

Policy 2nd Reading
May 11, 2015

VSBA February Policy Updates

| | |
|-----------|---|
| BBE | Unexpired Term Fulfillment |
| BBFA | Conflict of Interests and Disclosure of Economic Interest |
| BCF | Advisory Committees to the School Board |
| BDA | Regular School Board Meetings |
| CBA | Qualifications and Duties for the Superintendent |
| CBB | Appointment and Term of the Superintendent |
| CLA | Reporting Acts of Violence and Substance Abuse |
| DG | Custody and Disbursement of School Funds |
| FB | Facilities Planning |
| FEG | Construction Planning |
| FFA | Naming School Facilities |
| GBN | Staff Hiring Procedures |
| GCBEB | Military Leave and Benefits |
| GCCB | Employment of Family Members |
| IC/ID | School Year/School Day |
| IGAE/IGAF | Health Education/Physical Education |
| IGAJ | Driver Education |
| JCA | Transfers by Student Victims of Crime |
| JCB | Transfers by Students in Persistently Dangerous Schools |
| JFC | Student Conduct |
| KBA-R | Requests for Information |
| KK | School Visitors |
| KNAJ | Relations with Law Enforcement Authorities |

Current Regulation Changes

| | |
|---------|---------------------------------|
| JFC-R1 | Student Code of Conduct |
| JFCC-R1 | Student Conduct on School Buses |

UNEXPIRED TERM FULFILLMENT

Vacancies occurring in the membership of the School Board, including the position of tie breaker, if any, are filled as provided by law.

Adopted: January 15, 1996
Amended: September 9, 2002
May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, §§ 15.2-410, 15.2-531, 15.2-837, 15.2-627, 22.1-39, 22.1-40, 22.1-44, 22.1-47, 22.1-50, 22.1-53, 22.1-57.3, 24.2-226, 24.2-228.

CONFLICT OF INTERESTS AND DISCLOSURE OF ECONOMIC INTERESTS

A. Purpose

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

B. Areas of Regulation

The State and Local Government Conflict of Interests Act establishes five principal areas of regulation applicable to Board members, officers and employees of the Culpeper County School Division. They are:

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

C. Definitions

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

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

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

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

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

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

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

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

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

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan forbearance or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include any offer of a ticket, coupon or other admission or pass unless the ticket, coupon, admission or pass is used; honorary degrees; any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution or program's financial aid standards and procedures applicable to the general public; a campaign contribution properly received and reported pursuant to Va. Code § 24.2-945 et seq.; any gift related to the private profession or occupation of an officer or employee or of a member of the officer or employee's immediate family; or gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece or nephew; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother or sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the officer or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in Va. Code § 2.2-419; or (c) a person, organization, or business who is a party to or is seeking to become a party to a contract with the School Board. For purposes of this definition, "person, organization or business" includes individuals who are officers, directors or owners of or who have a controlling ownership interest in such organization or business.

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

"Immediate family" means (i) a spouse and (ii) any child who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

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

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

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of

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

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

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

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

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

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

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

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

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

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

to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

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

1. Prohibited Conduct

Neither the School Board collectively, nor any member of the Board, shall

- solicit or accept money, or anything else of value, for services performed within the scope of his or her official duties other than his or her regular compensation, expenses or other remuneration;
- offer or accept money, or anything else of value, for or in consideration of obtaining employment, appointment, or promotion in the school division;
- offer or accept any money or anything else of value for or in consideration of the use of his public position to obtain a contract for any person or business with the school division.
- use for his or her own economic benefit, or anyone else's, confidential information gained by reason of his or her office, and which is not available to the public;
- accept any money, loan, gift, favor or service that might reasonably tend to influence the discharge of duties;
- accept any business or professional opportunity from which a School Board member may gain a financial benefit, where the member knows or should know that there is a reasonable likelihood that the opportunity is being offered with intent to influence his or her conduct in the performance of official duties.

2. Prohibited Gifts

For purposes of this subsection:

"Intangible gift" means a thing of temporary value or a thing that upon the happening of a certain event or expiration of a given date loses its value.

"Intangible gift" includes entertainment, hospitality, a ticket, admission, or pass, transportation, lodgings and meals that are reportable on Schedule E of the disclosure form prescribed in Va. Code § 2.2-3117.

"Tangible gift" means a thing of value that does not lose its value upon the happening of a certain event or expiration of a given date. "Tangible gift" includes currency, negotiable instruments, securities, stock options or other financial instruments that are reportable on Schedule E of the disclosure form prescribed in Va. Code § 2.2-3117. "Tangible gift" does not include payments or reimbursements received for any intangible gift.

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

School Board members and employees required to file a Statement of Economic Interests as prescribed in Va. Code § 2.2-3117 (i) shall not solicit, accept or receive within any calendar year any single tangible gift with a value in excess of \$250 or a combination of tangible gifts with an aggregate value in excess of \$250 from any person that the member or employee knows or has reason to know is (a) a lobbyist registered pursuant to Va. Code § 2.2-418 et seq.; (b) a lobbyist's principal as defined in Va. Code § 2.2-419; or (c) a person, organization or business who is a party to or is seeking to become a party to a contract with the School Board.

School Board members and employees required to file a Statement of Economic Interests shall report any tangible gift with a value of \$250 or less or any intangible gift received from any person listed in clause (i) on Schedule E of such disclosure form; and shall report any payments for talks, meetings and publications on Schedule D of such disclosure form.

The \$250 limitation imposed in accordance with this section shall be adjusted by the Council every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, rounded to the nearest whole dollar.

3. Nothing herein shall be construed to prohibit or apply to the acceptance by a teacher or other employee of Culpeper County School Board of an award or payment in honor of meritorious or exceptional services performed by the teacher or employee and made by an organization exempt from federal income taxation pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code.

F. Prohibited Conduct Regarding Contracts

1. No School Board member shall have a personal interest in (i) any contract with the School Board or (ii) any contract with any government agency which is subject to the ultimate control of the Board.
2. Exceptions - The above prohibition shall not be applicable to:
 - a Board member's personal interest in a contract of employment provided the employment first began prior to the member becoming a member of the School Board
 - contracts for the sale by a governmental agency of services or goods at uniform prices available to the general public
 - a contract awarded to a member of the School Board as a result of competitive sealed bidding where the School Board has established a need for the same or substantially similar goods through purchases prior to the election or appointment of the member to serve on the School Board;

however, the member shall have no involvement in the preparation of the specifications for such contract, and the remaining members of the School Board, by written resolution, shall state that it is in the public interest for the member to bid on such contract

- the sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof
- the publication of official notices
- contracts between the School Board and an officer or employee of the School Board when the total of such contracts between the School Board and the officer or employee of the School Board or a business controlled by the officer or employee does not exceed \$10,000 per year or such amount exceeds \$10,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in Va. Code § 2.2-3115
- an officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract
- contracts between an officer's or employee's governmental agency and a public service corporation, financial institution or company furnishing public utilities in which the officer or employee has a personal interest provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating or approving the contract
- contracts for the purchase of goods or services when the contract does not exceed \$500
- grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency
- an officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee
- employment contracts and other contracts entered into prior to August 1, 1987, provided such contracts were in compliance with the Virginia Conflict of Interests Act (or the Comprehensive Conflict of Interests Act) at the time of

their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. The employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of the persons is employed in a direct supervisory and/or administrative position with respect to the spouse or other relative residing in his household and the annual salary of the subordinate is \$35,000 or more

G. Prohibited Conduct Regarding Transactions

1. Each School Board member and School Board employee who has a personal interest in a transaction
 - a. shall disqualify himself from participating in the transaction if
 - (i) the transaction has application solely to property or a business or governmental agency in which he has a personal interest or a business that has a parent-subsidary or affiliated business entity relationship with the business in which he has a personal interest; or
 - (ii) he is unable to participate pursuant to subdivision G.1.b, G.1.c., or G.1.d. of this policy.Any disqualification under this subsection shall be recorded in the School Board's public records. The School Board member or employee shall disclose his personal interests as required by Va. Code § 2.2-3115.E and shall not vote or in any manner act on behalf of the School Board in the transaction. The member or employee shall not
 - (i) attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the matter in which he has a personal interest is discussed; or
 - (ii) discuss the matter in which he has a personal interest with other governmental officers or employees at any time.
 - b. may participate in the transaction if he is a member of a business, profession, occupation or group of three or more persons, the members of which are affected by the transaction, and he complies with the declaration requirements of Va. Code § 2.2-3115.G;
 - c. may participate in the transaction when a party to the transaction is a client of his firm if he does not personally represent or provide services to such client and he complies with the declaration requirements of Va. Code § 2.2-3115.H; or
 - d. may participate in the transaction if it affects the public generally, even though his personal interest, as a member of the public, may also be affected by that transaction.
2. Disqualification under this section shall not prevent any employee having a personal interest in a transaction in which his employer is involved from representing himself or a member of his immediate family in such transaction provided he does not receive compensation for such representation and provided

he complies with the disqualification and relevant disclosure requirements of this policy.

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

H. Disclosure Requirements for School Board Members

1. School Board members file, as a condition of assuming office, with the Council a disclosure statement of their personal interests and other information as is specified on the form set forth in Va. Code § 2.2-3117 and thereafter file such statement semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.
2. Any Board member or employee who is disqualified from participating in a transaction under Section G.1.a. of this policy, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate and such disclosure shall be reflected in the School Board's public records in the division superintendent's office for a period of five (5) years.
3. Any Board member or employee who is required to disclose his interest under Section G.1.b. of this policy shall declare his interest by stating:
 - the transaction involved;
 - the nature of the Board member's or employee's personal interest affected by the transaction;
 - that he is a member of a business, profession, occupation or group the members of which are affected by the transaction; and
 - that he is able to participate in the transaction fairly, objectively, and in the public interest.

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

the next business day. The Board member or employee shall also orally disclose the existence of the interest during each School Board meeting at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

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

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

Adopted: January 15, 1996
Amended: September 9, 2002
June 26, 2003
June 11, 2007
June 23, 2008
October 11, 2010
October 10, 2011
November 12, 2012
October 14, 2013
January 12, 2015
May 11, 2015

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

Cross Ref.: CBCA Disclosure Statement Required of Superintendent
GCCB Employment of Family Member

ADVISORY COMMITTEES TO THE SCHOOL BOARD

The School Board may appoint advisory councils or committees of citizens of the school division for consultation with reference to specific matters pertaining to local schools. In addition, pursuant to Board of Education regulations, the School Board establishes advisory committees for the following programs: special education and career and technical education. These committees shall serve without compensation for one-year terms.

A Gifted Education Advisory Committee will be established. The Committee will annually review the local plan for the education of gifted students, including revisions, and determine the extent to which the plan for the previous year was implemented. The comments and recommendations of the Committee will be submitted in writing directly to the School Board and the superintendent. The Committee will reflect the ethnic and geographical composition of the school division.

A School Health Advisory Board (SHAB) will be established. The SHAB will be comprised of no more than twenty members. The members will include broad-based community representation, including parents, students, health professional, educators, and others. The SHAB will assist with the development of health policy in the school division and the evaluation of the status of school health, health education, the school environment, and health services. The SHAB will hold meetings at least semi-annually and will annually report on the status and needs of student health in the division to any relevant school, the School Board, the Virginia Department of Health, and the Virginia Department of Education.

The School Board may request that the SHAB recommend to the School Board procedures relating to children with acute or chronic illnesses or conditions, including, but not limited to, appropriate emergency procedures for any life-threatening conditions and designation of school personnel to implement the appropriate emergency procedures.

A Parent Advisory Council will be established to provide advice on all matters related to parental involvement in programs supported by Title I, Part A and/or Limited English Proficiency programs under Title III.

Adopted: January 15, 1996
Amended: September 9, 2002
June 9, 2003
March 14, 2011
November 12, 2012
October 14, 2013
May 11, 2015

Legal Refs.: 20 U.S.C. §§ 5964(a)(6), 6318(e)(12), 7115(a)(1)(E).

Code of Virginia, 1950, as amended, §§ 22.1-18.1, 22.1-86, 22.1-275.1.

8 VAC 20-40-60.

8 VAC 20-81-230.D.

8 VAC 20-120-50.

8 VAC 20-131-270.

| | | |
|-------------|-------|---|
| Cross Ref.: | EB | School Crisis, Emergency Management, and Medical Emergency Response Plan |
| | EBB | Threat Assessment Teams |
| | IC/ID | School Year/School Day |
| | IGBB | Programs for Gifted Students |
| | KC | Community Involvement in Decision Making |

REGULAR SCHOOL BOARD MEETINGS

The School Board transacts all business at School Board meetings. The School Board does not vote by secret or written ballot. However, nothing prohibits separately contacting the membership, or any part thereof, of the School Board for the purpose of ascertaining a member's position with respect to the transaction of public business, whether such contact is done in person, by telephone or by electronic communication, provided the contact is done on a basis that does not constitute a meeting under the Virginia Freedom of Information Act.

