computers, tablets, or other devices capable of connecting to the Internet.

The failure of any user to follow the terms of this policy or the Technology Use Guidelines may result in loss of computer system privileges, disciplinary action, and/or appropriate legal action.

The School Board is not responsible for any information that may be lost, damaged or unavailable when using the computer system or for any information retrieved via the Internet. Furthermore, the School Board will not be responsible for any unauthorized charges or fees resulting from access to the computer system.

The School Board will review, amend if necessary, and approve this policy every two years.

## **IIBEA-BR ACCEPTABLE COMPUTER SYSTEM USE**

All use of the Salem City School Division's computer system shall be consistent with the School Board's goal of promoting educational excellence by facilitating resource sharing, innovation and communication. The term computer system includes, but is not limited to, hardware, software, data, communication lines and devices, terminals, display devices, printers, CD, DVD, and other media devices, flash drives, servers, mainframe and personal computers, tablets, laptops, phones, cameras, projectors, multimedia devices, workstations, the internet and any other electronic services, internal or external network. This includes any devices that may be connected to or used to connect to the school division's network or electronically stored division material.

This policy will be posted on the division website in accordance with § 22.1-253. 13.7

### **Computer System Use-Terms and Conditions:**

1. **Acceptable Use.** Access to the Division's computer system shall be (1) for the purposes of education or research and be consistent with the educational objectives of the Division or (2) for legitimate school business.
2. **Privilege.** The use of the Division's computer system is a privilege, not a right.
3. **Unacceptable Use.** Each user is responsible for his or her actions on the computer system. Prohibited conduct includes but is not limited to:

- using the network for any illegal or unauthorized activity, including violation of copyright or contracts, or transmitting any material in violation of any federal, state, or local law.
  - sending, receiving, viewing or downloading illegal material via the computer system.
  - unauthorized downloading of software.
  - using the computer system for private financial or commercial purposes.
  - wastefully using resources, such as file space.
  - gaining unauthorized access to resources or entities.
  - posting material created by another without his or her consent.
  - submitting, posting, publishing, or displaying any obscene, profane, threatening,
    - illegal, or other inappropriate material.
    - using the computer system while access privileges are suspended or revoked.
    - vandalizing the computer system, including destroying data by creating or spreading viruses or by other means.
    - intimidating, harassing, bullying, or coercing others.
    - threatening illegal or immoral acts.
4. **Network Etiquette.** Each user is expected to abide by generally accepted rules of etiquette, including the following:
- be polite.
  - users shall not forge, intercept or interfere with electronic mail messages.
  - use appropriate language. The use of obscene, lewd, profane, lascivious, threatening or disrespectful language is prohibited.
  - users shall not post personal information other than directory information as defined in Policy JO Student Records about themselves or others.
  - users shall respect the computer system's resource limits.
  - users shall not post chain letters or download large files.
  - users shall not use the computer system to disrupt others.
  - users shall not modify or delete data owned by others.
5. **Liability.** The School Board makes no warranties for the computer system it provides. The School Board shall not be responsible for any damages to the user from use of the computer system, including loss of data, non-delivery or missed delivery of information, or service interruptions. The School Division denies any responsibility for the accuracy or quality of information obtained through the computer system. The user agrees to indemnify the School Board for any losses, costs, or damages incurred by the School Board relating to or arising out of any violation of these procedures.
6. **Security.** Computer system security is a high priority for the school division. If any user identifies a security problem, the user shall notify the building principal or system administrator immediately. All users shall keep their passwords confidential and shall follow computer virus protection procedures.
7. **Vandalism.** Intentional destruction of or interference with any part of the computer system through creating or downloading computer viruses or by any other means is prohibited.
8. **Charges.** The School Division assumes no responsibility for any unauthorized charges or fees as a result of using the computer system, including telephone, data, or long-distance charges.
9. **Electronic Mail.** The School Division's electronic mail system is owned and controlled by the School Division. The School Division may provide electronic mail to aid students and staff in fulfilling their duties and as an education tool. Electronic mail is not private. Students' electronic mail will be monitored. The electronic mail of staff may be monitored and accessed by the School Division. All electronic mail may be archived. Unauthorized access to an electronic mail account by any student or employee is prohibited. Users may be held responsible and personally liable for the content of any electronic message they create or that is created under their account or

password. Downloading any file attached to an electronic message is prohibited unless the user is certain of that message's authenticity and the nature of the file.

10. **Enforcement.** Software will be installed on the division's computers having Internet access to filter or block internet access through such computers to child pornography and obscenity. The online activities of users may also be monitored manually. **Any violation of these regulations shall result in loss of computer system privileges and may also result in appropriate disciplinary action, as determined by School Board policy, or legal action.**

## **Chromebook User Agreement**

The use of a Chromebook and AC Power Adapter in good working order are being provided to each student. Each student's acceptance of the equipment indicates the student's and parent/guardian's acceptance of the responsibility to care for the equipment and ensure that it is kept secure and functional, as expressed in this document. The student agrees to use best efforts to assure that the division property is not damaged or rendered inoperable by any electronic virus while in the student's possession.

**Ownership:** This equipment remains at all times the Property of the Salem City Schools and is lent to the student in support of educational purposes. The student may not deface or destroy this property in any way. The equipment is for the use of the student only; family and friends should not use the equipment. Inappropriate use of the device may result in the student losing his or her right to use of the Chromebook.

**Equipment Return:** The equipment must be returned when requested by Salem City Schools, at the end of the school year, or sooner, if the student withdraws from the division prior to the end of the school year. A report of stolen property will be filed with the local law enforcement agency for any equipment not returned to the school division.

**Usage:** The division property may be used by the student only for non-commercial purposes, in accordance with division policies and rules, the division's Internet Acceptable Use Policy, as well as local, state, and federal law.

The student may not make or allow others to make any attempts to add, delete, access, or modify division-owned information on any Chromebook or any school-owned computer.

Asset tags have been placed on the Chromebooks. These labels are not to be removed or modified. If they become damaged or missing, contact the IT support staff for replacements. Additional stickers, labels, tags, or markings of any kind are not to be added to the device.

### **No Expectation of Privacy**

Students should not have any expectation of privacy or confidentiality with regard to any usage of a school owned Chromebook, regardless whether the usage happens for school-related purposes or not. At any time, without prior notice of consent, the division may access, supervise, view, monitor, log, and record student use of Chromebooks for any reason related to the operation of the division. From time to time, the division may conduct random checks of Chromebooks and inspect their contents and condition. By using a Chromebook, students agree to such access, monitoring, and recording of their use.

### **Monitoring Software**

School administrators, teachers, and instructional technology staff may use monitoring software that allows them to view screens and activity on student Chromebooks at school.

### **Files Downloaded onto Chromebooks**

All images, documents, files, and apps downloaded onto the Chromebook become the property of Salem City Schools as allowable by law.

## **Google's Privacy Policy**

Google's Privacy Policy is found online at <https://policies.google.com/privacy?hl=en-US> Note that all usage of the Chromebook is tracked by Google including network location and user identification.

## **Responsibilities**

### **Student Responsibilities:**

The Chromebook is an important learning tool and is to be used for educational purposes only. In order to take the Chromebook home each day, you must be willing to accept the following responsibilities.

- When using the Chromebook at home, at school, and anywhere else I may take it, I will follow the policies of Salem City Schools, particularly the Chromebook User Handbook and the Acceptable Use Policy, and abide by all local, state, and federal laws.
- I will treat the Chromebook with care by not dropping it, getting it wet, leaving it in an automobile, leaving it outdoors, unsecured, or in a place where it may become damaged or stolen.
- I will not lend the Chromebook or charger to anyone, not even my friends or family members.
- I will not remove division-owned programs or files from the Chromebook.
- I will charge my Chromebook nightly so that it has a full charge at the start of school every day.
- I understand that if I leave my Chromebook at home or do not charge it, I am still responsible for getting course work done as if I had my Chromebook present and charged.
- I will bring the Chromebook to school every day. If I leave my Chromebook at home for multiple consecutive days, I may be called upon to bring the device in to verify possession and condition of the Chromebook.
- I agree that email (or any electronic communication) should be used only for appropriate, legitimate and responsible communication.
- I will keep all accounts and passwords assigned to me secure and will not share them with anyone.
- I will not attempt to repair the Chromebook. If it is not working properly, I will notify IT support staff, teachers, or administrators.
- I will bring the Chromebook to IT support staff or administrator if it needs repair. If it needs repair, the student's record will be checked, a loaner may be checked out if the student is eligible and a device is available. If it is determined that needed repair is due to intentional damage or neglect the student will subsequently be informed and parent/guardian for the cost of repair.

### **Parent/Guardian Responsibilities:**

Your son/daughter has been issued a Chromebook to improve his/her education this year. It is essential that the following guidelines are followed to ensure the safe, efficient and ethical operation of this computer.

- I will supervise my child's use of the Chromebook at home.
- I will discuss our family's values and expectations regarding the use of the Internet at home.
- I will supervise my child's use of the Internet and email.
- I will not attempt to repair the Chromebook, nor will I attempt to clean it with anything other than a dry cloth.
- I will report to the school any problems with the Chromebook and will not delete any division software.
- I will make sure my child recharges the Chromebook nightly.
- I will make sure my child brings the Chromebook to school every day.
- I understand that if my child comes to school without the Chromebook, I may be called to bring it to school.
- I agree to make sure that the Chromebook is returned to school when requested or upon my child's withdrawal from the Salem City Schools.

Parents are encouraged to talk with their children about the appropriate use of the Internet. Parents may find the following resources helpful:

1. Netsmartz: <https://www.missingkids.org/netsmartz/home>
2. Common Sense Media: <https://www.commonsensemedia.org>

### **Use and Care of Your Chromebook**

- **Keep only school-appropriate media on your computer.** Inappropriate media should not be on the Chromebook and may not be used as a screensaver or background image.
- **Obey copyright.** Individually purchased, legal, school-appropriate media is allowed on your Chromebook. Illegal downloading and distribution of copyrighted works are serious offences and carry with them the risk of substantial fines and criminal prosecution. Copyright infringement violates the division's Internet Acceptable Use Policy.
- **Safe Browsing.** The division's IT department and technology support staff work responsibly to ensure that potentially inappropriate sites are blocked by the division's Internet filter, in accordance with all applicable laws. Students are expected to abide by the Internet Acceptable Use Policy, and are in violation if they access sites through proxies or otherwise circumvent the school filter. At home it is parents' and guardians' responsibility to monitor students' Internet access. For more information on Internet safety, apps, and ratings, please check the guides at [commonsensemedia.org](https://www.commonsensemedia.org).
- **Turn down the volume and pull out the headphones.** Speakers are to be muted at all times, unless you are granted permission by your teacher for instructional or other purposes.
- **Leave the division-loaded apps on your Chromebook.** Do not delete any division-loaded apps, folder, files. Deletion of certain files or apps will interfere with your ability to complete coursework.
- **Avoid eating and drinking while using your Chromebook.** Eating and drinking while using your Chromebook puts your Chromebook at risk to crumbs and spills that can do permanent damage to the function and life of your device. This is considered neglect.
- **Never leave your Chromebook unsecured.** Your Chromebook should never be in an unlocked locker, car or any unsupervised area. This is considered neglect.
- **Never leave your Chromebook exposed to extreme elements.** Chromebooks are sensitive to heat and liquids, therefore leaving them in cars, direct sunlight, outdoors, or anywhere they could get hot, cold, damp or wet should be avoided. This is considered neglect.
- **Notify IT support, teachers, or administration if your Chromebook has a problem.** Whether your Chromebook is not functioning properly, has suffered some damage, or is missing, it is your responsibility to let a school official know as soon as possible. Never try to repair your Chromebook yourself. Clean only with a dry or slightly damp cloth.
- **Limit damage.** The Accidental Damage Protection for your device covers only one accidental damage event per year. More than one occurrence of accidental damage per year may be interpreted as neglect.
- **Printing at School.** If you have a document that you need to print at school, you will need to log into a computer in the library using your GoogleApps account and print to the library printer. The school system encourages work to be submitted electronically.

### **Chromebook Damage**

Please refer to the Incident Assessment Chart to see how incident reporting works.

#### **Chromebook Incidents NOT Covered:**

1. A Chromebook that is lost or stolen.
2. Intentional misuse or abuse.
3. More than one accidental incident per year.

**Determination of Chromebooks Incident**

It will be the right of the building principal or his/her designee to determine if Chromebook damages were accidental or due to negligence or abuse. The administration will review all damages determined to be from misuse. Incidents of abuse will be subject to disciplinary action in accordance with school policy and the student handbook.

**Incident Assessment Chart**

<b>INCIDENT</b>	<b>ACTION(S) NECESSARY</b>	<b>COST</b>
<b>Damage</b> of Chromebook or Adapter (1st Instance)	A report must be made immediately to administration or IT support staff, who will be responsible to record the incident.	Determination made by SCS administration. Charges for damages will vary according to the repairs needed not to exceed the replacement cost of the device.
<b>Damage</b> (2 <sup>nd</sup> and additional Instances)  More than one (1) occurrence of damage per year will be deemed neglect/abuse.	A report must be made immediately to administration or IT staff, who will be responsible to record the incident.  The student may be required to wait until the original device is returned from service before having use of a Chromebook.	Charges for damages will vary according to the repairs needed not to exceed the replacement cost of the device.
<b>Intentional Damage / Neglect</b>  Applicable Board policies and/or school building policies will be followed with regard to appropriate discipline for damage to school property.	Upon notification or administration's knowledge of an incident of intentional damage or neglect, the device must be returned to school so that a new or spare device may be issued if a spare device is available. Deliberate damage will be referred to the administration for possible discipline and for determination of repair costs.	Intentional damage may result in repair costs that will vary according to the repairs needed not to exceed the replacement cost of the device.
<b>Loss / Theft</b>	A report must be made immediately to administration.	Replacement cost of the device.