All meetings of the School Board are open to the public, except as otherwise permitted by law.

No meeting is conducted through telephonic, video, electronic or other communication means where the members are not physically assembled to discuss or transact public business, except as provided in Policy BDD Electronic Participation in Meetings from Remote Locations.

The School Board gives notice of its meetings in accordance with Policy BDDA Notification of School Board Meetings.

At least one copy of all agenda packets and, unless exempt, all materials furnished to the members of the School Board for a meeting are made available for public inspection at the same time such documents are furnished to the members of the School Board.

Any person may photograph, film, record or otherwise reproduce any portion of an open meeting. The School Board may adopt rules governing the placement and use of equipment necessary for broadcasting, photographing, filming or recording a meeting to prevent interference with the proceedings, but does not prohibit or otherwise prevent any person from photographing, filming, recording or otherwise reproducing any portion of an open meeting. The School Board does not conduct any open meeting in any building or facility where such recording devices are prohibited.

Minutes of all regular School Board meetings are recorded in accordance with Policy BDDG Minutes.

Adopted: January 15, 1996
Amended: September 9, 2002
October 11, 2010
May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, §§ 2.2-3707, 2.2-3710, 22.1-72 and 22.1-74.

| | | |
|--------------|------|--|
| Cross Refs.: | KC | Community Involvement in Decision Making |
| | BCA | Board Organizational Meetings |
| | BDD | Electronic Participation in Meetings from Remote Locations |
| | BDDA | Notification of School Board Meetings |
| | BDDG | Minutes |

QUALIFICATIONS AND DUTIES FOR THE SUPERINTENDENT

I. QUALIFICATIONS

1. The candidate for superintendent shall meet the qualifications as set forth in State Board of Education Regulations Governing Licensure of School Personnel.
2. Preference shall be given to those applicants whose experience and education demonstrate a balance between instruction and business administration.
3. Eligibility shall be limited to individuals whose records indicate they possess the following attributes:
 - a. Good character
 - b. Management talent
 - c. Leadership
 - d. Knowledge of school law
 - e. Understanding of special education
 - f. Outstanding ability in career and technical and academic education.

The position of superintendent is a performance-based position with remuneration directly dependent on the achievement of the performance goals and standards established by the School Board and the School Board's evaluation of the superintendent.

II. MAJOR DUTIES

1. Serves as chief executive officer of the School Board.
 - a. Attends School Board meetings.
 - b. Implements policies of the School Board.
 - c. Reports to the School Board about the status of programs, personnel and operations of the schools.
 - d. Recommends actions to the School Board.
 - e. Communicates as liaison between the School Board and school personnel.
 - f. Assists the chairman in developing and distributing notices and agenda of meetings of the School Board.
2. Acts as the educational leader of the schools.
 - a. Supervises the principals and assistant superintendents.
 - b. Oversees planning and evaluation of curriculum and instruction.
 - c. Develops for approval by the School Board procedures for adopting textbooks and other instruction materials.
 - d. Visits schools on a regular basis.
 - e. Maintains a current knowledge of developments in curriculum and instruction.

3. Enforces school laws and regulations.
 - a. Observes such directions and regulations as the Superintendent of Public Instruction or Board of Education may prescribe.
 - b. Makes reports to the Superintendent of Public Instruction whenever required.
 - c. Distributes promptly all reports, forms, laws and regulations which may be received from the Superintendent of Public Instruction.
 - d. Enforces school laws, regulations and decisions of the Superintendent of Public Instruction and of the Board of Education.
 - e. Prepares and maintains administrative procedures, guidelines and regulations to be used to implement School Board policy. If Board action is required by law or the Board has specifically asked that certain types of regulations be given prior Board approval, these regulations and guidelines shall be placed in the School Board manual. The administrative procedures, guidelines and regulations shall be discussed with the staff and made available for their information.
4. Oversees staff personnel management.
 - a. Organizes recruitment of personnel.
 - b. Reassigns personnel to schools and offices.
 - c. Insures administration of personnel policies and programs.
 - d. Supervises evaluation of personnel.
 - e. Provides for maintenance of up-to-date job descriptions for all personnel.
5. Oversees facility management.
 - a. Prepares long and short-range plans for facilities and sites.
 - b. Insures the maintenance of school property and safety of personnel and property.
 - c. Inspects school property on a regular basis.
 - d. Approves the utilization of school property.
 - e. Monitors any construction, renovation and demolition of school facilities.
 - f. Represents the schools before local or state agencies which control building requirements or provide financing for buildings.
 - g. Closes public school buildings which appear to him to be unfit for occupancy.
6. Oversees financial management.
 - a. Prepares budget for School Board approval.
 - b. Insures that expenditures are within the limits approved by the School Board.
 - c. Reports to the School Board on financial condition of the schools.
 - d. Establishes procedures for procurement of equipment and supplies.
 - e. Ensures that an accurate record of all receipts and disbursements of school funds is kept.
7. Directs community relations activities.
 - a. Articulates educational programs and needs to the community.
 - b. Responds to concerns expressed in the community.
 - c. Maintains contact with the news media.

- d. Participates in community affairs.
 - e. Involves the community in planning and problem solving for the schools.
8. Oversees pupil personnel services.
- a. Monitors pupil personnel services.
 - b. Insures adequate pupil record system.
 - c. Implements policies and programs relating to behavior and discipline of pupils.
 - d. Maintains programs for health and safety of pupils.
 - e. Communicates as liaison between schools and community social agencies.

Adopted: August 12, 1996
Amended: November 18, 2002
October 10, 2011
May 11, 2015

Legal Ref.: Constitution of Virginia, article VIII, § 5c.

Code of Virginia, 1950, as amended, §§ 22.1-58, 22.1-59, 22.1-68, 22.1-69, 22.1-136; 22.1-253.13:7.

8 VAC 20-22-50.

8 VAC 20-22-600.

8 VAC 20-390-10.

8 VAC 20-390-40.

8 VAC 20-390-50.

8 VAC 20-390-60.

8 VAC 20-390-70.

8 VAC 20-390-80.

8 VAC 20-390-90.

8 VAC 20-390-100.

8 VAC 20-390-110.

APPOINTMENT AND TERM OF THE SUPERINTENDENT

The School Board appoints the superintendent from the list of eligibles certified by the Board of Education and determines the term of employment. The superintendent's term expires on June 30. The superintendent serves an initial term of not less than two years nor more than four years. At the expiration of the initial term, the superintendent is eligible to hold office for the term specified by the School Board, not to exceed four years.

If the School Board fails to appoint a division superintendent within 180 days of a vacancy, the Virginia Board of Education will appoint a superintendent for the division. If the School Board has not appointed a superintendent within 120 days of a vacancy, it will submit a written report to the Superintendent of Public Instruction demonstrating its efforts to make an appointment and containing a status report with a timeline for making the appointment prior to the 180-day deadline. If the School Board does not appoint a superintendent within 180 days of a vacancy, it will immediately notify the Virginia Board of Education, in writing, of its failure to do so. Within 30 days of the 180th day after the vacancy occurs, the School Board will submit, in writing, its preferred candidate(s), not to exceed three, for the position. The Virginia Board of Education may consider these candidates and other eligible individuals. The Virginia Board of Education may authorize the State Superintendent of Public Instruction to conduct the search for a division superintendent.

If the Virginia Board of Education appoints a superintendent, the contract for the superintendent will be negotiated by the School Board.

Adopted: August 12, 1996
Amended: November 18, 2002
June 26, 2006
October 11, 2010
May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-58, 22.1-60, 22.1-61.

Procedures for Appointment of a School Division Superintendent by the Virginia Board of Education (adopted by the Virginia Board of Education March 22, 2006) (available at http://www.pen.k12.va.us/VDOE/VA_Board/Meetings/2006/mar22min.pdf)

Cross Refs.: CBA Qualifications and Duties of the Superintendent
CBD Superintendent's Compensation and Benefits
CBG Evaluations of the Superintendent

REPORTING ACTS OF VIOLENCE AND SUBSTANCE ABUSE

I. Acts Reported to the Principal

- A. Except as may otherwise be required by federal law, regulation or jurisprudence, reports are made to the superintendent and to the principal (or designee) on all incidents involving:
- (i) 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;
 - (ii) the assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting or wounding of any person, 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;
 - (iii) 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;
 - (iv) any threats against school personnel while on a school bus, on school property or at a school-sponsored activity;
 - (v) the illegal carrying of a firearm, as defined in Va. Code § 22.1-277.07, onto school property;
 - (vi) 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;
 - (vii) 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;
 - (viii) 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
 - (ix) any illegal possession of weapons, alcohol, drugs or tobacco products.

The principal of each school collects and maintains information on the above listed acts which occur on school property, on a school bus or at a school-sponsored activity.

- B. The superintendent and the principal or his designee receive reports from 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 clauses (i) through (viii) of subsection A and whether the student is released to the custody of his parent or, if 18 years of age or more, is released on bond. The

superintendent may request that the reports include information regarding terms of release from detention, court dates and terms of any disposition orders entered by the court. When the superintendent 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, the superintendent reports such information to the principal of the school in which the juvenile is enrolled.

II. Reporting Duties of the Principal and Superintendent

The principal or designee reports all incidents required to be reported pursuant to section I of this policy to the superintendent. The superintendent annually reports all such incidents to the Department of Education for the purpose of recording the frequency of such incidents on forms that are provided by the Department and makes such information available to the public.

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 I.B. of this policy.

Except as may otherwise be required by federal law, regulation or jurisprudence, the principal immediately reports to local law-enforcement officials any of the acts listed in clauses (ii) through (vii) of subsection I.A of this policy which may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection I.A.

In addition, except as may be prohibited by federal law, regulation or jurisprudence, the principal also immediately reports any act enumerated in clauses (ii) through (v) of subsection I.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.

The principal or principal's designee notifies the parent of any student involved in an incident required to be reported pursuant to this policy, 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 regarding other students.

III. Prevention and Intervention Activities

Whenever any student commits any reportable incident as set forth in this policy, such student is required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or superintendent's designee. Prevention and intervention activities are identified in the division's drug and violence prevention

plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV--Safe and Drug-Free Schools and Communities Act).

The School Board develops, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which include prevention of hazing. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service requirements and any program focused on demonstrating the consequences of violence and crime. The School Board may develop and use a network of volunteer services in implementing prevention activities.

IV. Purpose

The purpose of reporting acts of violence and substance abuse is to develop a program of prevention activities to provide a safe environment conducive to learning.

Adopted: August 12, 1996
Amended: November 18, 2002
June 26, 2003
June 23, 2005
June 26, 2006
June 11, 2010
October 10, 2011
May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 8.01-47, 22.1-279.3:1, 22.1-279.9.

8 VAC 20-560-10.

CUSTODY AND DISBURSEMENT OF SCHOOL FUNDS

All School Board funds except

- money generated by school activities, and classified "school activity fund accounts",
- petty cash funds and
- accounts established for the purchase of instructional materials and office supplies

are deposited with the Culpeper County treasurer, who is in charge of the receipts, custody and disbursement of School Board funds and who keeps such funds in an account or accounts separate and distinct from all other funds. Checks must be drawn on the School Board account by the Culpeper County treasurer, Culpeper, Virginia.

Disbursement of School Board funds is approved as provided in Policy DK Payment Procedures.

Adopted: August 12, 1996
Amended: November 18, 2002
June 9, 2008
October 11, 2010
May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-116, 22.1-122.1 and 22.1-123.

8 VAC 20-240-10.

| | | |
|-------------|-----|---|
| Cross Refs: | DGC | School Activity Funds |
| | DGD | Funds for Instructional Materials and Office Supplies |
| | DJB | Petty Cash Funds |
| | DK | Payment Procedures |

FACILITIES PLANNING

The School Board is responsible for the regular operation and orderly development of all school facilities. The Board concerns itself with both short and long-range planning.

The superintendent presents to the School Board annually, or as necessary to coordinate with the planning process of the appropriating body, a Capital Improvement Program which includes recommendations regarding timing, location, costs and savings associated with:

- new building requirements
- restoration and renewal of existing school facilities

The superintendent may make recommendations for new buildings and renovations after input concerning facilities utilization, development and closure from a broad based committee representing the staff and community.

Recommendations are supported by data that supports the feasibility and need for construction and/or renovation.

Adopted: December 9, 2002

Amended: May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-78, 22.1-79(3).

Cross Ref.: AF Comprehensive Plan
BCF Advisory Committees to the School Board

CONSTRUCTION PLANNING

No public school building or addition or alteration thereto, for either permanent or temporary use, is advertised for bid, contracted for, erected or otherwise acquired until the plans and specifications therefor have been approved in writing by the superintendent and are accompanied by a statement by an architect or professional engineer licensed by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects that such plans and specifications are, in the professional opinion and belief of the architect or professional engineer, in compliance with the regulations of the Board of Education and the Uniform Statewide Building Code. The superintendent's approval, architect's or engineer's statement and a copy of the final plans and specifications are submitted to the Superintendent of Public Instruction.

Adopted: June 10, 1996
Amended: December 9, 2002
October, 11, 2010
May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-140.

Cross Ref: FEA Educational Facilities Specifications

NAMING SCHOOL FACILITIES

It is the responsibility of the Culpeper County School Board to determine the name of schools and school facilities in the division. The Board will solicit and accept input from the public regarding the names of schools and school facilities but reserves the right to make the final decision regarding the name of any school or school facility. Suggestions regarding the name of a school or school facility must be in writing, must state the name of the person or group making the suggestion and must state the reasons supporting the suggestion. The School Board may create a committee to make recommendations to the Board on the naming of any school or school facility.

No school or school facility will be named for a living individual. Schools and school facilities may be named for individuals who have been deceased for at least 10 years.

The Board may rename a school or school facility upon a determination that it is appropriate to do so. The procedure for renaming a school or school facility will be the same as the procedure outlined above.

Adopted: September 13, 2004
Amended: January 12, 2015
May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, § 22.1-78, 22.1-79.

Cross Ref.: BCE School Board Committees
FF Public Dedication of New Facilities

STAFF HIRING PROCEDURES

It is the desire of the Culpeper County School Board to recruit, hire and retain the best possible qualified applicants.

The Superintendent is responsible for developing procedures for advertising vacancies and new positions. Those procedures will be designed to ensure that all openings are properly advertised to give all interested and qualified parties the opportunity to apply. While most positions will be filled using those procedures, the School Board may, at the request of the Superintendent, fill positions in other ways. For example, the School Board may authorize the filling of a position to accommodate the disability of an employee, to transfer an employee when it is determined to be in the best interest of the school division, to satisfy the rights of employees returning from leave, to move an employee whose performance is unsuccessful to a position in which the employee might be successful or to discipline an employee for conduct deficiencies.

Current division employees are given an opportunity to apply for positions for which they are qualified.

Vacancies and new positions within the division are advertised on the internet, in each school and in the Central Office.

The applicant determined to be the best qualified shall be selected for a vacant or new position, regardless of whether the applicant is an internal or external candidate.

Application for employment in the Culpeper County Public Schools shall be made in writing on forms provided on the internet.

It is the responsibility of the applicant to furnish accurate information and any falsification of either information or credentials is cause for dismissal or refusal to employ.

Adopted: January 9, 1005
Amended: December 9, 2002
May 11, 2015

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

Cross Refs.: AC Nondiscrimination
 GCDA Effect of Criminal Conviction or Founded Complaint of Child
 Abuse or Neglect

MILITARY LEAVE AND BENEFITS

Leave

All employees of Culpeper County School Board who are members of the state or federal military reserves are entitled to leaves of absence from their duties on all days during which they are engaged in federally funded military duty, including training duty, or when called forth by the Governor.

Immediately upon receipt of official notice to report for duty, the employee will notify his or her supervisor of the need for military leave. A copy of the official orders must accompany the leave request.

Pay/Paid Leave

All employees on military leave will receive up to 15 days paid leave per federally funded tour of duty. When possible, military leave for employees on less than a 12 month contract will be arranged during non-duty hours.

An employee who is scheduled for a physical examination for military service during working hours, including but not limited to pre-induction physicals, will be given paid leave.

In addition, full-time employees of the Culpeper County School Division whose active duty service with the regular armed forces of the United States or the National Guard or other reserve component requires his or her absence from employment will receive supplemental pay in the amount of pay it takes to equal regular salary of employee if the employee's military compensation is less than the regular salary paid to the employee by the school division.

The employee will be permitted, upon request, to use any vacation, annual, or similar leave that had accrued at the time military leave began.

Except as outlined above, military leave is unpaid.

Benefits

Health Benefits

If the employee so desires, the employee and the employee's dependents may continue to participate in the division's group health plan for up to 24 months while the employee is on military leave. The employee must notify their supervisor, who then notifies human resources with appropriate documentation, including orders from the military, if he or she wants to continue participation in the division's group health plan. Employees who elect to continue on the division's health plan will be responsible for the following payments: amount as approved by the Culpeper County School Board on an annual basis.

Retirement Benefits

An employee reemployed after military leave will be treated as not having incurred a break in service. The period of military leave will be considered service to the division for purposes of vesting and benefit accrual. The division is responsible for its pension plan funding obligation. The division is not required to make its contribution until the employee is reemployed.

The employee will be allowed, but not required, to make up his or her contributions to a contributory plan. The employee may repay his or her employee contributions for a period of up to three times the period of military service, but not to exceed five years. If the employee's retirement plan is contributory and the employee does not make up his or her contributions, he or she will not receive the employer match or the accrued benefit attributable to his or her contribution because the employer is required to make contributions that are contingent on the employee's contributions.

The employer and employee contribution will be calculated on the rate of pay the employee would have received but for the absence to serve military duty.

Reemployment

An employee who is entitled to military leave by reason of service in the federal military reserves is entitled to be reemployed by the School Board as long as he or she

- has given advance notice of the need for military leave (unless notice is precluded by military necessity or is otherwise impossible or unreasonable);
- has not been absent from his or her job for more than five years; and
- returns to work as outlined below.

If the employee was absent from work for

- less than 31 days, he or she must report back to work by the beginning of the next regularly scheduled work period after a reasonable amount of time to arrive home, rest and report to work;
- more than 30 days but less than 181 days, the employee must submit an application for reemployment within 14 days after the completion of service;
- more than 180 days, the employee must submit an application for reemployment within 90 days after the completion of service.

Employees who are entitled to military leave due to service in the Virginia military reserves must make written application for reemployment within (1) 14 days of release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services does not exceed 180 days or (2) 90 days of his release from duty or from hospitalization following release if the length of the employee's absence by reason of service in the uniformed services exceeds 180 days.

Upon returning from duty, an employee will be restored to the same job he held before leaving or to a comparable job. The School Board is not obligated to reemploy

persons returning from military leave in certain unusual situations specified by state and federal law.

Termination after Reemployment

A person who is reemployed after returning from more than 30 days of military duty will not be discharged except for cause

- within one year after the date of reemployment, if the person's period of military service before the reemployment was more than 180 days; or
- within 180 days after the date of reemployment, if the person's period of military service before the reemployment was more than 30 days but less than 181 days.

Discrimination Against Members of Military Reserves Prohibited

Members of the military reserves will not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of that membership.

Adopted: August 14, 2006
Amended: October 11, 2010
May 11, 2015

Legal Refs: 38 U.S.C. §§ 4312, 4313, 4316, 4317.

20 C.F.R. §§ 1002.259, 1002.261, 1002.262, 1002.267.

Code of Virginia, 1950, as amended, §§ 22.1-289.2, 44-93, 44-93.1, 44-93.3, 44-93.4, 44-102.1.

EMPLOYMENT OF FAMILY MEMBERS

The School Board may not employ or pay, and the superintendent may not recommend for employment, any family member of the superintendent or of a School Board member. This prohibition does not apply to the employment, promotion, or transfer within the school division of any family member who

- has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the taking of office of the superintendent or any School Board member, or
- has been employed pursuant to a written contract with the School Board or employed as a substitute teacher or teacher's aide by the School Board prior to the inception of the family relationship, or
- was employed by the school board at any time prior to June 10, 1994, and had been employed at any time as a teacher or other employee of any Virginia school board prior to the taking of office of any member of the school board or division superintendent of schools.

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

No family member of any employee may be employed by the School Board if the family member is to be employed in a direct supervisory and/or administrative relationship either supervisory or subordinate to the employee. The employment and assignment of family members in the same organizational unit is discouraged.

Family members are defined as father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law.

Adopted: January 9, 1995
Amended: September 9, 2002
June 26, 2006
October 11, 2010
October 10, 2011
May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, § 2.2-3119.

Cross Ref.: BBFA Conflict of Interests and Disclosure of Economic Interests
GCI Professional Staff Assignments and Transfers

SCHOOL YEAR/SCHOOL DAY

School Year

The length of the school year is at least 180 teaching days or 990 teaching hours. Days on which a school or schools or all the schools in the division are closed due to severe weather or other emergencies are made up as provided below if necessary to meet these requirements.

Make Up Days

If severe weather conditions or other emergency situations result in the closing of a school or schools or all the schools in the school division for

- five or fewer days, all missed days are made up by adding teaching days to the school calendar or extending the length of the school day;
- six days or more, the first five days plus one day for each two days missed in excess of the first five are made up by adding teaching days to the school calendar or extending the length of the school day.

If severe weather conditions or other emergency situations result in the closing of any school in the school division and such school has been unable to meet the 180 teaching day requirement, the school division may make up the missed teaching days by providing its students with instructional hours equivalent to such missed teaching days to meet the minimum 990 teaching hour requirement.

The Board of Education may waive the requirement that the school division provide additional teaching days or teaching hours to compensate for school closings resulting from a declared state of emergency under certain circumstances. If the School Board desires a waiver, it will submit a request to the Board of Education. The request will include evidence of efforts that have been made by the school division to reschedule as many days as possible and certification by the superintendent and chairman of the School Board that every reasonable effort for making up lost teaching days or teaching hours was exhausted before requesting a waiver. If the waiver is denied, the school division will make up the missed instructional time.

School Calendar

The first day of school is after Labor Day unless the Board of Education waives this requirement based on the School Board's certifying that it meets one of the good cause requirements in the Va. Code § 22.1-79.1.B.

The School Board establishes the division's calendar and teaching contracts in accordance with applicable regulations of the Board of Education to include contingencies for making up teaching days and teaching hours missed for emergency situations.

An advisory committee composed of teachers, parents and school administration may be utilized to recommend a proposed calendar to the superintendent. The recommendation of this committee is advisory.

School Day

The standard school day for students in grades 1 through 12 averages at least 5-1/2 hours excluding breaks for meals. The standard school day for kindergarten is a minimum of three hours.

All students in grades 1 through 12 maintain a full day schedule of classes (5-1/2 hours) unless a waiver is granted in accordance with policies defined by the School Board.

Each elementary school provides students with a daily recess during the regular school year, as determined appropriate by the school.

The secondary school class schedule contains a minimum of 140 clock hours for each unit of credit. When credit is awarded in less than whole units, the increment awarded is no greater than the fractional part of the 140 hours of instruction provided.

The time for opening and closing schools is established by the School Board upon recommendation of the superintendent, provided that the daily program for students in grades 1 through 12 averages at least 5 ½ hours, not including meal intermissions. If the required program length is maintained, the School Board may approve occasional shortened days for staff development, conferences, planning and other activities designed to improve the instructional program, provided that no more than one day in each five-day week may be shortened to no less than four hours. The daily program for kindergarten is at least three hours, not including meal intermissions.

When exceptions in the length of the daily program are necessary for special education, alternative education, double shifts and scheduling or other unusual situations, the Board requests approval by the Superintendent of Public Instruction of the exceptions by August 1 preceding the school year for which they are requested.

The length of the work day for employees is determined by the School Board. It is of sufficient length to allow for the daily program for students and additional time as may be necessary for such activities as planning, preparation, meetings, workshops, conferences, meal intermissions or other contractual obligations.

Certification

The superintendent and School Board chair certify the total number of teaching days and teaching hours each year as part of the annual report to the Board of Education.

Adopted: March 13, 1995
Amended: March 10, 2003
June 26, 2006
June 23, 2008
October 11, 2010
May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended §§ 22.1-26, 22.1-79.1, 22.1-98.

8 VAC 20-131-150.

8 VAC 20-131-200.

Cross Ref.: BCF Advisory Committees to the School Board
 GAA Staff Time Schedules

HEALTH EDUCATION/PHYSICAL EDUCATION

Each school organizes and maintains a physical and health education program in accordance with Board of Education regulations and State Board of Health guidelines.

The Culpeper County school division's goal is that a program of physical fitness will be available to all students for at least 150 minutes per week on average during the regular school year. Such program may include any combination of physical education classes, extracurricular activities and other programs and activities. The Culpeper County School Board has incorporated a goal for the implementation of such program during the regular school year into its wellness policy, JHCF Student Wellness.

Adopted: March 13, 1995
Amended: March 10, 2003
June 23, 2008
October 11, 2010
May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-207, 22.1-253.13:1.