**Typical Chromebook Repair Costs**

- \$29     Replace AC Adapter
- \$50     Replace Screen
- \$50     Replace Keyboard Assembly
- \$100    Replace Motherboard
- \$250    Replace Entire Chromebook

**JFCE**

**GANG ACTIVITY OR ASSOCIATION**

The Salem City School Board recognizes the existence of gangs in the community and the threat they pose to the educational environment. Therefore, students shall not engage in gang activity on school grounds, on school buses or on any school sponsored activity. In addition, students shall not engage in gang activity using the School Division computer system at any time. A gang is defined as any group of three or more persons whose purpose includes:

- commission of illegal acts



- participation in activities that threaten the safety of persons or property
- disruption of the school environment
- creation of an atmosphere of fear and intimidation.

Students are subject to disciplinary action in accordance with Policy JFC Student Conduct Code and the Standards of Student Conduct issued by the superintendent for participating in gang activity. Gang activity is defined as:

- wearing, using, distributing, displaying, or selling any clothing, jewelry, emblem, badge, symbol, sign, or other thing that is evidence of membership or affiliation in any gang;
- committing any act, or using any speech, either verbal or non-verbal (such as gestures or handshakes) showing membership or affiliation in a gang;
- using any speech or committing any act in furtherance of the interests of any gang, including: (a) soliciting, hazing and initiating others for membership in any gang, (b) requesting any person to pay protection or otherwise intimidating or threatening any person, (c) committing any other illegal act or other violation of school policy and inciting other students to act with physical violence;
- inappropriate congregating, bullying, cyber bullying, harassment, intimidation, degradation, disgrace and/or related activities which are likely to cause bodily danger, physical harm, or mental harm to students, employees or visitors.

The superintendent's designee, in cooperation with local law enforcement and/or juvenile agencies, develop and regularly updates a regulation listing known gang clothing, jewelry, emblems, badges, signs, gestures, handshakes and symbols. The list shall be updated regularly.

The superintendent or superintendent's designee provides in-service training in gang behavior and characteristics to facilitate staff identification of students at-risk of gang involvement and promote membership in authorized school groups and/or activities as an alternative.

### **JFG SEARCH AND SEIZURE**

A search involves an invasion of privacy. Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the school division's responsibility to protect the health, safety and welfare of all persons in the school community and to carry out its educational mission. 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 belongings, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item 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.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property. Searches may be conducted wherever the student is involved in a school-sponsored function.

### **PERSONAL SEARCHES**

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched by a school official whenever the official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation.

All individual searches of students must be based on reasonable suspicion. In order to be permissible, the search must be:

1. justified at its inception and
2. reasonably related in scope to the circumstances justifying the search.

An individual search is justified at its inception when a school official has reasonable grounds, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. A search is reasonable in scope when it is reasonably related to the objectives of the search and is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

A personal search may include requiring a student to be scanned with a metal detector.

A pat-down search of a student may only be conducted if a school administrator has established a high level of reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. 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 of the same sex present.

Strip searches involve an extreme intrusion into the rights of a student and may only be conducted when an extremely serious situation exists requiring immediate action because of an imminent threat of death or great bodily injury to a person or persons. If a strip search is necessary the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the superintendent or superintendent's designee, unless the health or safety of the student is endangered by the delay.

#### **LOCKER AND DESK SEARCHES**

Student lockers and desks 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 and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.

#### **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 official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

#### **COMPUTER SEARCHES**

The school computer system, as defined in Policy GAB/IIBEA Acceptable Computer System Use, is school property. Students are only authorized to use the school's computer system and other similar educational technology consistent with the educational mission of the school and in accordance with Policy GAB/IIBEA Acceptable Computer System Use. School officials may search school computers, software and Internet access records at any time for any reason and without student consent.

#### **CONSENT SEARCHES**

If a student gives a school official consent for a search, the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning of the consent. Students should be told of their right to refuse to be searched, and students must not perceive themselves at risk of punishment for refusing to grant permission for the search.

## **SEIZURE OF ILLEGAL MATERIALS**

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

## **JFCAD VIDEO SURVEILLANCE**

The board has a responsibility to maintain discipline, protect the safety, security, and welfare of its students, staff, and visitors while at the same time safeguarding division facilities, vehicles, and equipment. As part of fulfilling this responsibility, the board authorizes the use of video/audio surveillance cameras in any division building, on division property, and in division buses and vehicles. Video recorder placements shall be based on the presumption and belief that students, staff, and visitors have no reasonable expectation of privacy in areas or at events that occur in plain view of other students, staff, or visitors.

Parents and students will be notified through the Standards of Student Conduct that cameras may be in use in school buildings, on school grounds and in school vehicles. Students will be held responsible for any violations of school discipline rules recorded by the surveillance system.

Videos containing evidence of a violation of student conduct rules and/or state or federal law shall be retained until the issue of the misconduct is no longer subject to review or appeal as determined by board policy; any release or viewing of such records shall be in accordance with current law.

Anyone who vandalizes, damages, disables, or renders inoperable surveillance cameras and equipment shall be subject to appropriate disciplinary action and referral to appropriate law enforcement authorities, and will be responsible for costs associated with the repair and/or replacement of equipment.

## **JGD/JGE STUDENT SUSPENSION/EXPULSION**

### **I. DEFINITIONS**

As used in this Policy,

“Alternative education program” includes, 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” does 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 Virginia 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 (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 11 to 45 school 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.

In Sections III, IV, VI, and VIII of this Policy, “superintendent’s designee” means a 1) trained hearing officer or 2) professional employee in the administrative offices of the school board who reports directly to the superintendent and who is not a school-based instructional or administrative employee.

## **II. SUSPENSIONS AND EXPULSIONS OF STUDENTS GENERALLY**

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.

Except as provided in subsection C of Va. Code § 22.1-277 or Va. Code §§ 22.1-277.07 or 22.1-277.08, no student in preschool through grade three is suspended for more than three school days or expelled from attendance at school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii) the School Board or the superintendent or superintendent’s designee finds that aggravating circumstances exist, as defined by the Virginia Department of Education.

Any student for whom the superintendent 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.

The superintendent is responsible for creating procedures to ensure that suspended students are able to access and complete graded work during and after the suspension.

## **III. SHORT-TERM SUSPENSIONS**

A pupil may be suspended for not more than ten school days by either the school principal, 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 superintendent or superintendent's 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 is final and may not be appealed.

Any oral or written notice to the parent of a student who is suspended from school attendance for not more than ten days 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.

#### **IV. LONG-TERM SUSPENSION**

A pupil may be suspended from attendance at school for 11 to 45 school days after written notice is provided to the pupil and the pupil's parent of the proposed action and the reasons therefore and of the right to a hearing before the superintendent or superintendent's designee. The decision of the superintendent or superintendent's designee may be appealed to the full School Board. Such appeal shall be decided by the School Board within thirty days.

The written notice of a suspension for 11 to 45 school days includes notification of the length of the suspension and 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 is borne by the parent of the student.

A long-term suspension may extend beyond a 45-school-day period but shall not exceed 364 calendar days if (i) the offense is one described in Va. Code §§ 22.1-277.07 or 22.1-277.08 or involves serious bodily injury or (ii) the School Board or division superintendent or superintendent's designee finds that aggravating circumstance exist, as defined by the Virginia Department of Education.

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.

## **V. EXPULSION**

### **A. Generally**

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. The School Board confirms or disapproves of the proposed expulsion regardless of whether the pupil has exercised the right to a hearing.

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 also 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.

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.

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.

Such students may apply and reapply for readmission to school in accordance with the following schedule:

Students who have been expelled should apply for readmission at least 30 days prior to the end of their 365-day expulsion by contacting the Assistant Superintendent. If the students are denied readmission they can reapply 30 days prior to the beginning of the next school semester and each subsequent semester.

Expelled students may also apply for readmission prior to the end of their 365-day expulsion. Consideration for readmittance prior to the end of the 365-day expulsion will only be considered at the beginning of the next school year. Students seeking readmittance prior to the end of their expulsion should apply for readmission at least 30 days prior to the beginning of the next school year.

### **B. Conduct Giving Rise to Expulsion**

Recommendations for expulsions for actions other than those specified below are based on consideration of the following factors:

- the nature and seriousness of the conduct;
- the degree of danger to the school community;
- the student's disciplinary history, including the seriousness and number of previous infractions;
- the appropriateness and availability of an alternative education placement or program;
- the student's age and grade level;
- the results of any mental health, substance abuse, or special education assessments;
- the student's attendance and academic records; and
- 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 the school board from considering any of the factors listed above as “special circumstances” for purposes of expulsions discussed in the following subsections.

### **Firearms, Destructive Devices and Pneumatic Guns**

The school board shall expel from school attendance for a period of not less than one year any student whom the 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 may promulgate guidelines for determining what constitutes special circumstances. In addition, the School Board authorizes the superintendent or superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

The exemptions set out in Va. Code § 18.2-308 regarding concealed weapons apply, *mutatis mutandis*, to the provisions of this Policy. The provisions of this policy do 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.

### **Drug Offenses**

The school board shall expel from school attendance any student whom the school board has determined to have brought a controlled substance or imitation controlled substance as those terms are defined in Va. Code § 18.2-247 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. In addition, the School Board authorizes the superintendent or the superintendent's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Nothing in this policy shall be construed to require a student's expulsion regardless of the facts of the particular situation.

## **C. Procedure for School Board Hearing**

The procedure for the School Board hearing is as follows:

- The School Board determines the propriety of attendance at the hearing of persons not having a direct interest in the hearing. The hearing is private unless otherwise specified by the School Board.
- 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.
- The parties 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.

- The parties shall produce such additional evidence as the School Board may deem necessary. The School Board is the judge of the relevancy and materiality of the evidence.
- Exhibits offered by the parties may be received in evidence by the School Board and, when so received, are marked and made part of the record.
- The School Board may, by majority vote, uphold, reject or alter the recommendations.
- The School Board transmits its decision, including the reasons therefor, to the student, his parent(s), the principal and superintendent.

## **VI. ALTERNATIVE EDUCATION PROGRAM**

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 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; (4) found to have committed a serious offense or repeated offenses in violation of school board policies; (5) suspended pursuant to Va. Code § 22.1-277.05; or (6) expelled pursuant to Va. Code § 22.1-277.06, 22.1-277.07, or 22.1-277.08 or subsection C 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.

The school board authorizes the superintendent or superintendent's designee to require students to attend an alternative education program consistent with the provisions of the previous paragraph after (i) written notice to the student and the student's parent that the student will be required to attend an alternative education program and (ii) notice of the opportunity for the student or the student's parent to participate in a hearing to be conducted by the superintendent or the superintendent's designee regarding such placement. If the student or parent wants to participate in a hearing regarding the placement, the student or parent must notify the superintendent or designee within 14 days of receiving the written notice of the student's assignment to the alternative education program. The decision of the superintendent or designee regarding such alternative education placement is final unless altered by the board upon written petition by the student or student's parent for a review of the record by the School Board. Such petition must be received by the superintendent or designee within 14 days after receiving written notice of the decision after the hearing.

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 enumerated in Va. Code § 16.1-260.G, to another student in the same school pending a decision as to whether to require that such 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.

## **VII. REPORTING**

A. Except as may otherwise be required by federal law, regulation, or jurisprudence, reports are made to the superintendent and to the principal or principal's designee on all incidents involving

1. the assault, or assault and battery, without bodily injury, of any person on a school bus, on school property, or at a school-sponsored activity;
2. the assault and battery which results in a bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, abduction of any person as described in Va. Code § 18.2-47 or Va. Code § 18.2-48, or stalking of any person as described in Va. Code § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity;
3. any conduct involving alcohol, marijuana, a controlled substance, imitation controlled substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted theft of student prescription medications;
4. any threats against school personnel while on a school bus, on school property, or at a school-sponsored activity;
5. the illegal carrying of a firearm as defined in Va. Code § 22.1-277.07 onto school property;
6. any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in Va. Code § 18.2-85 or explosive or incendiary devices, as defined in Va. Code § 18.2-433.1, or chemical bombs, as described in Va. Code § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity;
7. any threats or false threats to bomb, as described in Va. Code § 18.2-83, made against school personnel or involving school property or school buses;
8. the arrest of any student for an incident occurring on a school bus, on school property, or at a school sponsored activity, including the charge therefor; and
9. any illegal possession of weapons, alcohol, drugs, or tobacco products.

B. The superintendent and the principal or principal's designee receive reports made by local law enforcement authorities on offenses, wherever committed, by students enrolled at the school if the offense would be a felony if committed by an adult or would be a violation of the Drug Control Act, Va. Code § 54.1-3400 et seq., and occurred on a school bus, on school property, or at a school-sponsored activity, or would be an adult misdemeanor involving any incidents described in the clauses (1) through (8) of subsection VII.A. of this policy, and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. A superintendent who receives notification that a juvenile has committed an act that would be a crime if committed by an adult pursuant to subsection G of Va. Code § 16.1-260 reports such information to the principal of the school in which the juvenile is enrolled.

C. The principal or principal's designee submits a report of all incidents required to be reported pursuant to subsection VII.A.(1-8) of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education.