8 VAC 20-320-10.

| | | |
|--------------|------|--|
| Cross Refs.: | IGAG | Teaching About Drugs, Alcohol, and Tobacco |
| | JHCA | Physical Examinations of Students |
| | JHCF | Student Wellness |
| | JO | Student Records |

DRIVER EDUCATION

A program of driver education in the safe operation of motor vehicles and knowledge of rules, regulations and laws shall be offered in the high schools. The program shall consist of classroom training and "behind the wheel training." The School Board shall establish fees that do not exceed the limit established by the State Department of Education, for the "behind the wheel" portion of the program. The School Board may also request approval from the Board of Education to assess a surcharge to recover program costs that exceed state funding. The School Board may waive the fee or surcharge in whole or in part for those students it determines cannot pay the fee or surcharge. The program shall include instruction concerning alcohol and drug abuse, aggressive driving, motorcycle awareness, distracted driving, organ and tissue donor awareness, and fuel-efficient driving practices.

No student shall be permitted to operate a motor vehicle without a learner's permit or a license. Necessary certification of students' academic standing and compliance with compulsory attendance laws shall be provided by the administration to the Department of Motor Vehicles upon request, in accordance with state law.

At the beginning of each school year and thereafter as necessary, the Superintendent shall report to the Department of Motor Vehicles the name and driver's license number of all persons providing instruction in driver education for the school division.

Adopted: March 13, 1995
 Amended: June 27, 2002
 June 11, 2007
 June 22, 2009
 October 12, 2009
 October 11, 2010
 October 10, 2011
 May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-204; 22.1-205; 46.2-335, 46.2-325, 46.2-334, 46.2-340.

8 VAC 20-340-10.

8 VAC 20-720-80.

Cross Ref.: JED Student Absences/Excuses/Dismissals
 JFC-R Standards of Student Conduct
 JN Student Fees, Fines, and Charge

TRANSFERS BY STUDENT VICTIMS OF CRIME

Whenever any student has been the victim of any crime against the person pursuant to Chapter 4 of Title 18.2 of the Code of Virginia including crimes by mobs, crimes by gangs, terrorism offenses, kidnapping and related offenses, assaults and bodily wounding's, robbery, extortion or other threats, or sexual assault, and such crime was committed:

- by another student attending classes in the school, or
- by any employee of the school board, or
- by any volunteer, contract worker or other person who regularly performs services in the school, or
- if the crime was committed upon the school property or on any school bus owned or operated by the school division

the student upon whom the crime was committed shall, upon written request from the student's parents, or the student, if such student is an emancipated minor, be permitted to transfer to another comparable school within the division if available. Any transportation services for such students shall be provided in accordance with School Board policies.

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

Adopted: September 13, 2004

Amended: May 11, 2015

Legal Refs.: 20 U.S.C. § 7912.

Code of Virginia, §§ 22.1-3, 22.1-3.3.

Cross Refs.: JC Student Attendance Areas
 JCB Transfers by Students in Persistently Dangerous Schools

TRANSFERS BY STUDENTS IN
PERSISTENTLY DANGEROUS SCHOOLS

Any student attending a school which has been designated as a persistently dangerous school by the Virginia Department of Education will be offered the opportunity to transfer to another school in the division which is not so designated. If there is not another school in the division to which students may transfer, the division may explore other appropriate options such as an agreement with a neighboring division to accept transfer students.

In the event that a student elects to transfer, the transfer may remain in effect as long as the student's original school is identified as persistently dangerous.

Adopted: June 14, 2004

Amended: May 11, 2015

Legal Refs.: 20 U.S.C. § 7912.

Attachment A (No Child Left Behind Act of 2001 Unsafe School Choice Option Persistently Dangerous Schools Identification Process and Criteria) to Superintendent's Memo No. 86 (May 9, 2003).

Cross Refs.: JC Student Attendance Areas
 JCA Transfers By Student Victims of Crime

STUDENT CONDUCT

The standards of student conduct are designed to define the basic rules and major expectations of students in the public schools of Culpeper County. It is the responsibility of the Culpeper County School Board to adopt policy and regulations and the administration to issue regulations establishing rules of conduct for student behavior in order to protect the health, safety and welfare of its students. The local school principal has the responsibility and authority to exercise reasonable judgment in enforcing this Code of Conduct. Principals are responsible for ensuring that all students, staff members and parents are provided the opportunity to become familiar with this policy.

The superintendent issues Standards of Student Conduct and a list of possible corrective actions for violation of the Standards of Conduct. 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. The Standards of Student Conduct, a notice of the requirements of Va. Code § 22.1-279.3, and a copy of the compulsory school attendance law is also sent to all parents within one calendar month of the opening of schools simultaneously with any other materials customarily distributed at that time. A statement for the parent's signature acknowledging the receipt of the Standards of Student Conduct, 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 the School Board's Standards of Student Conduct and the parent's or parents' responsibility to participate with the school in disciplining the student and maintaining order, to ensure the student's compliance with compulsory school attendance law and to discuss improvement of the child's behavior, school attendance and educational progress. The administrator of the building should exercise reasonable judgment and consider the circumstances in determining the disciplinary action to be administered.

Each student has the right to expect an educational environment in which he or she can strive to achieve his or her intellectual potential. The student is expected to attend school regularly, be diligent in his/her studies and conduct him/herself in such a way that the rights and privileges of others are not violated. The student is expected to accept and demonstrate the obligation of good citizenship to help prevent problems from happening and help solve problems if they occur.

All parents are expected to assume responsibility for the student's behavior and assist the school in enforcing the Standards of Student Conduct and compulsory school

attendance. Parents are also expected to maintain regular communication with school authorities, monitor and require daily attendance, and bring to the attention of the school authorities any problem that affects the student or other children in the school. It is the parents' responsibility to notify the school of any unusual behavior pattern or medical problem that might lead to serious difficulties.

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 such a petition. The notice shall state (1) the date and particulars of the violation; (2) the obligation of the parent to take actions to assist the school in improving the student's behavior and 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 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.

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.

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.

Students are subject to corrective action for any misconduct that occurs:

- in school or on school property;
- on a school vehicle;
- while participating in or attending any school sponsored activity or trip;
- on the way to and from school; and
- off school property, when the acts lead to: (1) notification pursuant to Va. Code § 16.1-305.1 or a conviction for an offense listed in Va. Code § 16.1-260, (2) a charge that would be a felony if committed by an adult, or (3) disruption of the learning environment.

Unlawful acts which will lead to police notification and may lead to suspension from classes, exclusion from activities or expulsion include but are not limited to:

- possession or use of alcohol, illegal drugs, including marijuana and anabolic steroids, or drug paraphernalia;
- selling drugs;
- assault/battery;

- sexual assault;
- arson;
- intentional injury (bullying, fighting);
- theft;
- bomb threats, including false threats, against school personnel or school property;
- use or possession of explosives (see Policy JFCD Weapons in School);
- possession of weapons or firearms (see Policy JFCD Weapons in School);
- extortion, blackmail or coercion;
- driving without a license on school property;
- homicide;
- burglary;
- sex offenses (indecent exposure, obscene phone calls, sodomy and child molestation);
- malicious mischief;
- shooting;
- any illegal conduct involving firebombs, explosive or incendiary devices or materials, hoax explosive devices or chemical bombs;
- stabbing, cutting or wounding;
- unlawful interference with school authorities including threats;
- unlawful intimidation of school authorities; and
- other unlawful acts including being an accessory to any of these or other unlawful acts.

Any student involved in a reportable drug or violent incident shall participate 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.

The superintendent issues regulations listing additional actions which may be cause for corrective action and if serious enough or exhibited repeatedly may lead to suspension or expulsion.

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

Adopted: May 19, 2003
Amended: June 23, 2005
June 26, 2006
December 12, 2011

Amended: June 23, 2014
May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§16.1-260, 18.2-308.1, 18.2-308.7, 22.1-78, 22.1-200.1, 22.1-253.13:7.C.3; 22.1-254, 22.1-276.3, 22.1-277, 22.1-277.08, 22.1-277.2, 22.1-279.1, 22.1-279.3, 22.1-279.3:1, 22.1-279.6.

| | | |
|--------------|-------------------|--|
| Cross Refs.: | CLA | Reporting Acts of Violence and Substance Abuse |
| | ECAB | Vandalism |
| | IIBEA/GAB | Acceptable Computer System Use |
| | IIBEA-R/ GAB-R | Acceptable Computer System Use |
| | JFHA/GBA | Prohibition Against Harassment and Retaliation |
| | JGA | Corporal Punishment |
| | JGD/JGE | Student Suspension/Expulsion |
| | JGDA | Disciplining Students with Disabilities |
| | JGDB | Discipline of Students with Disabilities for Infliction of Serious Bodily Injury |
| | JN | Student Fees, Fines and Charges |

REQUESTS FOR INFORMATION

Culpeper County Public Schools is committed to full compliance with Virginia's Freedom of Information Act, and processes all requests for information in accordance with the following procedures:

Access to Records

1. Official records subject to disclosure under the Freedom of Information Act are open to inspection and copying during the regular office hours of the Culpeper County Public Schools' central office.
2. When practicable, the following records are available on request at the central office: minutes of the school board meetings and the annual budget.
3. Unless otherwise specified by the superintendent, inspection of records takes place at the central office of Culpeper County Public Schools, and records are not removed from that site. Copies may be requested in lieu of or at the time of inspection, subject to the charges listed below. Nonexempt records maintained in an electronic database are produced in any tangible medium or format identified by the requester that is regularly used in the ordinary course of business by Culpeper County Public Schools, including posting the records on a website or delivering the records through an electronic mail address provided by the requester.
4. One of the following forms of identification must be presented, or a photocopy thereof must be provided, before any person is allowed to inspect any records or receive copies of any records:
 - press identification identifying requester as a representative of a newspaper or magazine with circulation in the Commonwealth or of a radio or television station broadcasting in or into the Commonwealth, or
 - driver's license or other official photo identification showing that requester is a citizen of the Commonwealth.
5. The superintendent or superintendent's designee is present during inspection or copying of records. A record of each inspection is made, using form KBA-F2 Record of Inspection and/or Delivery of Copies.

Request Procedures

1. Requests for access to records shall be made with reasonable specificity.
2. Requests shall be directed to the Culpeper County Public Schools central office at: 450 Radio Lane Culpeper, VA 22701 540-825-3677 (Fax): 540-829-2111
3. Requesters should make their requests using Form KBA-E1 Request for Public Records. Requests received at the central office via telephone are transcribed onto Form KBA-E1 Request for Public Records by central office staff. Written requests other than on Form KBA-E1 Request for Public Records are appended to a copy of the form by central office staff, who fill out as much of the form as possible.
4. Building office personnel provide Form KBA-E1 Request for Public Records and a copy of this regulation upon request to any person interested in obtaining access to records, and shall instruct the requester to direct the request to the central office. Telephone inquiries are redirected to the central office. Any written requests

received by building personnel are immediately forwarded to the central office with a notation indicating the date and time the request was received.

Responding to Requests

1. Promptly, but in all cases within five working days of receiving the request, the school division provides the requested records to the requester or makes one of the following responses in writing:
 - (a) The requested records are being entirely withheld because their release is prohibited by law or because the Virginia Freedom of Information Act gives their custodian discretion to withhold them. The response will identify with reasonable particularity the volume and subject matter of the withheld records, and, with respect to each category of withheld records, cite the specific Virginia Code section(s) or other law that authorizes the withholding of the records.
 - (b) The requested records are being provided in part and are being withheld in part because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records. The response will identify with reasonable particularity the subject matter of the withheld portions and cite, with respect to each category of withheld records, the specific Virginia Code section(s) or other law which authorizes the withholding of the records. When a portion of a requested record is withheld, the school division deletes or excises only that portion of the record to which an exemption applies and releases the remainder of the record.
 - (c) The requested records could not be found or do not exist. If the school division knows that another public body has the requested records, the response includes contact information for the other public body.
 - (d) It is not practically possible to provide the records or to determine whether they are available within the five-day period. Such response specifies the conditions which make a response impossible. If the response is made within five working days, one of the preceding responses is provided within an additional seven-day period.

The school division may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search and a response within the time outlined above will prevent the school division from meeting its operational responsibilities. Before proceeding with the petition, the school division will make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

2. The five-day period begins on the first working day following the day the request is received by the central office or by a building office, and ends at the close of business on the fifth working day following receipt of the request. Any time that elapses between the time the requester is notified of an advance cost determination pursuant to the procedures detailed below and the time that the requester responds to that notice is not counted in calculating the five working days.