In submitting reports of such incidents, principals and superintendents accurately indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be reported by such authorities pursuant to subsection VII.B. of this policy.

D. The principal or principal's designee also notifies the parent of any student involved in an incident required by this subsection to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice relates to only the relevant student's involvement and does not include information concerning other students.

E. Whenever any student commits any reportable incident as set forth in this subsection, such student is required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee.

F. Except as may otherwise be required by federal law, regulation, or jurisprudence, a principal immediately reports to the local law-enforcement agency any act enumerated in clauses (2) through (7) of subsection VII.A. of this policy that may constitute a criminal offense and may report to the local law enforcement agency any incident described in clause (1) of subsection VII.A. of this policy.

In addition, except as may be prohibited by federal law, regulation, or jurisprudence, the principal also immediately reports any act enumerated in clauses (2) through (5) of subsection VII.A of this policy that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal reports that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

G. For purposes of this section, “parent” or “parents” means any parent, guardian or other person having control or charge of a child.

### **VIII. RE-ADMISSION OF SUSPENDED AND/OR EXPELLED STUDENTS**

Any student who has been suspended from a school of this division is not eligible to attend any other school within the division until eligible to return to his or her regular school.

Any 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 this Commonwealth or in another state or for whom admission has been withdrawn by a private school in this Commonwealth or in another state may be excluded from attendance in the Salem City Schools, in accordance with Policy JEC School Admission. In the case of a suspension of more than thirty days, the term of the exclusion may not exceed the duration of such suspension.

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.

No suspended student is admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student’s behavior, unless the school principal or principal’s designee determines that re-admission, without parent conference, is appropriate for the student.

If the parent fails to comply with this policy or Policy JEC School Admission, the School Board may ask the Juvenile and Domestic Relations Court to proceed against the parent for willful and unreasonable refusal to participate in efforts to improve the student’s behavior.

Upon the expiration of the exclusion period for an expulsion or a withdrawal of admission, which period shall be established by the School Board or superintendent or superintendent's designee, as the case may be at the relevant hearing, the student may re-petition the school board for admission. If the petition for admission is rejected, 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.

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.

### **IX. DISCIPLINING STUDENTS WITH DISABILITIES**

Students with disabilities are disciplined in accordance with Policy JGDA Disciplining Students with Disabilities.

**JGDA**  
**DISCIPLINING STUDENTS WITH DISABILITIES**

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.

**I. Long-Term Suspensions, Expulsions or Short-Term Suspensions Which Constitute a Pattern are Long Term Removals and Considered a Disciplinary Change in Placement**

For the purpose of removing students with disabilities from their current educational placements, a disciplinary change in placement occurs when:

1. the removal is for more than 10 consecutive school days at a time; or
2. Pattern analysis shows there is a series of removals during the school year 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 to each other,
  - c. the total time the student is removed, and
  - d. the child's behavior is substantially similar to the child's behavior in the series of removals for previous incidents in the school year.
  - e. The pattern analysis determination is made and documented by the administration.

If the disciplinary action will result in a long term removal, the student's parents must be sent notice of the recommendation of discipline the same day as the decision is made for the disciplinary change in placement and must be provided with a copy of the procedural safeguards. The procedures outlined in Section IV must also be followed.

A parent may request a due process hearing to challenge the pattern analysis determination. For any disciplinary change in placement, a Manifestation Determination Review ("MDR") must be held and the Individualized Education Program (IEP) team must meet to determine the educational services to be provided during the long-term removal.

**II. Short-Term Suspensions**

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 10 school days cumulative in a school year to the extent that such removals would be applied to students without disabilities and for additional short-term suspensions during the school year provided no pattern exists. Short term suspensions which constitute a pattern will be handled through long term removal procedures.

No MDR or IEP meeting is required for a short term removal, although an IEP meeting may be held if needed. Educational services are provided for each day of removal after the first ten days of removal in a school year. Educational services should also be provided during the first ten days of removal if services are provided to a student without disabilities in the same circumstances.

**III. Functional Behavior Assessments and Behavior Intervention Plans**

If the MDR team members determine that a manifestation exists, the IEP team must:

- conduct a Functional Behavioral Assessment (FBA) and implement a Behavioral Intervention Plan (BIP), if no FBA was conducted previously; or,

- if the student already has an FBA and a 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 still agree to a change in placement made through the IEP process. Without this agreement, the student must return to the placement from which the student was removed. Nothing in this section limits the authority of the school division for the first ten days of removal in a school year or for applicable forty-five school day removals.

If the MDR team members determine that there is no manifestation, then the IEP team should decide whether there is a need to conduct or review an FBA and BIP.

#### **IV. Educational Services While Disciplined**

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:

1. continue to progress in the general curriculum, although in another setting, and
2. make progress toward meeting the goals set out in the student's IEP.

The determination of the educational services is made by the IEP team if the discipline constitutes a change in placement. For a short term removal which is not a change in placement, the determination of the education services is made by school personnel in consultation with the student's special education teacher.

#### **V. Manifestation Determination Review**

When a disciplinary action is proposed that will result in a disciplinary change of placement, an MDR shall be conducted within 10 school days after the date on which the decision to take disciplinary action is made. This review shall be conducted by the Manifestation Team which 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 did not have 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.

#### **VI. Disciplinary Action Following an MDR Determination that there is No Manifestation**

If the behavior is not a manifestation of the student's disability, the disciplinary procedures will be applied in the same manner as applied to students without disabilities. The student must continue to receive the educational services necessary to enable the student to continue to participate in the general curriculum, although in another setting, and to progress toward meeting the goals set out in the student's IEP. In addition, the special education and disciplinary records of the student

must be made available to the person who makes the final decision regarding the imposition of discipline.

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 students' disability or if the parent disagrees with any decision regarding the placement of the student while disciplined. During any appeal, the student will remain in the interim alternative education setting unless reversed by decision of the hearing officer; provided, however, the student may still serve the balance of any applicable forty-five school day removal. The placement may also be changed through the IEP process with the consent of the parent.

**VII. Disciplinary Action Following MDR Determination that there is a Manifestation**

A student with a disability whose behavior is determined to be a manifestation of his or her disability may not be disciplined except to the extent a removal is otherwise permitted by law. The student may be removed to a more restrictive placement by following change in placement procedures through the IEP process. The IEP team must conduct or review an FBA and/or BIP as provided in Section III.

**VIII. Interim Alternative Educational Settings for Weapons, Drugs and Infliction of Serious Bodily Injury**

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 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 Policies JFCD Weapons in School, JFCF Drugs in School or JGDB Discipline of Students with Disabilities for Infliction of Serious Bodily Injury and may be placed in an interim alternative educational setting for up to forty-five school days. These options are available even if a manifestation exists. If no manifestation is found, the student may be disciplined to the extent a student without disabilities would be disciplined.

Weapons, controlled substance and serious bodily injury have the meaning given under state regulations in 8 VAC 20-81-10.

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, an FBA, behavioral intervention services and modifications designed to address the behavior so it does not recur.

**IX. Change of Placement by Hearing Officer**

In addition to the other options for removal, a hearing officer through an expedited due process hearing requested by the school division, 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 appropriate.

**X. Placement During Appeals**

During the course of any appeals, the student's placement shall be in accordance with the provisions of state and federal law unless the parent and the school division agree otherwise. Students with disabilities are also entitled to the due process rights available to a non-disabled student who is subject to discipline. In addition, students with disabilities are entitled to the due process procedures available under the Individuals with Disabilities Education Act, as amended,

and any state procedures.

**XI. Students Not Yet 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, one of the following 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; or
3. the student's teacher or other school personnel 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 that suggests the presence of a disability.

A school division 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 initial evaluation is made during the period a 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. Pending the results of the evaluation, the student shall remain in the educational placement determined by the school authorities which placement can include suspension or expulsion without services.

**XII. Disciplining Certain Section 504 Students Who Violate Alcohol and Drug Policies**

Students who are identified as disabled solely under Section 504 of the Rehabilitation Act, and who are currently engaging in the illegal use of drugs or alcohol, may be disciplined for violating the division's 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.

**XIII. Reporting of Crimes**

Nothing in these procedures prevents the reporting of a crime to appropriate authorities or prevents state law enforcement and judicial authorities from exercising their responsibilities.

**POLICY JFHA/GBA  
PROHIBITION AGAINST HARRASSMENT AND RETALIATION**

**I. Policy Statement**

The City of Salem School Board is committed to maintaining an educational environment and workplace that is free from harassment against students, employees, or others on the basis of sex, sexual orientation, gender, gender identity, race, color, national origin, disability, religion, ancestry, age, marital

status, pregnancy, childbirth or related medical conditions, status as a veteran, genetic information or any other characteristic protected by law or based on a belief that such characteristic exists, hereinafter referred to as protected group status, at school or any school sponsored activity.

It is a violation of this policy for any student or school personnel to harass a student or school personnel based on protected group status at school or any school sponsored activity. Further, it is a violation of this policy for any school personnel to tolerate harassment based on a student's or employee's protected group status at school or any school sponsored activity, by students, school personnel or third parties participating in, observing, or otherwise engaged in school-sponsored activities.

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

The School Division shall: (1) promptly investigate all complaints, written or verbal, of harassment based on protected group status at school or any school sponsored activity; (2) promptly take appropriate action to stop any harassment and (3) take appropriate action against any student or school personnel who violates this policy and take any other action reasonably calculated to end and prevent further harassment of school personnel or students.

## **II. Definitions**

### **A. Harassment Based on Sex**

The compliance officer is the person designated by the School Board to receive complaints of harassment referred by the Title IX Coordinator and oversee investigation of those complaints as described below.

"Consent" is clear, unambiguous, and voluntary agreement between the participants to engage in specific sexual activity.

#### **Prohibited Conduct**

Harassment based on sex consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication, which may include use of cell phones or the internet, of a sexual nature when:

- submission to that conduct or communication is made a term or condition, either explicitly, or obtaining or retaining employment or education; or
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
- that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employee environment or educational environment (i.e. the conduct is serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment.)

Examples of conduct which may constitute sexual harassment if it meets the immediately preceding definition include:

- unwelcome sexual physical contact.
- unwelcome ongoing or repeated sexual flirtation or propositions, or remarks.
- sexual slurs, leering, epithets, threats, verbal abuse, derogatory comments, or sexually degrading descriptions.
- graphic comments about an individual's body.
- sexual jokes, notes, stories, drawings, gestures, or pictures.
- spreading sexual rumors.
- touching an individual's body or clothes in a sexual way.
- displaying sexual objects, pictures, cartoons, or posters.

- impeding or blocking movement in a sexually intimidating manner
- sexual violence
- display of written materials, pictures, or electronic images
- unwelcome acts of verbal, nonverbal, written, graphic, or physical conduct based on sex or sex stereotyping

“Sexual harassment prohibited by Title IX” means conduct on the basis of sex that satisfies one or more of the following:

- an employee of the School Board conditioning the provision of an aid, benefit, or service of the School Board on an individual’s participation in unwelcome sexual conduct;
- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School Board’s education program or activity; or
- “sexual assault” as defined in 20 U.S.C. § 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. § 12291(a)(10), “domestic violence” as defined in 34 U.S.C. § 12291(a)(8), or “stalking” as defined in 34 U.S.C. § 12291(a)(30).

**B. Harassment Based on Race, National Origin, Disability, or Religion**

Harassment based on race, national origin, disability, or religion consists of physical or verbal conduct, which may include use of cell phones or the internet relating to an individual’s race, national origin, disability, or religion when the conduct:

- creates an intimidating, hostile, or offensive working or educational environment; or
- substantially or unreasonably interferes with an individual’s work or education; or
- otherwise is sufficiently serious to limit an individual’s employment opportunities or to limit a student’s ability to participate in or benefit from the education program.

Examples of conduct which may constitute harassment based on race, national origin, disability, or religion if it meets the immediately preceding definition include:

- graffiti containing racially offensive language.
- name calling, jokes, or rumors.
- physical acts of aggression against a person or his property because of that person’s race, national origin, disability, or religion.
- hostile acts which are based on another’s race, national origin, religion, or disability.
- written or graphic material which is posted or circulated which intimidates or threatens individuals based on their race, national origin, disability, or religion.

**C. Additional Prohibited Behavior**

Behavior that is not unlawful or does not rise to the level of illegal harassment or retaliation may nevertheless be unacceptable for the educational environment or the workplace. Demeaning or otherwise harmful actions are prohibited, particularly if directed at personal characteristics including but not limited to socioeconomic level regardless of whether the personal characteristic is protected by law..

“Title IX” means 20 U.S.C. §§ 1681-1688 and the implementing regulations.

“Title IX Coordinator” means the person designated by the School Board to coordinate its efforts to comply with its responsibilities under this policy and Title IX. The Title IX Coordinator may be contacted at [compliance@saalem.k12.va.us](mailto:compliance@saalem.k12.va.us)



### **III. Complaint Procedure**

#### **1. Report**

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

The reporting party should use the form, Report of Harassment, GBA-F/JFHA-F, to make complaints of harassment. However, oral reports and other written reports shall also be accepted.

The complaint, and identity of the person allegedly harasses and alleged harasser will be disclosed only to the extent necessary to fully investigate the complaint and only when such disclosure is required or permitted by law. Additionally, a complainant who wishes to remain anonymous shall be advised that such confidentiality may limit the School Division's ability to fully respond to the complaint.

After receiving a complaint, the Title IX Coordinator makes an initial determination whether the allegations may be sexual harassment prohibited by Title IX. If they may be, the Title IX Grievance Process below is followed. If they cannot be sexual harassment prohibited by Title IX, then the complaint is referred to the Compliance Officer who follows the procedures below.