Processing of Requests

1. The superintendent or a designee, after receiving a request, promptly makes an initial determination as to whether the requested records will be provided to the requester, will be withheld, either completely or in part, or if it is practically impossible to provide the requested records or to determine whether they are available within five days.
2. If the superintendent or designee is unsure whether the requested documents should be provided to the requester, legal advice is promptly sought.
3. If the superintendent or designee is uncertain whether the requested records exist or where they may be located, efforts are promptly initiated to locate the records or determine whether they exist.
4. If the requested records will be made available either in whole or in part, the superintendent or a designee promptly consults with central office staff to determine the cost involved to assemble the records for inspection and copying. Where portions of individual records must be redacted prior to inspection and copying, the cost of doing this is taken into account. The following costs are charged at the rates indicated, not to exceed actual cost:
 - Staff member search time, charged by the quarter hour. Depending on the staff member(s) involved in the search, rates of \$3.00 to \$5.00 per quarter hour may apply.
 - Computer search time, charged at the rate of \$5.00 per quarter hour
 - Computer printouts, charged at the rate of .05 cents per page
 - Photocopies (including those necessary to perform redactions), charged at the rate of .05 cents per page.
 - Incidental out-of-pocket costs necessary to assemble the records (for example: phone, postage, or courier charges).
5. If the requester has asked for an advance determination of the cost, or if the cost is expected to exceed \$ 200, the requester shall be notified in advance of the cost associated with the request. If the cost of the request is determined to exceed \$200, the School Board may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. No further action shall be taken until the requester responds, and the requester must agree to pay the estimated amount before any further processing of the request is performed.
6. Before processing a request for records, the superintendent or superintendent's designee may require the requester to pay any amounts owed to the School Board for previous requests for records that remain unpaid 30 days or more after billing.
7. If school division records have been transferred to any entity, including any other public body, for storage, maintenance or archiving, the school division remains the custodian of the records for purposes of responding to requests and is responsible for retrieving and supplying the records to the requester.
8. Any records to be disclosed are assembled for inspection and copying by central office staff, under the direction and supervision of the superintendent or a designee.
9. Central office staff are responsible for recording the date the request was received, verifying photo identification and signature and recording and assembling additional

information about the request as indicated on Form KBA-E1 Request for Public Records.

Adopted: June 3, 2003
Amended: June 11, 2007
September 15, 2008
October 11, 2010
May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, § 2.2-3704.

SCHOOL VISITORS

Generally

Visitors are welcome in the schools as long as their presence is not disruptive. Upon arriving at a school, all visitors must report to the administrative office. Potential visitors, including parents, who are registered sex offenders, should consult Policy KN Sex Offender Registry Notification and Policy KNA Violent Sex Offenders on School Property before arriving at school property or school sponsored activities. The school division expects mutual respect, civility and orderly conduct from all individuals on school property and at school events. Unauthorized persons, including suspended and expelled students, will be requested to leave school grounds by the building administrator. Unauthorized persons who fail to leave the school grounds or school activity as requested will be considered trespassers. The School Board authorizes the superintendent to take all necessary actions regarding the safety, order and preservation of the educational environment on School Board property or at school division sponsored activities. Law enforcement may be called to enforce this policy.

Anyone, including students, who enters a school at nighttime without the consent of an authorized person except to attend an approved meeting or service or who enters or remains on any school property, including school buses, in violation of (i) any direction to vacate the property by an authorized individual or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen may be prosecuted.

Parents

Parents are encouraged to visit the schools on scheduled days for conferences with teachers, assemblies, PTA meetings, volunteer service and other school programs. Noncustodial parents are not denied, solely on the basis of their noncustodial status, the opportunity to participate in any of the student's school or day care activities in which such participation is supported or encouraged by the policies of the School Board.

Board Members

Periodically, Board members may visit schools within the division. The purpose of these visits is to maintain contact with building employees and increase understanding of actual educational practices. School Board members follow the same procedures applicable to all other visitors when visiting a school.

Adopted: January 13, 1997
Amended: May 19, 2003
June 23, 2008
November 22, 2010
May 11, 2015

Legal Ref.: Code of Virginia, 1950, as amended, §§ 18.2-128; 18.2-415, 22.1-4.3, 22.1-79.

Cross Refs.: DJG Vendor Relations
ECA Inventory and Reporting of Loss or Damage
IGBC Parental Involvement
KGB Public Conduct on School Property
KN Sex Offender Registry Notification
KNA Violent Sex Offenders on School Property
KP Parental Rights and Responsibilities

RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

Investigations by Law Enforcement Officers at School

When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the principal is contacted immediately. The principal or principal's designee makes a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the conference. If the parent or guardian cannot be present for the conference, then the principal or principal's designee is present throughout the interrogation.

Service of Process at School

Should there be a need to serve a student or school employee with any "legal process", the School Board encourages the process server to make all reasonable attempts to serve such documents off school premises; however, if the documents must be served on school premises, they should be served at the principal's office of the school which the student attends or the main office of the facility at which the employee is assigned.

In any case in which custody or visitation of a minor child is at issue and a summons is issued for the attendance and testimony of a teacher or other school employee who is not a party to the proceeding, if such summons is served on school property, it may be served only by a sheriff or his deputy.

Development of Programs

The superintendent seeks to develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations court judges and personnel, parents, and the community at large, programs and procedures to prevent violence and crime on school property and at school-sponsored events. The superintendent obtains and uses Sex Offender Registry information in accordance with Policy KN Sex Offender Registry Notification.

Report to Law Enforcement Officials

Except as may otherwise be required by federal law, regulation or jurisprudence, the principal immediately reports to local law-enforcement officials all incidents listed below that may constitute a criminal offense:

1. assault and battery which results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person 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; or
2. 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 of or attempted theft of student prescription medications; or
3. any threats against school personnel while on a school bus, on school property or at school-sponsored activity; or
 4. the illegal carrying of a firearm, as defined by Va. Code § 22.1-277.07, onto school property;
 5. 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; or
 6. 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.

The principal may report to local law enforcement officials any incident involving 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.

Adopted: September 13, 2004

Amended: June 23, 2005
October 10, 2011
May 11, 2015

Legal Refs.: Code of Virginia, 1950, as amended, §§ 8.01-47, 8.01-293, 9.1-101, 16.1-264, 22.1-279.3:1, 22.1-279.9, 22.1-280.2:1, 22.1-293.

Cross Refs.: JFC Student Conduct
 JGD/JGE Student Suspension/Expulsion
 CLA Reporting Acts of Violence and Substance Abuse
 KN Sex Offender Registry Information

Student Code of Conduct

Philosophy and Purpose

The Culpeper County Public Schools Code of Conduct has been formulated in order to encourage good citizenship by students and to discourage conduct that disrupts the learning environment of the school or that adversely affects the health and welfare of the students, staff and visitors. It is also meant to ensure that parents, students, and school personnel understand their responsibilities in regard to student conduct and to standardize procedures that will be used in responding to specific disciplinary problems. Every student has a right to a quality education in an environment that is conducive to learning and free of disruption. Conversely, every student has the responsibility to afford that right to others.

This section generally describes the more obvious types of misconduct, but should not be construed as an exclusive list or as a limitation upon the authority of the School Board or school officials to deal with types of conduct which interfere with the proper functioning of the schools. Any behavior which threatens or jeopardizes safety, order, or the rights of others is considered to be in violation of the Culpeper County Public Schools' Code of Conduct. Policies and references within the Code of Conduct can be found in the Culpeper County Public Schools Policy Manual available at each school as well as the Culpeper County Public Library and online at www.culpeperschools.org.

Jurisdiction of the School Division

Students are subject to the Code of Conduct at all times while they are under the jurisdiction of the school division, including, but not limited to such times as they are:

1. on school property;
2. waiting for the school bus at designated bus stops;
3. going to and from school;
4. on the school bus;
5. participating in or attending school-sponsored or school-related activities such as field trips, conferences, or athletic events;
6. engaging in off-campus conduct that creates a substantial disruption to the learning environment;
7. engaging in off-campus conduct that presents a threat to the safety of students or staff to include, but not limited to, charges for criminal behavior that if committed by an adult would be a felony or convictions of specific crimes as detailed the Code of Virginia 22.1-277.2 and 16.1-305.1.

Any student convicted of purchase, possession or use of a weapon; homicide; felonious assault and bodily wounding; criminal sexual assault; manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances; manufacture, sale, gift, distribution, or possession of marijuana; arson and related crimes; burglary and related offenses may be suspended or expelled from school attendance.

RESPONSIBILITIES

School Division Employees

The Culpeper County School Board has the responsibility to make policies and regulations, and acting through the Superintendent holds all school division employees responsible for supervising student behavior while students are legally under the jurisdiction of the schools. Generally, the school principal is responsible for the enforcement of the Code of Conduct by persons under his or her supervision.

Administrators, teachers, bus drivers, and support personnel are to ensure the rights of each student in the school division are protected. School division employees are responsible for:

- facilitating regular school attendance;
- providing an orderly school environment, a favorable psychological environment conducive to

- learning, and an atmosphere of mutual respect;
- encouraging self-discipline;
- maintaining open and proactive communication with parents and students;
- formulating and implementing school rules and regulations in compliance with the Code of Conduct through the school setting;
- disseminating the Code of Conduct upon registration of a new student and to all students and parents annually;
- discussing the Code of Conduct with students and parents at meetings throughout the school year;
- developing a discipline plan of action balancing the needs of the student and the school environment as a whole.

In determining which of the disciplinary actions is most appropriate, a principal or other persons shall consider such factors as the context and seriousness of the violation, the student's age and maturity, disability status, previous disciplinary record, and any other relevant circumstances.

Parents and Guardians

Each parent of a student enrolled in Culpeper County Public Schools has a duty to assist the school in enforcing this Code of Conduct so that each student may be educated in an atmosphere that is free of disruption and supportive of individual rights. It is the responsibility of parents and guardians to:

- ensure regular and prompt school attendance by their child;
- promote the good health of their child by addressing their health needs;
- teach their child to assume responsibility for learning and for their conduct;
- provide encouragement and discipline aimed at motivating their child towards proper, responsible behavior within the school setting;
- ensure that their child is appropriately dressed for school as determined by the dress code with attention to personal cleanliness;
- provide books, materials, instruments, uniforms and equipment that are required for effective participation in the school program;
- provide up to date addresses, phone numbers, emergency contact information to the school; to include that of non-custodial parents;
- provide the necessary information for enrollment in Culpeper County Public Schools to include: proof of residency; student's birth certificate; social security number; physical examination and health information; a record of the completed series of immunizations; and previous academic and discipline records as required by the Code of Virginia.

Students

The Culpeper County School Board believes students are responsible their learning and behavior, and are to seek adult assistance when encountering difficulties in meeting their responsibilities. Students are subject to increasing accountability for learning and behavior as they progress through school. Students are responsible for and expected to:

- learn and follow the Code of Conduct;
- attend school regularly and be on time to classes;
- put forth the academic effort necessary for learning;
- accept and respect the authority of parents, school personnel, and law enforcement personnel;
- respect the rights of others;
- exercise good judgment;
- practice self-control; and
- accept responsibility for their own learning and behavior.

STUDENT RIGHTS

The Culpeper County School Board recognizes the constitutional and legal rights of individual students as defined in law and in Virginia and U. S. Court decisions. The rights of students, though limited in the context of public schools, are recognized to include, but are not limited to: disciplinary due process; freedom of speech and religion; right of assembly and association; right to privacy; self-defense claims; and protection from discrimination.

Disciplinary Due Process

Students shall not be deprived of their liberty, property, or right to attend school without due process of law. Therefore, school personnel must protect a student's due process rights when the student is accused of violating the Code of Conduct and in the administration of discipline. These include:

- The student's right to know what rule was violated by oral or written notice.
- The student's right to speak in their own defense, and/or present a written statement addressing the accusation and their version of the incident.
- The student's right to present witnesses or evidence for their defense.
- The student's right to be subject to discipline only if the evidence shows it is *likely or probable* the student violated the rule.
- The right to appeal discipline decisions as determined by school board policies and regulations, and state laws.
- The right to have the discipline process applied in a timely and fair manner without prejudice, bias, or discrimination.

Freedom of Speech

Culpeper County Public School students possess a range of free-expression rights under the First Amendment. Students can speak, write articles, take part in demonstrations, and petition school officials on issues of concern. The U.S. Supreme Court has said that students "do not shed their constitutional rights to freedom of speech and expression at the schoolhouse gate." Though students do possess First Amendment freedoms, the courts allow school officials to regulate certain types of student expression. For example, school officials may prohibit speech that substantially disrupts the school environment or that invades the rights of others.

Freedom of Religion

Students can take part in individual and group prayer during the school day when they are not participating in school activities or are being taught provided they pray in a "non-disruptive manner". These activities have to be voluntary and initiated by the students. Students can also have religious messages on clothing in the same way they are allowed to display non-religious messages on clothing. Students are allowed to express their beliefs about a religion in their school work and assignments if relevant to the assignment.