The Title IX Coordinator also determines whether the alleged harassment may also constitute criminal conduct and ensures that law enforcement officials are notified if necessary.

If the alleged harassment may also constitute child abuse, then it must be reported to the Department of Social Services in accordance with Policy GAE Child Abuse and Neglect Reporting.

#### **2. Investigation by Compliance Officer**

**Generally, the Compliance Officer will do the following:**

Receives complaints of harassment referred by the Title IX Coordinator, conducts or oversees the investigation of any alleged harassment referred by the Title IX Coordinator; assesses the training needs of the school division in connection with complaints referred by the Title IX coordinator; arranges necessary training; and ensures that any harassment investigation is conducted by an impartial investigator who is trained in the requirements of equal employment/education opportunity and has the authority to protect the alleged victims and others during the investigation.

##### **A. Compliance Officer Formal Procedure**

Upon receiving a referral of a complaint of alleged prohibited harassment from the Title IX Coordinator, the compliance officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school personnel or a third party designated by the school division. The investigation shall be completed as soon as practicable, which generally should be no later than 14 school days after referral of the complaint to the compliance officer. Upon receiving the complaint, the compliance officer shall acknowledge receipt of the complaint by giving written notice that the complaint has been received to both the person complaining of harassment and the person accused of harassment. Also upon receiving the complaint, the compliance officer shall determine whether interim measures should be taken pending the outcome of the investigation. Such interim measures may include, but are not limited to, separating the alleged harasser and the person allegedly harassed. If the compliance officer determines that more than 14 school days will be required to investigate the complaint, the person allegedly harassed and the alleged harasser shall be notified of the reason for the extended investigation and of the date by which the

investigation will be concluded.

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

In determining whether alleged conduct constitutes a violation of this policy, the division shall consider, at a minimum: (1) the surrounding circumstances; (2) the nature of the behavior; (3) past incidents or past or continuing patterns of behavior; (4) the relationship between the parties; (5) how often the conduct occurred; (6) the identity of the alleged perpetrator was in a position of power over the alleged victim; (7) the location of the alleged harassment; (8) the ages of the parties; and (9) the context in which the alleged incidents occurred. Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on all of the facts and circumstances revealed after a complete and thorough investigation.

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

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

### **3. Action by Superintendent**

Within five (5) school days of receiving the compliance officer's report, the superintendent or designee shall issue a decision regarding whether this policy was violated. This decision must be provided in writing to the person allegedly harassed and the alleged harasser. If the superintendent or designee determines that it is more likely than not that prohibited harassment occurred, the Salem City School Division shall take prompt, appropriate action to address and remedy the violation as well as prevent any recurrence. Such action may include discipline up to and including expulsion or discharge. Whether or not the superintendent or designee determines that prohibited harassment occurred, the superintendent or designee may determine that school-wide or division-wide training be conducted or that the person allegedly harassed receive counseling.

### **4. Appeal**

If the superintendent or designee determines that no prohibited harassment occurred, the employee or student who was allegedly subjected to harassment may appeal this finding to the school board within five (5) school days of receiving the decision. Notice of appeal must be filed with the superintendent who shall forward the record to the school board. The school board shall make a decision with 30 calendar days of receiving the record. The school board may ask for oral or written argument from the aggrieved party, the superintendent and any other individual the school board deems relevant. Written notice of the school board's decision will be given to both the alleged harasser and the person allegedly harassed.

If the superintendent or designee determines that prohibited harassment occurred and discipline is imposed, the disciplined person may appeal the disciplinary sanction in the same manner as any other such sanction would be appealed.

Employees may choose to pursue their complaints under this policy through the relevant employee grievance procedure instead of the complaint procedure in this policy.

## **B. Compliance Officer Informal Procedure**

If the person allegedly harassed and the person accused of harassment agree, the person allegedly harassed' s principal or principal's designee or supervisor may arrange for them to resolve the complaint informally with the help of a counselor, teacher or administrator.

If the person allegedly harassed and the person accused of harassment agree to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the Compliance Officer Formal Procedures set forth herein. The principal or principal's designee or supervisor shall notify the person allegedly harassed and the person accused of harassment in writing when the complaint has been resolved. The written notice shall state whether prohibited harassment occurred.

### Sexual Harassment Prohibited by Title IX

#### Definitions

"Actual knowledge" means notice of sexual harassment prohibited by Title IX or allegations of sexual harassment prohibited by Title IX to the Title IX Coordinator or any official of the school division who has authority to institute corrective measures or to any employee of an elementary or secondary school.

"Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment prohibited by Title IX.

"Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment prohibited by Title IX against a respondent and requesting that the allegation be investigated. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. When the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party. The allegations in a formal complaint must be investigated. In response to a formal complaint, the Title IX Grievance Process below is followed.

"Program or activity" includes locations, events or circumstances over which the School Board exercises substantial control over both the respondent and the context in which the sexual harassment occurs.

"Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment prohibited by Title IX.

"Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security or monitoring of parts of campus, and other similar measures. Any supportive measures provided to the complainant or respondent are maintained as confidential, to the extent that maintaining such confidentiality does not impair the ability to provide supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## Title IX Grievance Process

Generally any person may report sex discrimination prohibited by Title IX, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The reporting party may use the form, Report of Harassment, GBA-F/JFHA-F, to make a complaint. Such a report may be made at any time, including non-business hours, by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

Complainants and respondents are treated equitably by offering supportive measures to a complainant and by following this grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

The Title IX Coordinator promptly contacts the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain the process for filing a formal complaint.

Applicants for admission and employment, students, parents or legal guardians, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the School Board are notified

- of the name or title, office address, electronic mail address, and telephone number of the Title IX Coordinator; and
- that the School Board does not discriminate on the basis of sex in its education program or activity and that it is required by Title IX not to discriminate in such a manner. The notification states that the requirement not to discriminate extends to admission and employment and that inquiries about the application of Title IX may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

The School Board prominently displays the contact information for the Title IX Coordinator and this policy on its website and in each handbook or catalog it makes available to persons listed above who are entitled to notifications.

Nothing herein precludes a respondent from being removed from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

Nothing herein precludes a respondent from being removed from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and that the respondent is provided with notice and an opportunity to challenge the decision immediately following the removal.

The respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

All relevant evidence is evaluated objectively, including both inculpatory and exculpatory evidence. Credibility determinations are not based on a person's status as a complainant, respondent, or witness.

Any Title IX Coordinator, investigator, decision-maker, or any person who facilitates an informal resolution process may not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process receives training on the definition of sexual harassment prohibited by Title IX, the scope of the School Board's education program or activity, how to conduct an investigation and grievance process including appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. Investigators receive training on issues of relevance in order to create investigative reports that fairly summarize relevant evidence.

A finding of responsibility may result in disciplinary action up to and including expulsion for students or dismissal of employees.

The standard of evidence used to determine responsibility is preponderance of the evidence.

This grievance process does not allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege unless the person holding such privilege has waived the privilege.

Notice On receipt of a formal complaint, the Title IX coordinator gives the following written notice to the parties who are known:

- notice of the grievance process, including any informal resolution process, and
- notice of the allegations of sexual harassment potentially constituting sexual harassment prohibited by Title IX, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment prohibited by Title IX, and the date and location of the alleged incident, if known.

The written notice

- includes a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- informs the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence; and
- informs the parties of any provisions in the School Board's code of conduct or the superintendent's Standards of Student Conduct that prohibit knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the investigator decides to investigate allegations about the complainant or respondent that are not included in the notice previously provided, notice of the additional allegations is provided to the parties whose identities are known.

Dismissal of formal complaints

A formal complaint or any allegations therein must be dismissed if the conduct alleged in the complaint

- would not constitute sexual harassment prohibited by Title IX even if proved,
- did not occur in the School Board's education program or activity, or
- did not occur against a person in the United States.

Such a dismissal does not preclude action under another provision of the School Board's code of conduct or the superintendent's Standards of Student Conduct.

A formal complaint or any allegations therein may be dismissed if at any time during the investigation:

- a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
- the respondent is no longer enrolled or employed by the School Board; or
- specific circumstances prevent the School Board from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

## Investigation of formal complaint

When investigating a formal complaint and throughout the grievance process, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School Board and not on the parties provided that a party's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party are not accessed, considered, disclosed or otherwise used without the voluntary, written consent of the party's parent, or the party if the party is an eligible student, to do so for this grievance procedure.

The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

The ability of the parties to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.

The parties have the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The choice or presence of advisor for either the complainant or respondent is not limited in any meeting or grievance proceeding.

Any party whose participation is invited or expected is provided written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings with sufficient time for the party to prepare to participate.

The investigator provides both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence which will not be relied upon in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to the completion of the investigative report, the investigator must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.

The investigator creates an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to the time a determination regarding responsibility is made, sends to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

After the investigator has sent the investigative report to the parties and before reaching a determination regarding responsibility, the decision-maker must afford each party the opportunity to submit written, relevant questions that the party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the question any decision to exclude a question as not relevant.

## Determination regarding responsibility

The decision-maker, who cannot be the same person as the Title IX Coordinator or the investigator, must issue a written determination regarding responsibility.

The written determination must include

- identification of the allegations potentially constituting sexual harassment prohibited by Title IX;
- a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- findings of fact supporting the determination;
- conclusions regarding the application of the School Board's code of conduct or the superintendent's Standard of Student Conduct to the facts;
- a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School Board imposes on the respondent, and whether remedies designed to restore or preserve equal access to the School Board's education program or activity will be provided to the complainant; and
- the procedures and permissible bases for the complainant and respondent to appeal.

The decision-maker must provide the written determination regarding responsibility to the parties simultaneously.

The determination regarding responsibility becomes final either on the date that the parties are provided with the written determination of the result of the appeal, if an appeal is filed, or, if an appeal is not filed, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator is responsible for effective implementation of any remedies.

## Appeals

Either party may appeal from a determination regarding responsibility or from a dismissal of a formal complaint or any allegations therein, on the following bases

- procedural irregularity that affected the outcome of the matter;
- new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- the Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Notification of appeal must be given in writing to the Title IX Coordinator.

As to all appeals, the Title IX Coordinator

- notifies the other party in writing when an appeal is filed and implements appeal procedures equally for both parties;
- ensures that the decision-maker for the appeal is not the same person as the decision-maker that reached the determination regarding responsibility or dismissal, the investigator, or the Title IX Coordinator; and
- ensures that the decision-maker for the appeal complies with the standards set forth in Title IX and this policy.

The appeal decision-maker

- gives both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- reviews the evidence gathered by the investigator, the investigator's report, and the decision-maker's written decision;

- issues a written decision describing the result of the appeal and the rationale for the result; and
- provides the written decision simultaneously to both parties and the Title IX Coordinator.

#### Timelines

The investigative report will be provided to the parties within 35 days from the date the formal complaint is filed.

A decision will be issued within 10 working days from the date the investigative report is submitted to the decision-maker.

Either party may appeal within 5 working days from the date the written determination regarding responsibility is given to the parties.

Any appeal will be resolved within 15 calendar days from the filing of the appeal.

If the parties agree to an informal resolution process, these deadlines are tolled from the time one party requests an informal resolution process until either the time the other party responds, if that party does not agree to the informal resolution process, or until either party withdraws from the informal resolution process.

Temporary delays of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action are permitted. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; disciplinary processes required by law or School Board policy; or the need for language assistance or accommodation of disabilities.

#### Informal Resolution Process

At any time during the formal complaint process and prior to reaching a determination regarding responsibility, the parties may participate in an informal resolution process, such as mediation, that does not involve a full investigation and determination of responsibility. When one party requests an informal resolution process, the other party must respond to the request within 3 days. The informal resolution process must be completed within 10 days of the agreement to participate in the process.

The informal resolution process may be facilitated by a trained educational professional, consultant, or other individual selected by the Title IX Coordinator under the following conditions:

- the parties are provided a written notice disclosing the allegations, the requirements of the informal resolution process, including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations; provided, however that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process, resume the grievance process with respect to the formal complaint, and be informed of any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- the parties, voluntarily and in writing, consent to the informal resolution process; and
- the informal resolution process cannot be used to resolve allegations that an employee sexually harassed a student.

If the matter is resolved to the satisfaction of the parties, the facilitator shall document the nature of the complaint and the resolution, have both parties sign the documentation and receive a copy, and forward it to the Title IX Coordinator. If the matter is not resolved, the formal complaint process is resumed. Parties cannot be required to participate in an informal resolution process.

An informal resolution process is not offered unless a formal complaint is filed.



## Recordkeeping

The School Board will maintain for a period of seven years records of:

- each investigation of allegations of sexual harassment prohibited by Title IX including any determination regarding responsibility and any audio or audiovisual recording or transcript, if any, required under the Title IX regulations, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to School Board's education program or activity;
- any appeal and the result therefrom;
- any informal resolution and the result therefrom; and
- all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will also be made available on the School Board's website.

For each response required under 34 C.F.R. § 106.44, the School Board must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment prohibited by Title IX. In each instance, the School Board will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its education program or activity. If the School Board does not provide a complainant with supportive measures, then it will document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

### **IV. Retaliation**

Retaliation against students or school personnel who report harassment or participate in any related proceedings is prohibited. The school division shall take appropriate action against students or school personnel who retaliate against any student or school personnel who reports alleged harassment or participates in related proceedings. The Compliance Officer will inform persons who make complaints, who are the subject of complaints, and who participate in investigations, of how to report any subsequent problems.

### **V. Right to Alternative Complaint Procedure**

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

### **VI. Prevention and Notice of Policy**

Training to prevent harassment based on sex, gender, race, color, national origin, disability, religion, ancestry, age, marital status, and genetic information should be included in employee and student orientations as well as employee in-service training.

This policy shall be (1) displayed in prominent areas of each division building in a location accessible to students, parents, and school personnel; (2) included in the student and employee handbooks; and (3) sent to parents of all students within 30 calendar days of the start of school. Further, all students, and their parents/guardians, and employees shall be notified annually of the names and contact information of the compliance officers.

### **VII. False Charges**

Students or school personnel who knowingly make false charges of harassment shall be subject to disciplinary action as well as any civil or criminal legal proceedings.

## **JN-STUDENT FEES FINES AND CHARGES**

The school board charges student fees and takes action to recover funds for the loss of or damage to school board property in accordance with the state and federal law. No fee may be charged unless it has been approved by the school board.

The school board provides, free of 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. Fees will not be charged to students for instructional materials, textbooks, or other materials used by a school board employee that are not directly used by a public school student.

A list of approved fees is provided by [Board Regulation JN-BR](#).

Fees may be charged for 1) optional services such as parking or locker rental; 2) student-selected extracurricular activities; 3) class dues; 4) field trips or educationally-related programs that are not required instructional activities; 5) fees for musical instruments, as long as the instruction in the use of musical instruments is not part of the required curriculum; 6) distance learning classes for enrichment which are not necessary to meet the requirements for a diploma; 7) summer school, unless the classes are required for remediation as prescribed by the Standards of Quality; 8) overdue or lost or damaged library books; 9) lost or damaged textbooks; 10) consumable materials such as workbooks, writing books, drawing books and fine arts materials and supplies; however, workbooks, writing books, drawing books and fine arts materials and supplies must be furnished to students who are unable to afford them at a reduced price or free of charge; fees may not be charged to students for instructional materials, textbooks, or other materials that are not directly used by a public school student; 11) the behind-the-wheel portion of the driver's education program; 12) a fee not to exceed a student's pro rata share of the cost of providing transportation for voluntary extracurricular activities; and 13) the preparation and distribution of official paper copies of student transcripts; a reasonable number of copies of official paper copies must be provided for free before a charge is levied for additional official copies; official electronic copies of student transcripts must be provided for free.

Fees may not be charged 1) as a condition of school enrollment, except for students who are not of school age or who do not reside within the jurisdiction; 2) for instructional programs and activities, or materials required for instruction, except as specified in by 8 VAC 20-720-80.H; 3) for textbooks or textbook deposits; however, a reasonable fee or charge for lost or damaged textbooks may be charged; 4) for pupil transportation to and from school; or 5) for summer school programs or other forms of remediation required by the Standards of Quality.

Fees are reduced or waived for economically disadvantaged students and students whose families are undergoing economic hardships and are financially unable to pay them, including but not limited to, families receiving unemployment benefits or public assistance, including Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Supplemental Security Income (SSI) or Medicaid; foster families caring for children in foster care; and families that are homeless.

Each time a fee is charged, notice will be given that a fee waiver may be requested. The notice will include directions as to how to apply for a waiver.

This policy will be provided to parents annually and posted on the division's website.

The consequences for nonpayment of fees include exclusion from the activity related to the fee.

No student's report card, diploma or class schedule will be withheld because of nonpayment of fees or charges. No student will be suspended or expelled for nonpayment of fees or charges.

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 or failure to return property owned by or under the control of the school board, caused or committed by such pupil in pursuit of his studies. 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.

## REQUIRED ANNUAL NOTIFICATIONS

### LAWS REGARDING THE PROSECUTION OF JUVENILES AS ADULTS

The following information has been developed by the Office of the Attorney General regarding the prosecution of juveniles as adults:

Section 22.1-279.4 of the Code of Virginia states:

School boards shall 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. Methods of providing such information may include, but not be limited to, public announcements in the schools, written notification to parents, publication in the student conduct manual, and inclusion in those materials distributed to parents pursuant to § 22.1-279.3.

The following information in question and answer format provides the notice required by this section of the Code.

**Who is a juvenile?** Section 16.1-228 of the Code of Virginia defines a juvenile as “a person less than 18 years of age.” Section 16.1-269.1 of the Code permits juveniles, 14 years of age or older at the time of an alleged offense, to be prosecuted as adults for specific crimes under certain circumstances. This process is called a transfer to the appropriate circuit court for trial as an adult.

**How is the age of the juvenile calculated?** Section 16.1-241 of the Code of Virginia provides that for the purpose of transferring a juvenile to circuit court for trial as an adult, the child must have been age 14 or older at the time of the offense.

**Under what circumstances does the law permit the transfer of juveniles for trial as adults?** The Code of Virginia permits the transfer of juveniles for trial as adults under three specific circumstances. Following is a description of each circumstance and the procedure that is followed in order to determine whether the student is transferred to circuit court.

#### **Circumstance #1**

A transfer can occur when a juvenile, who is age 14 or older at the time of the offense, is charged with a crime which would be a felony if committed by an adult (§ 16.1-269.1 A. of the Code of Virginia). Offenses are either felonies or misdemeanors. Those offenses that are punishable by confinement in a state correctional facility or death are felonies; all other offenses are misdemeanors. Felonies are classified for the purposes of punishment and sentencing into six classes. The authorized punishments for conviction of a felony are as follows:

- Class 1 felony – death if the person convicted was 18 years of age or older at the time of the offense and is not determined to be mentally retarded and a fine of not more than \$100,000. If the person was under 18 years of age at the time of the offense or is determined to be mentally retarded, the punishment shall be imprisonment for life or imprisonment for life and a fine of not more than \$100,000.

- Class 2 felony – imprisonment for life or for any term not less than twenty years or imprisonment for life or for any term not less than twenty years and a fine of not more than \$100,000.
- Class 3 felony – a term of imprisonment of not less than five years nor more than twenty years or a term of imprisonment of not less than five years nor more than twenty years and a fine of not more than \$100,000.
- Class 4 felony – a term of imprisonment of not less than two years nor more than ten years or a term of imprisonment of not less than two years nor more than ten years and a fine of not more than \$100,000.
- Class 5 felony – a term of imprisonment of not less than one year nor more than ten years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both.
- Class 6 felony – a term of imprisonment of not less than one year nor more than five years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than twelve months and a fine of not more than \$2,500, either or both. (§§ 18.2-9 and 18.2-10 of the Code of Virginia)

In this circumstance, the Commonwealth's Attorney's office makes a formal request to the judge of the juvenile court for the juvenile to be transferred to the circuit court. The juvenile court holds a transfer hearing and may retain jurisdiction or transfer the juvenile to the appropriate circuit court for criminal proceedings. Any transfer to the circuit court is subject to the following conditions: (1) notice; (2) probable cause to believe that the juvenile committed the alleged delinquent act or a lesser included delinquent act; (3) the juvenile is competent to stand trial; and, (4) the juvenile is not a proper person to remain within the jurisdiction of the juvenile court.

The decision regarding whether the juvenile is not a proper person to remain within the jurisdiction of the juvenile court is based upon, but not limited to, the following factors:

- The juvenile's age
- The seriousness and number of alleged offenses
- Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation
- The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems needed by the juvenile
- The record and previous history of the juvenile in the jurisdiction where the alleged crime occurred or in other jurisdictions
- Whether the juvenile has escaped from a juvenile correctional entity in the past
- The extent, if any, of the juvenile's degree of mental retardation or mental illness
- The juvenile's school record and education
- The juvenile's mental and emotional maturity
- The juvenile's physical condition and maturity

### **Circumstance #2**

A transfer can occur when a juvenile 14 years of age or older is charged with an offense which would be a felony if committed by an adult. (§ 16.1-269.1 C of the Code of Virginia)

In this circumstance, transfer is requested at the discretion of the Commonwealth's Attorney. If the Commonwealth's Attorney wishes to transfer the juvenile for trial as an adult, the juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§16.1-269.1 C of the Code of Virginia)

### **Circumstance #3**

A transfer occurs when a juvenile 14 years of age or older at the time of the alleged offense is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding. (§ 16.1-269.1 B of the Code of Virginia)

Transfer under this circumstance is automatic. Whenever a juvenile 14 years of age or older is charged with capital murder, first or second degree murder, lynching or aggravated malicious wounding, he or she must be tried as an adult. The juvenile court holds a preliminary hearing to determine whether there is probable cause to believe the juvenile committed the alleged delinquent act. Upon a finding of probable cause, the juvenile is transferred for prosecution as an adult. (§ 16.1-269.1 B of the Code of Virginia)

**If a juvenile is transferred for prosecution as an adult on one offense, what happens if he or she has also been charged with other offenses?** If any one charge is transferred, all other charges of delinquency arising out of the same act will be transferred. (§ 16.1-269.6 of the Code of Virginia)

**Does the transfer impact subsequent alleged criminal offenses?** Yes. Once a juvenile is convicted of a crime as an adult in circuit court, all subsequent alleged criminal offenses of whatever nature, will be treated as adult offenses and no transfer hearing will be required. (§ 16.1-269.6 of the Code of Virginia)

**What happens when an adult is sentenced for a crime he or she committed as a juvenile?** When the juvenile court sentences an adult who has committed, before attaining the age of 18, an offense which would be a crime if committed by an adult, the court may impose a penalty up to a maximum of 12 months in jail and/or a fine up to \$2,500. (§ 16.1-284 of the Code of Virginia)

**What can happen if a juvenile is tried as an adult?** There are significant differences between a juvenile being tried as a juvenile and a juvenile being tried in the circuit court as an adult. In the juvenile system, a juvenile is given added protections because of his or her youth. First, records pertaining to the charge and adjudication of delinquency are confidential and may not be available to the public unless the crime was a felony. Second, if the adjudication is for a misdemeanor, the juvenile court record is expunged when the juvenile reaches the age of majority and is considered an adult. Third, a juvenile who is adjudicated delinquent remains in the juvenile system where a judge has discretion in the determination of the punishment or consequences to be imposed. In the juvenile system, the emphasis is on treatment and education.

In contrast, if a juvenile is prosecuted as an adult the issues and information related to the charge and the conviction of a crime are part of the public record. Because the information becomes an adult criminal record, it is not expunged when the juvenile reaches the age of 18. Additionally, the judge does not have the same discretion in sentencing. The judge in circuit court must impose at least the mandatory minimum sentence that is prescribed in sentencing guidelines. The circuit court does have the discretionary power to commit the juvenile to the juvenile system even if prosecuted as an adult.

### **EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA) ANNUAL NOTICE**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

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

- the right to inspect and review the student's educational records and the procedure for exercising this right;
- the right to request amendment of the student's educational records that the parents believes to be inaccurate, misleading or in violation of the student's privacy rights and the procedure for exercising this right;
- the right to consent to disclosures of personally identifiable information, if any, and have the right to opt out of release of directory information;

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

### **Procedure to Inspect Education Records**

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

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

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

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

### **Copies of Education Records**

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

### **Fees for Copies of Records**

The fees for copies will be 10 cents per page. The actual cost of copying time and postage will be charged. The City of Salem Public Schools shall not charge for search and retrieval of the records. The City of Salem Public Schools shall not charge a fee for copying an Individualized Education Plan (IEP) or for a copy of the verbatim record of a hearing conducted in accordance with the State Board of Education's Regulations Governing Special Education Programs for Children with Disabilities in Virginia.

### **Types, Locations, and Custodians of Education Records**

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

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

<b>Types</b>	<b>Location</b>	<b>Custodian</b>	<b>Examples of Information</b>
Directory Information	Student's Scholastic Record	Principal	Name, Address, Date of Birth, Grade Level
School Health Information	Student's Scholastic Record	Principal	Immunizations, Physical Inspection
Standardized Test Information	Student's Scholastic Record	Principal	SOL and Norm referenced Tests
Attendance Record	Student's Scholastic Record	Principal	Days Present, Absent, and Tardy
Disciplinary Record	Student's Scholastic Record	Principal	Violation of the Standards of Student Conduct, Actions Taken
Legal Documents	Student's Scholastic Record	Principal	Custody Orders

### **Disclosure of Education Records**

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

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

A school official is:

- A person employed by the School Board .
- A person appointed or elected to the School Board.
- A person employed by or under contract to the School Board to perform a special task, such as an attorney, auditor, medical consultant, or therapist.
- A contractor, consultant, volunteer, or other party to whom the school division has outsourced services or functions for which the school division would otherwise use employees and who is under the direct control of the school division with respect to the use and maintenance of education records.

A school official has a legitimate educational interest if the official is:

- Performing a task that is specified in the official's position description or by a contract agreement.
- Performing a task related to a student's education.
- Performing a task related to the discipline of a student.

- Providing a service or benefit relating to the student or student's family, such as health care, counseling, job placement, or financial aid.

2. To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer. When a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record, including copies of any relevant correspondence sent to the pupil or pupil's parent and copies of any correspondence and documentation relating to the pupil's placement in an alternative education program pursuant to Va. Code § 22.1-209.1:2 or VA Code § 22.1-277.2:1, is transferred to the school division to which the pupil transfers if requested by such school division.

3. To certain officials of the U.S. Department of Education, the United States Attorney General, the Comptroller General, and state educational authorities, in connection with certain state or federally supported education programs and in accordance with applicable federal regulations.

4. In connection with a student's request for or receipt of financial aid as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

5. For the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. The principal or principal's 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 the law-enforcement or correctional personnel's 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 the principal's designee that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the pupil or by such pupil if the pupil is eighteen years of age or older.