Right to Associate and Assembly

Students have the right to meet and associate with other students in manner that will not disturb regular school activities, and to meet in groups at the school for a legitimate purpose with proper supervision and administrative approval.

Protection from Discrimination

Students are protected by law from being treated differently in disciplinary actions or educational opportunities because of race, religion, gender, sexual orientation, ethnic, national origin, or disability status.

Voluntary Participation in Civic Ceremonies and Traditions

Public school students are led by staff in selected civic ceremonies and traditions whereby students have the right to participate free from disruption or discrimination. These include a “minute of silence” for meditation, prayer or to engage in a silent activity; to salute the flag and recite the Pledge of Allegiance; or to sing The National Anthem. If students choose not to participate in these civic ceremonies and traditions, they are to remain quiet and are not to disturb or distract others that wish to participate. The right of non-participation by students is recognized by Culpeper County Public Schools and is to be respected without intimidation or harassment by others.

Right to Privacy

Students have rights to privacy affecting their educational and discipline records, individual counseling, health conditions, disability status or other confidential information. School employees’ access to a student’s confidential information and its dissemination to others are defined and proscribed by school board policy, state and federal law.

Expectations of Privacy, Searches, and Confiscation of Personal Property

Each person has the right to be safe and secure at school and students have the right to pursue their education in an environment free of dangerous or disruptive items. Therefore, schools officials have the authority to prohibit certain items and conduct searches to locate and confiscate such items. School-owned property such as lockers, cubbies, desks, computers, or other school owned property in a student’s use can be searched without notice or cause. *There is no expectation of privacy for students in their use or possession of school-owned property.*

Furthermore, when a “reasonable suspicion” exists to cause a search for prohibited items or for evidence that a law or a school policy has been violated, school officials have the right to search the personal property of students to include, but not limited to: clothing; purses; notebooks; book bags; duffle bags; computers; cell phones; or other electronic devices. Any vehicle brought on school property or at any school related event is subject to search if “reasonable suspicion” exists that prohibited items may be present in the vehicle.

Prohibited items or the misuse of allowable items are subject to immediate confiscation by school officials pursuant to school board policies and regulations. Refusal to cooperate with a lawful request to search will result in disciplinary action.

Right to Review Records

Students and parents have the right to review educational and discipline records upon a request.

Self-Defense Claims

Cases for which self-defense is claimed by a student must meet the following criteria:

1. The claimant must not have provoked or behaved in a manner to cause the incident;
2. The claimant must have had reasonable fear of danger of harm; and
3. Used no more force than needed for protection from the threatened harm.

Such incidents must be reported immediately to school officials. When claims of self-defense have been established, the administrator shall:

1. Allow the student to present his version of what occurred; and
2. Review circumstances and relevant information from others pertaining to the incident, including relationships and previous patterns of interaction among the students involved. Findings from the review of circumstances and other relevant information will be considered in determining the appropriate disciplinary action. Claims of self-defense do not constitute a valid defense against possession or use of a weapon on school property or at any school-sponsored activity.

ATTENDANCE- EXCESSIVE ABSENCES, LATE ARRIVALS, and EARLY DISMISSALS

It is the legal responsibility of parents to ensure their child receives an appropriate education. Regular attendance is a significant factor in academic achievement and plays an important role in developing good habits for future education and employment. Furthermore, late arrivals and early dismissals interrupt the learning of other students. Therefore, the Culpeper County School Board expects students to be on time to school, attend all classes without being late or leaving early, and are not to leave school grounds without administrative approval. Failure to follow the attendance policies of the school division and individual schools will result in disciplinary action towards the student and legal proceedings may be initiated against the parent, student, or both. (See page 34 for the complete attendance policy.)

CONDUCT ENDANGERING SELF OR OTHERS

Weapons and Other Dangerous Items

The possession, use, sale, or purchase of any or dangerous item in any school building, on school grounds, in any school vehicle or at any school-sponsored activity without the authorization of the school principal or the school Division Superintendent is prohibited. A violation of this policy shall require that proceedings for the discipline of the student involved be initiated immediately by the principal.

Such weapons and dangerous items include, but are not limited to:

- any firearm designed or intended to propel a projectile of any kind, or any look-alike gun
- any type of ammunition
- any knife, razor or box cutter
- any explosives, fireworks, and destructive devices
- any tool such as screwdrivers, hammers, hatchets, axes
- any “fighting” weapon
- any common object such as scissors, pencils, sports equipment, if used as weapon

In accordance with state law, a student who is determined to have brought a “firearm” as defined in law or knife with a blade of 3 inches or longer, or other types of fighting weapons on school property or to a school-sponsored activity shall be expelled for no less than one calendar year (365 days). The Superintendent or designee may, however, determine, based on the facts of a particular case that special circumstances exist and another disciplinary action is appropriate. Any such discipline shall be taken in accordance with policy. Nothing in this section shall be construed to require a student’s expulsion regardless of the facts of the particular situation. **Any student who possesses or uses a weapon or dangerous article on school property shall be referred to law enforcement.**

Exceptions:

Curricular- An exception to this policy may be made for students participating in an authorized part of the curriculum, extracurricular activity or team involving the use of firearms, or in any organization permitted by the school to use the premises. However, the student may be subject to appropriate disciplinary action for misuse of the item or for use for any purpose other than the authorized curricular purpose.

Food Preparation or Service: A student possessing a knife which is (1) customarily used for food preparation or service and (2) is being possessed for the sole purpose of food preparation or service shall not be subject to mandatory expulsion. However, the student may be subject to appropriate disciplinary action for misuse of the knife or for use for any purpose other than as authorized.

Any exception must be arranged in advance with the administration of the school involved.

Arson, Explosives, Bomb Threats and False Alarms

Students may not engage in any illegal conduct involving sources of ignition (lighters, matches,

flammable fuels); fireworks; explosive, chemical, or incendiary materials or devices; or hoax devices, as defined in the Code of Virginia. Possession or use of such items is prohibited. Furthermore, students shall not make any threat or false threat to bomb, burn, or destroy property or to cause harm to others, nor to cause a false alarm to be initiated, conveyed, or transmitted.

Alcohol, Tobacco Products, Drugs, Inhalable or Ingestible Harmful Substances, and Drug Paraphernalia

Students shall not possess, use, distribute or be under the influence of alcohol, tobacco products, drugs, inhalable or ingestible harmful substances, or drug paraphernalia on school property, at school sponsored activities on or off school property, on school buses or at school bus stops. Substances prohibited by this section includes, but may not be limited to: tobacco products; electronic cigarettes; alcohol; marijuana; illegal or controlled substances; prescription drugs; drug paraphernalia; steroids; inhalants; imitation controlled substances; or over the counter medications or any other inhalable or ingestible substance, whether legally or illegally possessed, where the substance is used or is to be used in a manner that causes physical or mental impairment or subjects the user to a dangerous risk of physical or mental harm.

Any medications prescribed by physicians or over the counter medications for a student must be brought to the school office by a parent if the student has the need to take such medications during the school day. Once a parent has completed the appropriate form for dispensing medication, arrangements will be made for the student to receive his medication during the school day.

Conspiracy

The planning and/or an agreement by two or more students to commit an illegal act is prohibited whether the conspiracy results in an illegal act on school property or at a school-related event, or whether the conspiracy occurs or is furthered by students while under the authority of the school.

Disciplinary Actions relating to Alcohol & Drugs

Students who are found to be in violation of Culpeper County Public School's policies with regard to the use, possession, or distribution, or intent to distribute of alcohol or drugs shall be subject to immediate suspension, notification to law enforcement authorities, and possible expulsion in accordance with school board policies and regulations. Offending students may be required to participate in a substance abuse evaluation and program of treatment by the Division Superintendent or school board as a condition of enrollment.

Assault and Threats

Assault is a threat or attempt to cause bodily injury. Threats are circumstances whereby a person is placed in reasonable fear of bodily injury by weapons, attempts at physical contact, gestures, written notes, electronic messages, or verbal comments. Assaults and threats are prohibited.

Battery (Physical Aggression)

Battery is any bodily hurt, however slight, done to another person in an angry, rude, or vengeful manner. Students are prohibited from committing battery by intentionally hitting, shoving, tripping, scratching, biting, throwing objects at, or blocking the passage of another person.

Inappropriate Behavior

The behavior of students in various school settings- classrooms, playgrounds, hallways, cafeterias, gymnasiums, on school buses, at bus stops, or at school-related events must be appropriate for the time, place, and circumstances. Acts of harmful play (wrestling, play fighting, or pranks), rambunctiousness (running, jumping, standing, yelling, or loud talking not in proper context) or any socially inconsiderate behaviors (line cutting, playing with food, not waiting for a turn) are prohibited.

Incitement or Instigation of Fighting

Actions, comments, written or electronic messages intended to cause others to engage in mutual acts of aggression or may result in acts of aggression are prohibited.

Fighting

Aggressive actions by which two or more persons mutually intend to cause harm or injury are prohibited. These actions include, but are not limited to: hitting, kicking, shoving, wrestling, or other aggressive actions which could result in harm or injury to the individuals involved, bystanders or school personnel, or damage to school or personal property.

Sexual Behavior & Sexual Harassment

Sexual behavior is prohibited in any form on school grounds, school buses, or at school sponsored activities. Sexual behavior includes, but is not limited to offensive touching, indecent exposure, sexual messages including electronic messages, obscene photographs or video and inappropriate gestures. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive environment are prohibited.

Stalking

Students shall not engage in a pattern of behavior that places another person in reasonable fear of bodily harm or constitutes an invasion of their privacy. These behaviors include: following their movements; visual or auditory spying; use of electronic means of surveillance; use of intermediaries acting on their behalf.

Profane or Obscene Language, Behavior, or Items

Students shall not use vulgar, profane, or obscene language or engage in conduct that is vulgar, profane, or obscene. The possession of obscene literature, photographs, video, or illustrations in any form is also prohibited. This includes the wearing of clothing or adornments which convey sexually suggestive messages.

Extortion

Willful use of physical or verbal threats intended to result in an involuntary transfer of money or property to another person is prohibited.

Gambling

Gambling is any event, action, or statement which relies on chance for the monetary advantage of one participant at the expense of others. This includes exchanging items of value, as well as currency, and extends to keeping score for later settlement. Gambling on school property or at school-related events is prohibited.

Hazing

No student shall engage in hazing. Hazing means to recklessly and 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 activity.

Hazing is a Class 1 misdemeanor which may be punished by confinement in jail for up to 12 months and a fine of up to \$2500, or both, in addition to any disciplinary consequences which may be imposed. The principal of any school at which hazing causes bodily injury shall report the hazing to the local law enforcement.

Bullying

Students, either individually or as a part of a group, shall not bully others.

“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.

The following conduct is illustrative of bullying:

- Physical intimidation, taunting, name calling, insults, excluding or ostracizing behaviors;
- Comments regarding the race, gender, religion, national origin, physical abilities or characteristics of the targeted person or his or her associates;
- Falsifying statements about other persons or spreading rumors; or
- **“Bullying” includes cyber bullying which is the use of technology such as e-mail, text messages, or postings on web sites to defame or threaten others.**

Defiance

Students must comply with any reasonable written or verbal direction given by school personnel. These include, but are not limited to, requests to stop talking, to stay seated, to participate in learning activities, to hand over personal property, to cease a behavior, or to identify themselves to school personnel.

Disruptive Behavior

Any physical or verbal disturbance which occurs within the learning environment which interrupts or interferes with teaching or learning, the orderly conduct of school activities, or the safe operation of school programs or a school bus is prohibited.

Disrespect towards Others

Students may not verbally, through writing or pictures, use of gestures or body language curse, defame, ridicule, or intentionally embarrass another person to include students, school personnel, or visitors. Students who refuse to recognize the proper authority of school personnel to enforce rules are also in violation of this rule.

Unauthorized Use of Photography, Video, or Audio

Students are prohibited from taking photographs, or creating video or audio recordings of other students, school personnel, or visitors without the express consent of the teacher, principal, or other school personnel in supervision of the student. This applies within school buildings or on school grounds, on school buses or at bus stops, or when attending school-related events on or off campus.

Gang Activity or Association

The School Board acknowledges 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 at any school sponsored 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 omission, or using any speech, either verbal or non-verbal (such as gestures or hand-shakes) showing membership or affiliation in a gang;
- using any speech or committing any act or omission in furtherance of the interests of any gang;
- soliciting, hazing and initiating others for membership in any gang;
- requesting any person to pay protection or otherwise intimidating or threatening any person; or committing any other illegal act or other violation of school policy.