6. To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid programs; or improve instruction. The studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. The information must be destroyed when it is no longer needed for the purposes for which the study was conducted. The School Board must enter into a written agreement with the organization conducting the study which

- specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
- requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study stated in the written agreement;
- requires the organization to conduct the study in a manner that does not permit personal identification of parents and students by anyone other than representatives of the organization with legitimate interests; and
- requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

7. To accrediting organizations to carry out their functions.

8. To parents of an eligible student who claim the student as a dependent for income tax purposes.



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

The school division discloses or makes available to a guardian ad litem, on request, any information, records, or reports concerning a student for whom a petition for guardianship or conservatorship has been filed that the guardian ad litem determines are necessary to perform the guardian ad litem's duties under Va. Code § 64.2-2003.

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

### **Unauthorized Disclosure of Electronic Records**

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

### **Disclosure to Federal Agencies**

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

### **Disclosure of Information Relating to Home Instructed Students**

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

### **Audit or Evaluation of Education Programs**

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

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

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

### **Military Recruiters and Institutions of Higher Learning**

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

The school division notifies parents of the option to make a request and complies with any request.

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

### **Record of Disclosure**

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

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

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

### **Directory Information**

The City of Salem Public Schools notifies parents and eligible students at the beginning of each school year what information, if any, City of Salem school division has designated as directory information, the right to refuse to let the division designate any or all of such information as directory information, and the period of time to notify the division, in writing, that the parent or eligible student does not want any or all of those types of information designated as directory information. The notice may specify that disclosure of directory information will be limited to specific parties, for specific purposes, or both. If the School Board specifies that disclosure of directory information will be so limited, the disclosures of directory information will be limited to those specified in the public notice.

No school discloses the address, telephone number, or email address of a student pursuant to the Virginia Freedom of Information Act unless the parent or eligible student affirmatively consents in writing to such disclosure. Except as required by state or federal law, no school discloses the address, telephone number, or email address of a student pursuant to 34 C.F.R. § 99.31(a)(11) unless (a) the disclosure is to students enrolled in the school or to school board employees for educational purposes or school business and the parent or eligible student has not opted out of such disclosure in accordance with Virginia law and this policy or (b) the parent or eligible student has affirmatively consented in writing to such disclosure.

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.

### **The Salem City School Board designates the following as directory information**

#### **Demographic Information:**

For the purposes of this regulation, Student directory information may include a student's name, grade, date and place of birth, major field of study, height and weight (if member of athletic team), participation in officially recognized activities and sports, dates of attendance, honors, awards, and information generally found in school yearbooks.

#### **Correction of Education Records**

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

1. Parents or the eligible student must request in writing that the City of Salem 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. The City of Salem 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, City of Salem Public Schools shall arrange for a hearing, and notify the parents or eligible student, reasonably in advance, of the date, place, and time of the hearing. The hearing shall be held within a reasonable period of time after the request.

4. The parent or eligible student may, at the parent's or student's own expense, be assisted or represented by one or more individuals of the parent's or student's own choice, including an attorney.
5. The hearing shall be conducted by a hearing officer who is a disinterested party; however, the hearing officer may be an official of the school division. The parents or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records in accordance with FERPA.
6. City of Salem Public Schools shall prepare a written decision which will include a summary of the evidence presented and the reasons for the decision within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing.
7. If the City of Salem 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 the City of Salem 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.

### **Confidentiality of HIV and Drug and Alcohol Treatment Records**

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

For additional information, you may call 1-800-USA-LEARN (1-800-872-5327). Or you may contact us at the following address: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington D.C. 20202-8520

### **POLICY IKFC-PROMOTION**

Promotion from one grade to another shall be determined by a student's proficiency in the knowledge and skills contained within the curriculum for the grade level in which the student is enrolled.

The evaluation of the student's proficiency in the core academic areas of reading/language arts, mathematics, science, and history/social science shall be the fundamental basis of the decision to promote a student. That evaluation shall include consideration of the student's performance on Standards of Learning (SOL) assessment in those grades and subjects where the tests are administered. Remediation shall be required for students who fail to achieve a passing score on any core academic area SOL test. Remediation will not be required for any course at any grade level in cases where a student repeats that course or grade.

Health, art, music, physical education, vocational and technical education, and other electives are critical components of the curriculum as well. At certain grade levels their study is required by the City of Salem School Board, and students are expected to be proficient in the knowledge and skills associated with these courses. However, the Board of Education has not designated those subjects as core academic areas nor chosen to measure their mastery by students. Therefore, promotion from one grade level to another is not dependent upon proficiency in these subjects.

When making recommendations regarding grade-level retentions or decisions involving student course failure, the teacher should consider the progress and growth that a student has achieved during the school

year or throughout the course, as indicated by multiple measures of student learning featuring both formative and summative assessments.

### **Procedures to Determine Promotion or Retention in Elementary School**

The decision to promote or retain a student in elementary school shall be primarily based upon teacher recommendation. The parents of students who are not mastering the knowledge and skills of the curriculum shall be notified as early as is reasonable. Parents shall be involved in the discussion of whether to retain a student. At the school level, the final decision to promote or retain a student rests with the principal. Parents who wish to appeal the principal's decision shall direct their appeal in writing to the superintendent.

### **Elementary School: Guidelines for Grades K-2**

Students are expected to be proficient in the four core academic areas: reading/language arts (including spelling, grammar, composition, and handwriting), mathematical concepts and computation, science, and history and social science. Students in grades K-2 must demonstrate a proficient level of knowledge and skills in language arts and in a minimum of two of the three other core academic areas of the curriculum in order to be promoted to the next grade level. For students who do not meet all requirements for promotion, satisfactory completion of an approved remedial program may be the basis for promotion to the next grade level.

In most cases, students should not be retained more than once in grades K-2.

### **Elementary School: Grades 3-5**

Students are expected to be proficient in the four academic areas: reading/language arts (including spelling, grammar, composition, and handwriting), mathematical concepts and computation, science, and history and social science. Students in grades 3-5 must demonstrate a proficient level of knowledge and skills in a minimum of three of the four academic areas of the curriculum in order to be promoted to the next grade level. Students in grades 3-5 must also score 400 or more on the English and mathematics SOL tests, or be successfully remediated, in order to be promoted to the next grade level. Students who score below 400 on the science in fifth grade, or the Virginia Studies SOL test in fourth grade, will be required to complete an approved remediation program.

In most cases, a student should not be retained more than twice in elementary school.

### **Procedures to Determine Promotion or Retention in Middle School**

The decision to promote or retain a student in middle school shall be primarily based upon the recommendation of a committee of the student's teachers, counselor, and administrators. The parents of students who are not mastering the knowledge and skills of the curriculum shall be notified as early as is reasonable. At the school level, the final decision to promote or retain a student rests with the principal. Parents who wish to appeal the principal's decision shall direct their appeal in writing to the superintendent.

### **Middle School: Grades 6 and 7**

Students in grades 6 and 7 are enrolled in four courses in the core academic areas: reading/language arts, mathematics, science, and history and social science. They must demonstrate a proficient level of knowledge and skills in a minimum of three of the four academic courses in order to be promoted to the next grade level. Students who score below 400 on any SOL tests must successfully complete an approved remediation program.

### **Middle School: Grade 8**

Students in grade 8 must demonstrate a proficient level of knowledge and skills in three of the four core academic areas (English, mathematics, science, and history and social science) in order to be promoted to grade 9. In addition, the student must score 400 or more on the English and mathematics SOL tests. For students who score below 400 on the English or mathematics 8 SOL tests, but who meet all other requirements for promotion, the satisfactory completion of an approved remedial program will be the basis for promotion to the next grade level. Students who score below 400 on the history and social science or science SOL tests will be required to successfully complete an approved remediation program.

### **Effect of End-of-Course SOL Test Scores at Middle School**

Students in grade 8 who take end-of-course SOL tests at the middle school are held to the same standards that apply to these courses if taken at the high school. That is, end-of-course SOL test scores, or any substitute test scores, will be factored into a student's final course grade along with other measures of student performance. Any student who fails an end-of-course test required for the award of a verified unit of credit in order to graduate will be required to participate in an approved remediation program. Students will be encouraged to re-take failed SOL tests as permitted by the Board of Education.

### **Procedures for Granting Credit in High School**

Credit toward the requirements for graduation is awarded for classes taught on the high school level and for certain high school level classes taught at the middle school. The grade classification of a student in high school shall be based upon the accumulation of individual course credits.

The determination of whether a student is proficient in the knowledge and skills required by a course's curriculum shall be the responsibility of the teacher of the course. The parents of students who are not mastering the knowledge and skills of a course's curriculum shall be notified as early as is reasonable.

At the school level, the final decision to grant credit for a course is the principal's responsibility. Parents who wish to appeal the principal's decision shall direct their appeal in writing to the superintendent.

### **High School: Grades 9-12 and Middle School Courses Carrying High School Credit**

#### **A. Courses with No End-of-course SOL Testing Requirement**

Students must pass the course requirements with a minimum grade of "70" or "D" in order to receive a unit of credit.

#### **B. Effect of End-of-course SOL Test Scores on Final Course Grades**

For courses having an end-of-course SOL testing requirement, SOL test scores, or any substitute test scores, will be factored into a student's final course grade along with other measures of student performance. Any student who fails an end-of-course test required for the award of a verified unit of credit in order to graduate will be required to participate in an approved remediation program.

#### **C. Verified Credit**

Six verified credits are required for graduation with a Standard Diploma and nine verified credits are required for graduation with an Advanced Studies Diploma.

Four options exist for earning verified credit:

1. Students who achieve a passing score on an end-of-course SOL test and successfully complete the course requirements shall be awarded a verified unit of credit in that course. Students may earn verified credit in any courses for which end-of-course SOL tests are available.
2. Students may earn verified credits by achieving a passing score on alternative tests to the SOL assessment. Such tests may only be those approved by the Virginia Board of Education.

3. Students pursuing the Standard Diploma only, may receive up to four verified credits in science and/or history & social science by scoring within the 375-399 range after taking the relevant SOL test at least twice AND by passing a review by a panel of educators. The review panel will consider evidence related to the academic achievement of the student in the relevant course.
4. Students may earn one verified credit by achieving industry certification credentials while passing related career and technical education courses or programs. For the Standard Diploma, when the certification, license, or credential confers more than one verified credit, a second verified credit may be substituted for a science or history and social science verified credit.

Students will be encouraged to re-take failed SOL tests as permitted by the Board of Education.

### **Credit Requirements for Grade Classification**

Grade classification is based on the number of standard units of credit accumulated and the number of semesters of high school enrollment. Students who do not advance to the next grade classification are required to repeat only those classes necessary to meet graduation requirements, not their entire schedule of classes.

Grade classification will take place annually prior to the opening of the school year. The high school principal may re-classify individual students during the school year if he/she deems that a re-classification is warranted.

### **Classification Levels**

Grade 10 5 units and enrolled in at least the third semester of high school

Grade 11 11 units and enrolled in at least the fifth semester of high school.

Grade 12 17 units and enrolled in at least the seventh semester of high school.

## **GRADUATION REQUIREMENTS**

The requirements for a student to earn a diploma from a Virginia high school shall be those in effect when that student enters the ninth grade for the first time. For a complete listing of graduation credits by year, please consult with your child's school counselor or visit <http://www.doe.virginia.gov/instruction/graduation/index.shtml>.

### **IGBE-REMEDIAL AND SUMMER INSTRUCTION PROGRAM**

The School Board develops and implements programs of prevention, intervention or remediation for students who are educationally at risk, including but not limited to those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight, or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit is required to attend a remediation program or to participate in another form of remediation. The Superintendent requires such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation are chosen by the superintendent to be appropriate to the academic needs of the student.

Students who are required to attend such summer school programs or to participate in another form of remediation are not charged tuition.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation which has been selected by his parent, in consultation with the superintendent or superintendent's designee, and is either (i) conducted by an accredited private school or (ii) a special program which has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program are borne by the student's parent.

Targeted mathematics remediation and intervention are provided to students in grades six through eight who show computational deficiencies as demonstrated by their individual performances on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

The School Board shall annually evaluate and modify, as appropriate, the remediation plan based on an analysis of the percentage of students meeting their remediation goals and consideration of the pass rate on the Standards of Learning assessments.

### **Summer School**

The courses offered and the quality of instruction in the summer school program shall be comparable to that offered during the regular school term. Students must meet the requirements for SOL testing if appropriate.

Summer school instruction at any level which is provided as part of a state-funded remedial program is designed to improve specific identified student deficiencies.

### **Compulsory Attendance**

When a student is required to participate in a remediation program pursuant to this policy, the Superintendent may seek immediate compliance with the compulsory school attendance laws if a reasonable effort to seek the student's attendance, including direct notification of the parents of such student of the attendance requirement and failure of the parents to secure the student's attendance, have failed and the superintendent determines that remediation of the student's poor academic performance, passage of the Standards of Learning Assessment in grades three through eight, or promotion is related directly to the student's attendance in the remediation program.

## **SCHOOL COUNSELING SERVICES**

### **School Counseling Curriculum:**

The school counseling curriculum for City of Salem Schools is consistent with the State Standards for School Counseling Programs in Virginia Public Schools. The state standards can be found online at the City of Salem School's Guidance and Counseling webpage. More information about the counseling programs available in the elementary, middle and high schools are also available on our school Guidance and Counseling webpage.



**School Counseling Program description:**

-*academic counseling* which assists students and their parents to acquire knowledge of the curricula choices available to students, to plan a program of studies, to arrange and interpret academic testing, and to seek post-secondary academic opportunities.

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

-*personal/social counseling* which assists a student to develop an understanding of themselves, the rights and needs of others, how to resolve conflict and to define individual goals, reflecting their interests, abilities and aptitudes. Information and records of personal/social counseling will be kept confidential and separate from a student's educational records and not disclosed to third parties without prior parental consent or as otherwise provided by law. Parents may elect, by notifying their child's school in writing, to have their child not participate in personal/social counseling.

-*employment counseling* and placement services which furnish information relating to the employment opportunities available to students graduating from or leaving the public schools. Such information will be provided to secondary students and will include all types of employment opportunities, including, but not limited to, apprenticeships, the military, career education schools, and the teaching profession. In providing such services, the school board will consult and cooperate with the Virginia Employment Commission, the Department of Labor and Industry, local business and labor organizations, and career schools.

**How are School Counseling Services delivered?**

School counselors proactively participate as members of the educational team to support and enhance student learning. They consult and collaborate with teachers, administrators, support staff members and families to help students identify the appropriate pathway that will provide a positive academic, social and career direction. Counseling activities focus on positive attitudes and the importance of educational choices, personal responsibility, respect for self and others, skills for employment and continuing education. Through individual and group contacts, the school counselor helps students understand themselves and the opportunities available to them through more informed decision making. The counseling program will not include the use of counseling techniques which are beyond the scope of the professional certification or training of counselors, including hypnosis, or other psychotherapeutic techniques that are normally employed in medical or clinical settings and focus on mental illness or psychopathology.

**Provisions for opting out of school counseling programs**

The decision to exclude a student from the personal portion and/or social counseling portion of the school counseling program or classroom group guidance is left to the parent or guardian. Through written request to the principal, parents may exclude the student from personal or social counseling and classroom group guidance. Lesson plans and material to be used at each grade level are available for review. If a parent does not want his/her child to participate, a request should be made in writing to the principal before the scheduled classroom group guidance lessons. The principal will then make arrangements to exclude the student from the planned guidance lessons. Alternative lessons will not be provided. Affirmative parental consent is not required for any student for brief personal and/or social counseling that is needed to maintain order, discipline or a productive learning environment.

**Review of school counseling materials or lesson plans**

Parents seeking to review lesson plans or school counseling materials should contact their student's counselor to set up an appointment for this review.

**NOTIFICATION OF RIGHTS UNDER THE PROTECTION OF PUPIL RIGHTS AMENDMENT (PPRA)**

PPRA affords parents and students who are 18 or emancipated minors ("eligible students") certain rights regarding our conduct of surveys, collection and use of information for marketing purposes, and certain physical exams. These include the right to:

- Consent before students are required to submit to a survey that concerns one or more of the following protected areas (“protected information survey”) if the survey is funded in whole or in part by a program of the U.S. Department of Education (ED)—
  1. Political affiliations or beliefs of the student or student’s parent;
  2. Mental or psychological problems of the student or student’s family;
  3. Sex behavior or attitudes;
  4. Illegal, anti-social, self-incriminating, or demeaning behavior;
  5. Critical appraisals of others with whom respondents have close family relationships;
  6. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
  7. Religious practices, affiliations, or beliefs of the student or parents; or
  8. Income, other than as required by law to determine program eligibility.
  
- Receive notice and an opportunity to opt a student out of—
  1. Any other protected information survey, regardless of funding;
  2. Any non-emergency, invasive physical exam or screening required as a condition of attendance, administered by the school or its agent, and not necessary to protect the immediate health and safety of a student, except for hearing, vision, or scoliosis screenings, or any physical exam or screening permitted or required under state law; and
  3. Activities involving collection, disclosure, or use of personal information obtained from students for marketing or to sell or otherwise distribute the information to others.
  
- Inspect, upon request and before administration or use—
  1. Protected information surveys of students;
  2. Instruments used to collect personal information from students for any of the above marketing, sales or other distribution purposes; and
  3. Instructional material used as part of the educational curriculum.

The Salem City School Division will directly notify parents and eligible students, such as through U.S. mail or email, of the specific or approximate dates of the following activities and provide an opportunity to opt a student out of participating in:

- Collection, disclosure, or use of personal information for marketing, sales or other distribution.
- Administration of any protected information survey not funded in whole or part by ED.
- Any non-emergency, invasive physical examination or screening as described above.

To review Salem City School Board Policy KFB which addresses the protection of pupil rights, please visit our website at [www.salem.k12.va.us](http://www.salem.k12.va.us). Parents/eligible students who believe their rights have been violated may file a complaint with: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW., Washington, DC 20202-4605.

**CODE OF VIRGINIA § 22.1-254  
COMPULSORY SCHOOL ATTENDANCE LAW**

Compulsory attendance required; excuses and waivers; alternative education program attendance; exemptions from article.

- A. As used in this subsection, “attend” includes participation in educational programs and courses at a site remote from the school with the permission of the school and in conformity with applicable requirements.

Except as otherwise provided in this article, every parent, guardian, or other person in the Commonwealth 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 the eighteenth birthday shall, during the period of each year the public schools are in session and for the same number of days and hours per day as the public schools, send such child to a public school or to a private, denominational, or parochial school or have such child taught by a tutor or teacher of qualifications prescribed by the Board of Education and approved by the division superintendent, or provide for home instruction of such child as described in § [22.1-254.1](#).

As prescribed in the regulations of the Board of Education, the requirements of this section may also be satisfied by sending a child to an alternative program of study or work/study offered by a public, private, denominational, or parochial school or by a public or private degree-granting institution of higher education. Further, in the case of any five-year-old child who is subject to the provisions of this subsection, the requirements of this section 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.

Instruction in the home of a child or children by the parent, guardian, or other person having control or charge of such child or children shall not be classified or defined as a private, denominational or parochial school.

The requirements of this section shall 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 subsection C of § [22.1-253.13:1](#) and in § [22.1-254.01](#). The requirements of this section shall not apply to (a) 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 pursuant to subsection E, and (b) 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 as set forth in this article.

- B. A school board shall excuse from attendance at school:
  - 1. Any pupil who, together with his parents, by reason of bona fide religious training or belief is conscientiously opposed to attendance at school. For purposes of this subdivision, "bona fide religious training or belief" does not include essentially political, sociological or philosophical views or a merely personal moral code; and
  - 2. On the recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides and for such period of time as the court deems appropriate, any pupil who, together with his parents, is opposed to attendance at a school by reason of concern for such pupil's health, as verified by competent medical evidence, or by reason of such pupil's reasonable apprehension for personal safety when such concern or apprehension in that pupil's specific case is determined by the court, upon consideration of the recommendation of the principal and division superintendent, to be justified.
- C. Each local school board shall develop policies for excusing students who are absent by reason of observance of a religious holiday. Such policies shall ensure that a student shall not be deprived of any award or of eligibility or opportunity to compete for any award, or of the right to take an alternate test or examination, for any which he missed by reason of such absence, if the absence is verified in a manner acceptable to the school board.
- D. A school board may excuse from attendance at school:
  - 1. On recommendation of the principal and the division superintendent and with the written consent of the parent or guardian, any pupil who the school board determines, in accordance with regulations of the Board of Education, cannot benefit from education at such school; or
  - 2. On recommendation of the juvenile and domestic relations district court of the county or city in which the pupil resides, any pupil who, in the judgment of such court, cannot benefit from education at such school.
- E. Local school boards may allow the requirements of subsection A (an individual student alternative plan developed in conformity with guidelines prescribed by the Board of Education) to be met under the following conditions:

For a student who is at least 16 years of age, 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 in which an individual student alternative education plan shall be developed in conformity with guidelines prescribed by the Board, which plan must include:

1. Career guidance counseling;
2. Mandatory enrollment and attendance in a preparatory program for passing a high school equivalency examination approved by the Board of Education or other alternative education program approved by the local school board with attendance requirements that provide for reporting of student attendance by the chief administrator of such preparatory program or approved alternative education program to such principal or his designee;
3. 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, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment;
4. Successful completion of the course in economics and personal finance required to earn a Board of Education-approved high school diploma;
5. Counseling on the economic impact of failing to complete high school; and
6. Procedures for reenrollment to comply with the requirements of subsection A.

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 in violation of the compulsory school attendance law, and the division superintendent or attendance officer of the school division in which such student was last enrolled shall seek immediate compliance with the compulsory school attendance law as set forth in this article.

Students enrolled with an individual student alternative education plan shall be counted in the average daily membership of the school division.

- F. A school board may, in accordance with the procedures set forth in Article 3 (§ [22.1-276.01](#) et seq.) of Chapter 14 of this title 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 § [16.1-260](#); (iii) suspended pursuant to § [22.1-277.05](#); or (iv) expelled from school attendance pursuant to § [22.1-277.06](#) or § [22.1-277.07](#) or subsection C of § [22.1-277](#), require the child to attend an alternative education program as provided in § [22.1-209.1:2](#) or § [22.1-277.2:1](#).
- G. Whenever a court orders any pupil into an alternative education program, including a program of general educational development, offered in the public schools, the local school board of the school division in which the program is offered shall 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.

The juvenile and domestic relations district court of the county or city in which a pupil resides or in which charges are pending against a pupil, or any court in which charges are pending against a pupil, may require the pupil who has been charged with (i) a crime that resulted in or could have resulted in injury to others, (ii) a violation of Article 1 (§ [18.2-77](#) et seq.) of Chapter 5 of Title 18.2, or (iii) any offense related to possession or distribution of any Schedule I, II, or III controlled substances to attend an alternative education program, including, but not limited to, night school, adult education, or any

other education program designed to offer instruction to students for whom the regular program of instruction may be inappropriate.

This subsection shall not be construed to limit the authority of school boards to expel, suspend, or exclude students, as provided in §§ [22.1-277.04](#), [22.1-277.05](#), [22.1-277.06](#), [22.1-277.07](#), and [22.1-277.2](#). As used in this subsection, the term "charged" means that a petition or warrant has been filed or is pending against a pupil.

- H. Within one calendar month of the opening of school, each school board shall send to the parents or guardian of each student enrolled in the division a copy of the compulsory school attendance law and the enforcement procedures and policies established by the school board.
- I. The provisions of this article shall not apply to:
  - 1. Children suffering from contagious or infectious diseases while suffering from such diseases.
  - 2. Children whose immunizations against communicable diseases have not been completed as provided in § [22.1-271.2](#);
  - 3. 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;
  - 4. 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 live; and
  - 5. Children excused pursuant to subsections B and D.

Further, any child who will not have reached his sixth birthday on or before September 30 of each school year whose parent or guardian notifies the appropriate school board that he does not wish the child to attend school until the following year because the child, in the opinion of the parent or guardian, is not mentally, physically, or emotionally prepared to attend school, may delay the child's attendance for one year.

The distances specified in subdivisions 3 and 4 of this subsection shall be measured or determined from the child's residence to the entrance to the school grounds or to the school bus stop nearest the entrance to the residence of such children by the nearest practical routes which are usable for walking or riding. Disease shall be established by the certificate of a reputable practicing physician in accordance with regulations adopted by the Board.

- J. Subject to guidelines established by the Department, any student who is absent from school due to his mental or behavioral health shall be granted an excused absence.
- K. Subject to guidelines established by the Department, each school board (i) shall permit one school day-long excused absence per school year for any middle school or high school student in the local school division who is absent from school to engage in a civic event and (ii) may permit additional excused absences for such students who are absent for such purpose. Local school boards may require that the student provide advance notice of the intended absence and require that the student provide documentation of participation in a civic event.
- L. Subject to guidelines established by the Department, any student who is a member of a state-recognized or federally recognized tribal nation that is headquartered in the Commonwealth and who is absent from school to attend such tribal nation's pow wow gathering shall be granted one excused absence per academic year, provided that the parent of such student provides to the student's school advance notice of such absence in the manner required by the school.

### **CODE OF VIRGINIA § 22.1-279.3.**

#### **PARENTAL RESPONSIBILITY AND INVOLVEMENT REQUIREMENTS**

- A. Each parent of a student enrolled in a public school has a duty to assist the school in enforcing the standards of student conduct and compulsory school attendance in order that education may be

conducted in an atmosphere free of disruption and threat to persons or property, and supportive of individual rights.

- B. A school board shall provide opportunities for parental and community involvement in every school in the school division.
- C. Within one calendar month of the opening of school, each school board shall, simultaneously with any other materials customarily distributed at that time, send to the parents of each enrolled student (i) a notice of the requirements of this section; (ii) a copy of the school board's standards of student conduct; and (iii) a copy of the compulsory school attendance law. These materials shall include a notice to the parents that by signing the statement of receipt, parents shall not be deemed to waive, but to expressly reserve, their rights protected by the constitutions or laws of the United States or the Commonwealth and that a parent shall have the right to express disagreement with a school's or school division's policies or decisions.

Each parent of a student shall sign and return to the school in which the student is enrolled a statement acknowledging the receipt of the school board's standards of student conduct, the notice of the requirements of this section, and the compulsory school attendance law. Each school shall maintain records of such signed statements.