Operation of Motor Vehicles

Students and visitors operating motor vehicles to and from school and on school property shall do so in a safe and proper manner. Any student who drives in a careless or dangerous manner, or under the influence of alcohol or narcotics on school property and/or ignores parking rules is subject to revocation or suspension of their parking privileges, and will be referred to law enforcement.

INTEGRITY

Students shall demonstrate honesty, trustworthiness, and integrity in their interactions with others, and in their academic work. Fair and just disciplinary actions dictate that school officials need truthful statements from accused students, accusers, and witnesses when investigating violations of the Code of Conduct. Students are subject to separate disciplinary action for attempts to deceive school officials in the course of investigations or in the administering of disciplinary actions. Attempts toward completion of any act described below would constitute a violation and may be punishable whether or not the attempted act is completed. The behaviors described below are prohibited:

Cheating

Cheating includes the actual giving or receiving of any unauthorized aid or assistance or using an unfair advantage on any form of academic work.

Plagiarism

Plagiarism includes the copying of the language, structure, idea and/or thought of another person and representing it as one's own work.

Forgery

Forgery is the signing of another person's name or initials on a document with the intent to deceive others.

Forgery also includes the altering of any school document or parent note.

Lying

Lying is the act of making a false statement with the intent to deceive others. Students are expected to provide truthful statements to school personnel when asked questions related to their own academic work or behavior, and when questioned about the behavior or actions of others.

False Allegations

The making of false accusations against innocent person(s) may carry serious consequences for the person(s) accused. Therefore, students falsely accusing other students of violations of the Code of Conduct are subject to disciplinary actions. Students making false accusations against school division employees, volunteers, law enforcement personnel, or other persons are subject to disciplinary actions which may include long term suspension.

PROPERTY OFFENSES***Stealing or Theft***

The taking or attempt to take the property or money of another person, the school, or other organizations by force, threat, trickery, or stealth is prohibited.

Trespassing

It is unlawful for any person, whether or not a student, to enter upon or remain upon any school property (including school buses) in violation of any directive by school personnel to leave the property or by posted notice which contains such information. Students suspended or expelled from school are not to be

on any Culpeper County Public Schools property, including buses or bus stops, or attend any school-related events. Violators are subject to discipline and/or notification to law enforcement.

Vandalism

Vandalism is the willful marring, defacing, (i.e. graffiti), or destruction of the property of Culpeper County Public Schools, or any public or personal property while on school property or during a school-sponsored activity. Additionally, this includes unauthorized entry into any computer system (See Acceptable Computer System Use Policy).

Vandalism of property is prohibited and anyone who vandalizes property will be disciplined and/or reported to law enforcement and will be responsible for monetary restitution for the total cost of replacement or repair.

Buying, Selling, or Trading of Items

Students are prohibited from engaging in the buying, selling, or trading of personal property on school property or at school-related events. The conduct of school-related fund raisers must be in accordance with provisions established by the school principal or designee. Permission to conduct or advertise fundraising for outside organizations or individuals must be approved by the Division Superintendent or designee.

STANDARDS OF DRESS (Pre-Kindergarten thru 12)

Culpeper County Public Schools seek to maintain an orderly environment for the education of students. To accomplish this goal, the Division has established a standard of student dress that is conducive to a proper educational climate, while reasonable enough to allow students to be expressive in their clothing selection.

The following are examples of the standards of dress that will be enforced at school:

- Clothing must cover the entire body between the neckline and mid-thigh.
- The display of any portion of underwear with the exception of appropriate undershirts is prohibited.
- Underwear appropriate for the body is to be worn at all times (Undershirts are optional).
- **Clothing designed to be worn as an undergarment cannot be visible between the neck line and mid-thigh. These items include, but are not limited to: panty hose or tights.**
- Items that cover any portion of the head are prohibited. (Appropriate hair adornments are permitted.)
- Any items that advertise tobacco, drugs, or alcohol are prohibited.
- Any items associated with or suggestive of support for or membership in a criminal street gang are prohibited.
- Any items pornographic, obscene, or sexually suggestive in nature are prohibited.
- Items that in the opinion of school officials are reasonably probable to disrupt the operation of the school or endanger the wearer or others are prohibited.

The principal or designee has the authority to decide whether or not an item of clothing or adornment is appropriate.

Students in grades 6 -12 who violate the dress code will have to immediately remedy the dress code violation and are subject to the following disciplinary actions.

- **1st offense** - The Student shall be required to immediately remedy the dress code violation and a verbal warning shall be issued.

2nd offense - The Student shall be required to immediately remedy the dress code violation and the parent/guardian shall be notified.

3rd offense –The Student shall be required to immediately remedy the dress code violation, up to a 30 minute detention shall be required, and the parent/guardian shall be notified.

4th offense - The Student shall be required to immediately remedy the dress code violation, ½ day in-school suspension shall be required, and the parent/guardian shall be notified.

5th offense - The Student shall be required to immediately remedy the dress code violation, a 1 day in-school suspension shall be required, and the parent/guardian shall be notified,

6th Offense & thereafter - The Student shall be required to immediately remedy the dress code violation, a 1 day out-of-school suspension shall be required, and a parent/guardian conference shall be required.

The discipline of students at the elementary level (Grades Pre K – 5) shall be at the discretion of the principal and shall depend upon the age of the student and the type of violation.

PORTABLE ELECTRONIC DEVICES

The Culpeper County School Board recognizes that Portable Electronic Devices (PED) such as cell phones, computers, and audio/video devices may be used for valid purposes, such as communication, information, and entertainment, while at school or at school-sponsored events; however, the possession and use of a PED on school property is a privilege both subject to strict regulation and revocable for reasonable cause. Students with parent permission may possess and use PEDs on school property but only when such use is in strict compliance with the following restrictions:

- Student use of a PED at any permitted time and location SHALL NOT distract the student or others from learning or participating in the educational process, interfere with the work of school employees, create any safety concern or hazard, and/or violate any other provision of the code of conduct.
- Students in grades 9 through 12 may use PEDs before the morning tardy bell, after the dismissal bell, during lunch in the commons areas of the school, or at other times when explicitly permitted by a school employee.
- Students in grades 6 through 8 may NOT use PEDs upon arrival at school or during the school day, but may use PEDs after the dismissal bell in the commons areas of the school, or at other times when explicitly permitted by a school employee.
- Students in grades pre-kindergarten through 5 may NOT use PEDs while on school property or when attending school-related events unless given explicit permission by the principal or designee.

The School Board, its employees or agents are not responsible for any loss, theft, damage to, or safety of any PED brought onto school property at any time. The student or parent who brings or allows such a PED to be brought to school assumes the risk of all such damage or losses.

Students and parents who use or consent to the use of a PED at school and in compliance with the rules for use established by this policy expressly understand that no PED will be configured for use on the CCPS computer network and, therefore, any student use of a PED to access the internet while at school will not be subject to or affected in any way by CCPS network filters. Accordingly, students and parents who use or consent to the use of a PED at school assume all risk that student use may expose the student to inappropriate, obscene, or harmful content and that it shall not be the responsibility of the School Board or its employees to monitor student use of the internet when using a PED at school or to protect or prevent students from accessing inappropriate or harmful internet content.

If a cell phone or other electronic device is confiscated to investigate other possible violations of the Code of Conduct (e.g., bullying) or violations of law (e.g., possession of child pornography), then school officials and/or law enforcement shall keep the device until the investigation is complete.

First Offense

Warning issued and device to be turned off and removed from sight. (If this directive was previously stated as a general direction to all students present; second offense applies.)

Second Offense

Device confiscated by school employee and securely held until the end of class, activity, or bus ride and conference is held with student.

Third Offense

Device confiscated by school employee, securely held, and given to principal or designee until an administrator is able to have a conference with student.

Fourth Offense and thereafter

Device confiscated by school employee, securely held, and given to principal or designee until an administrator is able to have a conference with student and parent or guardian.

The refusal of a student to relinquish possession of a device upon request by a school employee will result in a suspension from school pending a conference with a parent or guardian. Any student suspended on three separate occasions in a school year for violation of this policy will lose the privilege of possessing the device(s) for the remainder of the current school year.

TYPES OF DISCIPLINARY ACTIONS

The Code of Conduct specifically outlines categories of behavior and states possible disciplinary actions (consequences) which may occur as a result of a violation of the code. When making disciplinary decisions, school personnel will consider several factors, to include:

1. the specific code section(s) being violated
2. specific circumstances surrounding the incident
3. the student's previous discipline record
4. the age and/or grade level of the student
5. the disability status of the student, if applicable
6. other factors as appropriate.

Confiscation

Any item prohibited by this Code of Conduct, *or* any item deemed to be disruptive to the school environment, will be removed from the student's possession and returned to the parent in accordance with school board policy. Depending upon the item confiscated, and the number of previous offenses

additional disciplinary action may be required.

Student Conference

Formal and informal conferences are frequently held between the student and teacher, bus driver, guidance counselor, or school principal in the course of disciplining a student. The purpose of the conference is to help the student become aware of inappropriate behavior and to assist with correcting the behavior.

Assigned Seating or Restrictions of Movement

Assigned seating or restrictions on the movement of a student in the classroom, cafeteria, or bus restricts a student's interactions with other students and limits their freedom of movement to prevent disruption.

Timeout

Timeout is the placement of a student in a location within the classroom, cafeteria, or other area where peer interaction is prohibited for a short period of time. Timeout is an informal disciplinary action not subject to required notification to parents, or inclusion in a student's permanent educational record or state discipline reports.

Detention

Detention is the placement of a student in a restrictive setting supervised by school personnel excluded from their peers during non-instructional activities such as: before or after school; lunch periods; recess; or breaks. Detentions may be considered a formal disciplinary action requiring notification to parents and inclusion in a student's permanent educational record depending upon the specific discipline policies of the school.

Loss of Social Privileges

The loss of social privileges is the denial of student's participation in certain school activities: recess, assemblies, athletic events, or extra-curricular activities. The short-term loss of social privileges is an informal disciplinary action and is not included in a student's permanent educational record, with certain exceptions. The long-term denial of social privileges is a formal disciplinary action requiring notification to parents and inclusion in a student's permanent educational record.

Temporary Removal of a Student from Classroom

State law provides that teachers shall have the initial authority to temporarily remove a student from their classroom for disruptive behavior subject to procedures and policies approved by the school board.

School-based Stay-Away Orders

Students who engage in bullying or other harassing behaviors may be ordered to stop all interaction with another student or school employee while on school property, at bus stops, or while attending school-related events. The issuance of a school-based stay-away order is a formal disciplinary action requiring notification to parents and inclusion in a student's permanent educational record.

In-School Suspension

Students may be placed and supervised in a restrictive setting within the school referred to as "in-school suspension" for violations of the Code of Conduct. In-school suspensions deny students the ability to attend their normal instructional activities, in addition to other non-instructional activities. This placement may be for part of the school day, the entire school day, or multiple school days at the discretion of school administrators. Students must conform to the work and behavior expectations of the in-school suspension program before being released by the principal or designee. In-school suspensions are formal disciplinary actions requiring notification to parents and inclusion in a student's permanent educational record, and state discipline reports.

Short-term Suspension

Students may be prohibited from attending school and other school-related activities by a school administrator for a period not to exceed ten (10) days for serious or repeated violations of the Code of Conduct. Parents must attend a conference with the suspending school administrator before returning to regular school attendance. Students suspended or expelled from school are not allowed on any Culpeper County Public Schools property, including buses or bus stops, or to attend any school-related events. Violators are subject to notification to law enforcement for trespassing. Short-term school suspensions are formal disciplinary actions requiring notification to parents and inclusion in a student's permanent educational record, and state discipline reports.

Referral to Discipline Hearing

Student and their parents (or legal guardian) may be required to attend a discipline hearing concerning serious or repeated violations of the Code of Conduct. The Discipline Hearing Officer or Committee reviews the specific case(s) of the student being referred, and after hearing from all parties involved, may impose a variety of consequences including long-term out-of-school suspensions, placement in alternative education programs, require counseling or alcohol/drug treatment, or recommendation to the Division Superintendent for expulsion by the Culpeper County School Board.

Student Services Intervention

When a student experiences repeated problems in school, school personnel may refer this student to the school counselor or the school psychologist for counseling and intervention strategies with parent permission. Outside counseling may also be recommended or required.

School/Community Service

Students may be required to perform school/community service to compensate for certain violations of the Code of Conduct.

Restitution

Payment for school division property that is stolen, damaged or destroyed by a student will be required.

Probation

Students may be placed on probation rather than suspension. Students on probation may also be prohibited from participating in specific activities. Students who violate probation are subject to a discipline hearing with the recommendation for long-term suspension.

Long-Term Suspension

Long-term suspensions are greater than ten days and no more than 364 days. The Discipline Hearing Officer or Committee may impose this consequence for serious or repeated violations of the Code of Conduct after a discipline hearing is held. Parents have the right to appeal a long-term suspension to the Superintendent or his designee. Students suspended from school are not allowed on any Culpeper County Public Schools property, including buses or bus stops, or to attend any school-related events. Violators are subject to notification to law enforcement for trespassing. Long-term school suspensions are formal disciplinary actions requiring notification to parents and inclusion in a student's permanent educational record, and state discipline reports. A long-term suspended student may be required to participate in educational programs, counseling, treatment, or community service as a condition of re-enrollment at the end of the suspension period.

Alternative Education Programs

In cases of serious or chronic violations of the Code of Conduct a student may be assigned to a program of alternative education to include school division-based programs, off school grounds programs, distance

learning programs via the internet and software, homebound instruction.

Expulsion by the School Board

Expulsion is defined as the exclusion of a student from attending Culpeper County Public Schools for no less than 365 days. In cases of very serious or continuous violations of the Code of Conduct after other interventions have been exhausted, a principal may recommend to the Division Superintendent or designee, the expulsion of a student by the school board.

The Division Superintendent or designee will examine the facts of the case and make a determination to carry that recommendation forward to the school board for hearing. Factors considered include:

1. nature and seriousness of the violation(s)
2. degree of danger to the school community
3. the student's previous disciplinary record
4. appropriateness or availability of alternative education placements
5. age and grade level of the student
6. results of substance abuse, mental health, or special education evaluations
7. attendance and academic records
8. other matters as appropriate. If the recommendation for expulsion is made by the Superintendent a hearing will be scheduled within 10 days. The Superintendent, or designee, shall notify the parents of the time and place of the hearing.

Action by the Culpeper County School Board is considered final. Any appeal of an expulsion must be registered with the local Circuit Court in accordance with state law.

An expelled student may be required to participate in educational programs, counseling, or community service offered through the school division as a condition of re-enrollment at the end of the expulsion period. Any costs of educational or counseling programs not offered by the school division are the responsibility of the parent/guardian.

Students expelled from school are not allowed on any Culpeper County Public Schools property, including buses or bus stops, or to attend any school- related events. Violators are subject to notification to law enforcement for trespassing.

Under state law, school divisions may deny enrollment of any student under expulsion or long-term suspension from another school division until the period of suspension or expulsion has passed and any conditions for enrollment are met.

Corporal Punishment (Policy JGA)

No teacher, principal or other person employed by the School Board shall subject a student to corporal punishment. This prohibition does not prohibit the use of incidental, minor or reasonable physical contact or other actions designed to maintain order and control or the use of reasonable and necessary force:

- to quell a disturbance or remove a student from the scene of a disturbance which threatens physical injury to persons or damage to property;
- to prevent a student from inflicting physical harm on himself;
- for self-defense or the defense of others; or
- to obtain possession of weapons or other dangerous objects or controlled substances or paraphernalia which are upon the person of the student or within his control.

For the purposes of this policy, "corporal punishment" means the infliction of, or causing the infliction of, physical pain on a student as a means of discipline. "Corporal punishment" does not include physical

pain, injury, or discomfort caused by participation in practice or competition in an interscholastic sport, or participation in physical education or an extracurricular activity.

Reporting Disciplinary Actions

School employees are to maintain open and proactive communication with parents and students to attempt to prevent most disciplinary problems before formal disciplinary actions are necessary. Therefore, parents may be notified by teachers, bus drivers, or school administrators verbally or in writing when students have committed minor violations of the Code of Conduct that require *informal disciplinary actions* such as assigned seating; restrictions of movement; student conferencing; time-outs; short-term loss of social rights such as the denial of recess or free time; lunch with peers; attending or participating in an assembly, athletic competition, or extracurricular activity. Informal disciplinary actions are not recorded in the student's permanent educational records, nor are these disciplinary actions included in school division discipline reports to the Virginia Department of Education, with certain exceptions.

School administrators or their designee are to make reasonable efforts to notify parents through written and/or oral communications when *formal disciplinary actions* are implemented such as removal of the student from the classroom; detentions; school stay-away orders; long-term loss of social rights; in-school suspensions; out-of school suspensions; expulsions. Formal disciplinary actions are recorded in the student's permanent educational records, and are included in school division discipline reports to the Virginia Department of Education, with certain exceptions. Additionally, upon the out of school suspension of any student, the person responsible for issuing the suspension shall report the facts of the case in writing to the Division Superintendent or designee.

Discipline Records

State law requires that certain violations of the Code of Conduct be recorded in writing and maintained in each student's cumulative educational record. Violations of the Code of Conduct and the formal disciplinary actions taken are recorded on school discipline referrals and are sent home to be signed by the parent. The number of violation(s) by type and the formal disciplinary actions taken are entered into the student records management system for use by the school division and are reported to the Virginia Department of Education annually.

Reporting of Certain Offenses to Law Enforcement Authorities

Local school board policy must provide for notification of local law enforcement authorities in accordance with § 22.1-279.3:1.D. of the *Code of Virginia* that requires principals to immediately report to the local law enforcement agency any act enumerated in clauses (ii) through (vii) of §22.1-279.3:1.A. that may constitute a criminal offense. A principal may report to the local law enforcement agency any incident described in clause (i) of subsection A. When there is injury, or the battery is against school personnel, reporting is mandatory. Section 22.1-279.3:1.A. of the *Code* lists offenses as stated below:

- i. 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
- ii. The assault and battery that results in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or stalking of any person as described § 18.2-60.3, on a school bus, on school property, or at a school-sponsored activity
- iii. 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
- iv. Any threats against school personnel while on a school bus, on school property or at a school-sponsored activity
- v. The illegal carrying of a firearm, as defined in § 22.1-277.07, onto school property

- vi. Any illegal conduct involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity
- vii. Any threats or false threats to bomb, as described in § 18.2-83, made against school personnel or involving school property or school buses, or
- viii. 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 therefore.

The principal or designee must also notify the parent of any student involved in the incidents listed above, as well as incidents committed by students enrolled at the school if the offense would be a felony if committed by an adult. The principal or designee must also report these incidents to the Division Superintendent. Whenever a student commits a reportable incident named in the *Code*, the student shall be required to participate in prevention and intervention activities as determined appropriate by the Division Superintendent or designee.

Approved: June 27, 2011

Amended: June 25, 2012

Amended: June 10, 2013

Amended: May 12, 2014

Amended: August 11, 2014

Amended: May 11, 2015

STUDENT CONDUCT ON SCHOOL BUSES

Proper Student Behavior on Buses

Student's Responsibility

Proper behavior by students riding school buses is essential to the safe and efficient operation of the school bus. Therefore, bus riders must conform to all standards of behavior as detailed in the Culpeper County Public Schools Student Code of Conduct in addition to the rules that are specific to riding a school bus or at bus stops.

Bus Driver's and Aide's Responsibilities

The driver is responsible for the safe operation of the bus, and has immediate authority over students. The driver or aide is required to enforce all rules for students. Drivers and bus aides have the responsibility to prevent misbehavior by establishing themselves as authority figures, communicating the Code of Conduct for bus riders, paying attention to the behavior of students to the extent possible while safely driving the bus, and acting promptly and appropriately to stop further misbehavior once it is observed or heard. Drivers are expected to listen attentively to student's complaints of bullying or reports of serious misbehaviors, and take immediate action even when these behaviors are not witnessed by the driver. Drivers are expected to communicate with parents about the less serious misbehaviors of their children and to respond to parents concerns accordingly. Serious violations the Code of Conduct or ongoing less serious violations of the code are to be reported to the principal of the school where the student attends using the appropriate discipline referral form and process as soon as possible.

Principal's Responsibilities

The principal of the school is ultimately responsible for discipline of students and shall require *appropriate behavior* of students on the school bus or at bus stops. Principals are to communicate to students and parents the rules for bus riders, and take preventive steps to promote proper bus riding behavior. Principals have authority to deny students the privilege to the ride bus for a period of time for acts of misconduct which interferes with the safe and orderly operation of the buses or interferes with the rights of other students. Principals are expected to act in a timely manner on discipline referrals submitted by drivers or aides, and to communicate to drivers, students, and parents the outcome of any discipline proceeding.

Parent's Responsibilities

Parents are responsible for expecting and encouraging the proper behavior of their children while riding the bus or at bus stops. Parents are to ensure their children are at their assigned bus stop at the appointed time for pick-up, and they act appropriately at bus stops. Parents of younger students (preK-2) are to ensure a responsible adult or older student will walk the younger child to and from home to the bus stop each morning and afternoon. Parents are to report to drivers or principals concerns relating to student behavior that come to their attention. Parents are to write notes giving permission when their child needs to ride another bus, disembark at another stop, or have another student arrive at their home. (This authorization must be approved by the principal concerned and given to the bus driver in the form of a bus pass.) Parents are to transport their child if a bus suspension is imposed.

Warnings, Assigned Seating, and Bus Suspensions

Principals and bus drivers may issue warnings or assigned seats to students for less serious violations of the code of conduct. Principals may choose to impose bus suspensions for students who continue with less serious violations of the code of conduct, or who commit a serious violation of the Code of Conduct for a period of up to ten days (10) factoring in the age and maturity of the student involved, and the student's previous record of bus behavior. Students who are suspended from the school bus are the responsibility of the parents to transport to and from school. Students continue to be subject to Virginia's Compulsory Attendance Law and Culpeper County School Board's Policy on Attendance when suspended from riding school buses. Suspension from the bus for a specific number of days refers to days that school is in session. Teacher workdays, weekends, holidays, or other days that schools are closed for students will not count in the days suspended from the bus.

Code of Conduct for Bus Riders

Any of the following serious violations of the Code of Conduct is a sufficient reason for denying students the privilege to ride buses without a prior warning. These serious acts of misconduct must be referred to the principal for immediate discipline.

- Possession of a weapon to include a gun, knife, (or look-alikes), or any ordinary item intended to be used as a weapon (scissors, pencils, tools, sports equipment).
- Possession of drugs, tobacco, or alcohol or the suspected use of any intoxicant.
- Bullying, aggressive behavior, or threats towards another person- shoving, tripping, hitting, kicking, biting with the intent of inflicting bodily or psychological harm.
- Sexual acts or sexual harassing behaviors involving inappropriate comments or touching of another person.
- Indecent exposure.
- Profanity or insulting comments of racial, ethnic, or sexual nature.
- Disrespect towards the bus driver or bus aide to include screaming or yelling at the individual, refusing to obey, making threats, cursing, or making inappropriate gestures.
- “Aggressive play” such as wrestling, pushing, chasing, tripping, hitting, or kicking.
- Thefts or vandalism of another person’s property or of the school bus.
- Throwing objects out of a bus window.

The following are less serious violations of the Code of Conduct to be addressed by bus drivers first and only after a warning to stop is disobeyed, or continues over time.

- Incidental pushing as students are entering and leaving the bus (not with force or the intent to harm).
- Throwing of any objects on the bus (not out the window or with the intent of harm).
- Not being seated while the bus is in motion; moving seats or standing without permission.
- Sitting in unsafe manner- sitting blocking the aisle, backwards or sideways, on the knees or legs, on top of another person or objects.
- Persistent loud or boisterous talk.
- Engaging in arguments, teasing, or minor name-calling.
- Not sitting in an assigned seat.
- Possession of glass containers, balloons, or other potentially distracting or dangerous items.
- Possession of live animals.
- Eating, drinking, or chewing gum without permission.
- Wearing cleated shoes or other type of spikes.
- Possessing musical instruments, school projects, or other large items that cannot be held on the lap.
- Using cell phones, lap top computers, radios, CD players, iPods, or other electronic devices in an improper manner, or by creating a disruption on the bus or distraction to the driver.
- Littering on the bus.

Bus Stop Behavior

The bus stop is an area where student behavior can lead to serious injury or death. Drivers observing inappropriate behavior or receiving reports of such behavior are to take action. The school board has the authority to monitor bus stop behavior and enforce the Code of Conduct upon students at the bus stop.

Violations of the Code of Conduct include:

- Getting on or off at an unauthorized bus stop.
- Riding a bus without authorization of school personnel.
- Playing in an unsafe manner while waiting for the bus.
- Upon leaving the bus crossing the road in an unsafe manner.

- Making the bus wait for your arrival at the bus stop.
- Not staying a safe distance from the road.
- Pushing others or cutting in line as the bus approaches or when boarding the bus.
- Not staying clear of the bus until it has come to a complete stop.
- Not allowing smaller children to board first.
- Bullying behaviors.
- Possession of forbidden items.
- After leaving the bus, not directly going to your home without parental permission.

Adopted: June 27, 2011
Amended: May 11, 2015

Superintendents Signature: _____ Date: _____