- D. The school principal may request the student's parent or parents, if both parents have legal and physical custody of such student, to meet with the principal or his 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.
- E. In accordance with the due process procedures set forth in this article and the guidelines required by § [22.1-279.6](#), the school principal may notify the parents of any student who violates a school board policy or the compulsory school attendance requirements when such violation could result in the student's suspension or the filing of a court petition, whether or not the school administration has imposed such disciplinary action or filed a petition. The notice shall state (i) the date and particulars of the violation; (ii) the obligation of the parent to take actions to assist the school in improving the student's behavior and ensuring compulsory school attendance compliance; (iii) that, if the student is suspended, the parent may be required to accompany the student to meet with school officials; and (iv) that a petition with the juvenile and domestic relations court may be filed under certain circumstances to declare the student a child in need of supervision.
- F. No suspended student shall be admitted to the regular school program until such student and his parent have met with school officials to discuss improvement of the student's behavior, unless the school principal or his designee determines that readmission, without parent conference, is appropriate for the student.
- G. Upon the failure of a parent to comply with the provisions of this section, the school board may, by petition to the juvenile and domestic relations court, proceed against such parent for willful and unreasonable refusal to participate in efforts to improve the student's behavior or school attendance, as follows:
  1. If the court finds that the parent has willfully and unreasonably failed to meet, pursuant to a request of the principal as set forth in subsection D of this section, to review the school board's standards of student conduct and the parent's responsibility to assist the school in disciplining the student and maintaining order, and to discuss improvement of the child's behavior and educational progress, it may order the parent to so meet; or
  2. If the court finds that a parent has willfully and unreasonably failed to accompany a suspended student to meet with school officials pursuant to subsection F, or upon the student's receiving a second suspension or being expelled, it may order the student or his parent, or both, to participate in such programs or such treatment, including, but not limited to, extended day

programs, summer school, other educational programs and counseling, as the court deems appropriate to improve the student's behavior or school attendance. The order may also require participation in a parenting, counseling or a mentoring program, as appropriate or that the student or his parent, or both, shall be subject to such conditions and limitations as the court deems appropriate for the supervision, care, and rehabilitation of the student or his parent. In addition, the court may order the parent to pay a civil penalty not to exceed \$500.

H. The civil penalties established pursuant to this section shall be enforceable in the juvenile and domestic relations court in which the student's school is located and shall be paid into a fund maintained by the appropriate local governing body to support programs or treatments designed to improve the behavior of students as described in subdivision G 2. Upon the failure to pay the civil penalties imposed by this section, the attorney for the appropriate county, city, or town shall enforce the collection of such civil penalties.

I. All references in this section to the juvenile and domestic relations court shall be also deemed to mean any successor in interest of such court.

### **ASBESTOS NOTIFICATION**

In the past, asbestos was used extensively in building materials because of its insulating, sound absorbing, and fire retarding capabilities. Virtually any building constructed before the late 1970s contained some asbestos. Intact and undisturbed asbestos materials generally do not pose a health risk. Asbestos materials, however, can become hazardous when, due to damage or deterioration over time, they release fibers.

In 1986, Congress passed the Asbestos Hazard Emergency Response Act (AHERA) which requires schools to be inspected to identify any asbestos containing building materials. Suspected asbestos-containing building materials were located, sampled and rated according to condition and potential hazard. Every three years, the Salem City School Division has conducted a re-inspection to determine whether the condition of the known or assumed asbestos containing building materials (ACBM) has changed and to make recommendations on managing or removing the ACBM.

The law further requires the Division to have an asbestos management plan in place. Salem City Schools developed a plan, as required, which has been continually updated. Each building owned by the City of Salem School Board contains building materials that have asbestos. These materials have been removed, encapsulated, or enclosed in accordance with our asbestos management plan.

It is the intention of the City of Salem School Board to comply with all federal and state regulations controlling asbestos and to take whatever steps are necessary to ensure students and employees a healthy and safe environment in which to learn and work. You are welcome to review a copy of the asbestos management plan in school district administrative office or administrative office of the school during regular business hours. Director of Administrative Services Dr. Forest Jones is our designated asbestos program coordinator, and all inquiries regarding the asbestos plan and asbestos-related issues should be directed to him at [fjones@salem.k12.va.us](mailto:fjones@salem.k12.va.us) or by phone at 540-389-0130.

### **RETURNED CHECKS**

Your check is welcome at Salem City Schools. We recognize that occasionally a parent may inadvertently overdraw a checking account and a check may be returned by your bank. In order to recover these funds in a private and professional manner, Salem City Schools has contracted with **CHECKredi, LLC**, a company based in Lexington, Kentucky for collection of returned checks.

Each check written to the district should be on a commercially printed check with your name, address, and a telephone number. Counter or starter checks will not be accepted. *When a person writes a check to the district, the person writing the check agrees that, if the check is returned that it may be represented*



*electronically on the same account, and that the fee established by law, now \$35.00 in addition to the face value, may be debited from the same account.*

CHECKredi will contact you by mail and by telephone in order to make arrangements to pay before attempting to represent the check electronically. Payments may be made to CHECKredi's office by mail to P.O. Box 11848, Lexington, KY 40578. Payments of the check and fee may be made online at [www.checkredi.com](http://www.checkredi.com) using a credit card, debit card or electronic check without any additional fees. For a convenience fee, payments may be made over the telephone at (866)433-7334 by credit card, debit card or electronic check.

### **EQUAL EDUCATIONAL OPPORTUNITIES/NON-DISCRIMINATION**

The Salem City School Division does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups.<sup>1</sup>The following person has been designated to handle inquiries regarding the non-discrimination policies:

Kirstine Barber, Director of Human Resources  
510 South College Ave  
Salem, Va. 24153  
540-389-0130  
[kbarber@salem.k12.va.us](mailto:kbarber@salem.k12.va.us)

For further information on notice of non-discrimination, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area, or call 1-800-421-3481.

### **RELEASE OF DIRECTORY INFORMATION TO MILITARY RECRUITERS AND INSTITUTIONS OF HIGHER LEARNING**

The City of Salem Public Schools will provide, on request made by military recruiters or an institution of higher education, access to secondary school students' directory information.

For purposes of this regulation, Student directory information can include a student's name, grade, date and place of birth, major field of study, height and weight (if member of athletic team), participation in officially recognized activities and sports, dates of attendance, honors, awards, and information generally found in school yearbooks.

The Salem City School Division will not release student addresses, phone numbers, or email addresses without consent.

### **KN- SEX OFFENDER AND CRIMES AGAINST MINORS REGISTRY INFORMATION**

#### **Generally**

Each school in the division registers with the Department of State Police to receive electronic notice of the registration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry (the Registry) within the division.

The superintendent establishes procedures regarding the use and distribution of information received from the Registry. Information received from the Registry may not be used to intimidate or harass.

The superintendent notifies the parent of each student enrolled in the school division of the availability of information in the Registry and the location of the website.

#### **Visitors to Schools**

When the school division learns that a parent, other than a parent who has been convicted of a Tier III offense as defined in Va. Code 9.1-902, of an enrolled student is required to register with the Registry, the parent is notified in writing that he or she is barred from being present at school or at school functions without the express written approval of the student's principal. Such approval must be obtained in advance of the proposed visit and will state the conditions under which the parent may be present. When such a



parent is permitted at school or at school functions the parent is monitored to ensure that he or she does not come into contact with any children other than the parent's own children.

When the school division learns that any person other than the parent of an enrolled student, who is required to register with the Registry, but who has not been convicted of a Tier III offense, as defined in Va. Code 9.1-902, seeks to be present at school or at school functions, the person is notified in writing that he or she is barred from being present at school or school functions without the express written approval of the principal of the school the person seeks to visit or which sponsors the event the person seeks to attend. Such approval must be obtained in advance of the proposed visit, if obtained, will state the conditions under which the person may be present. One of the conditions will be that the person will be monitored to ensure the safety of students, staff, and others.

Principals consider requests to be present at school or at school sponsored activities from all persons who are required to register with the Registry but have not been convicted of a Tier III offense as defined in Va. Code 9.1-902 in accordance with procedures established by the superintendent.

No adult who has been convicted of a Tier III offense, as defined in Va. Code 9.1-902, may enter or be present during school hours, and during school-related or school-sponsored activities on any property the person knows or has reason to know is a school or child day center property, school bus, or on any property, public or private, when such property is solely being used by an elementary or secondary school for a school-related or school-sponsored activity unless

- The person is a lawfully registered and qualified voter and is coming upon such property solely to vote;
- The person is a student enrolled at the school; or
- The person has obtained a court order pursuant to Va. Code 18.2-370.5 C allowing the person to enter and be present upon such property, has obtained the permission of the School Board or its designee for entry within all or part of the scope of the lifted ban, and is compliant with the School Board's terms and conditions and those of the court order.

### **SERVICES FOR STUDENTS IDENTIFIED AS HEARING OR VISUALLY IMPAIRED**

The *Code of Virginia* (section 22.1-217.01) requires school boards to provide information to parents of students who are identified as hearing impaired or visually impaired. Guidance documents and other resources are available at the Virginia Department of Education's (VDOE) web site. [http://www.doe.virginia.gov/special\\_ed/disabilities/index.shtml](http://www.doe.virginia.gov/special_ed/disabilities/index.shtml)

The Virginia School for the Deaf and Blind (VSDB) serves the children of Virginia who are deaf/hard of hearing, blind/visually impaired, deaf-blind, or sensory impaired with other disabilities. To find out additional information, please use the following web site: <http://www.vfdb.k12.va.us/>.

The Virginia Department for the Deaf and Hard of Hearing (VDDHH) works to reduce the communication barriers between persons who are deaf or hard of hearing. For additional information, please use the following web site: <http://www.vddhh.org/>.

The Virginia Department for the Blind and Vision Impaired (DBVI) works to provide services and resources to those who are blind and/or vision impaired. For additional information, please use the following web site: <http://www.vdbvi.org/>.

### **EATING DISORDERS AWARENESS INFORMATION**

Eating disorders are serious health problems that usually start in childhood or adolescence and affect both girls and boys. With early diagnosis, eating disorders are treatable with a combination of nutritional, medical, and therapeutic supports. Recognizing the importance of early identification of at-risk students, the 2013 Virginia General Assembly passed a law requiring each school board to provide parent educational information regarding eating disorders on an annual basis to students in the fifth through twelfth grades.

It is important to note that eating disorders are not diagnosed based on weight changes as much as behaviors, attitudes, and mindset. Symptoms may vary between males and females and in different age groups. Often, a young person with an eating disorder may not be aware that he/she has a problem or keeps the issues secret. Parents/guardians and family members are in a unique position to notice

symptoms or behaviors that cause concern. Noting behaviors common to people with eating disorders may lead to early referral to the primary care provider. It is important for eating disorders to be treated by someone who specializes in this type of care.

More information regarding eating disorders can be found on the Student Health Information section of our division website. If you think your child may be showing signs of a possible eating disorder, please contact your primary health care provider.



**JFC-BR-F  
22.1-253.13  
PARENTAL STATEMENT OF  
RECEIPT OF NOTICE OF REQUIREMENTS  
OF VIRGINIA CODE §22.1-279.3 AND  
SCHOOL BOARD'S STANDARDS OF STUDENT CONDUCT**

I acknowledge that I have received a copy of the City of Salem School Board's *Standards of Student Conduct*, bus rules and regulations, the Code of Virginia § 22.1-254 entitled "Compulsory School Attendance Law," (page 72) and Code of Virginia § 22.1-279.3 entitled "Parental Responsibility and Involvement Requirements." (page 75)

Parent's Name \_\_\_\_\_  
(Please Print)

Parent's Signature \_\_\_\_\_ Date \_\_\_\_\_

Student signatures are required of students in grades six through twelve, and students are encouraged to sign at other grade levels.

Student's Name \_\_\_\_\_  
(Please Print)

Student's Signature \_\_\_\_\_

School \_\_\_\_\_  
(Please Print)

**The front and back of this page must be completed and returned to the school by each student.**

Note: By signing the above "Statement of Receipt", you shall not be deemed to waive, and you expressly reserve, your rights protected by the constitutions or laws of the United States or the Commonwealth, and you have the right to express disagreement with the school's or school division's policies or decisions.

## **ACCEPTABLE COMPUTER SYSTEM USE AGREEMENT**

Each employee must read this Agreement as a condition for using the School Division's computer system. Each student and his or her parent/guardian must also read this Agreement before being permitted to use the School Division's computer system. Read this agreement carefully.

Prior to reading this Agreement, read Policy IIBEA and Regulation IIBEA-R, Acceptable Computer System Use. If you have any questions about this policy or regulation, contact your supervisor or your student's principal. I understand and agree to abide by the School Division's Acceptable Computer System Use Policy and Regulation.

I understand that the School Division may access, monitor, and archive my use of the computer system, including my use of the internet, e-mail and downloaded material, without prior notice to me. I further understand that should I violate the Acceptable Use Policy or Regulation, my computer system privileges may be revoked and disciplinary action and/or legal action may be taken against me.

I have read this Agreement and Policy GAB/IIBEA and Regulation GAB-R/IIBEAR. I understand that access to the computer system is intended for educational purposes and the Salem City School Division has taken precautions to eliminate inappropriate material. I also recognize, however, that it is impossible for the School Division to restrict access to all inappropriate material and I will not hold the School Division responsible for information acquired on the computer system. I have discussed the terms of this agreement, policy, and regulation with my student.

I grant permission for my student to use the computer system in accordance with Salem City School Division's policies and regulations and for the School Division to issue an account for my student. For students in grades 5-12 who are issued a Chromebook:  
I have read and understand the Chromebook User Agreement.



# **A Simple Reminder: Character Counts in Salem City Schools**

## **Trustworthiness**

- Be honest

## **Respect**

- Treat others with respect

## **Responsibility**

- Do what you are supposed to do

## **Fairness**

- Play by the rules

## **Caring**

- Be kind

## **Citizenship**

- Do your share to make your school and community better